

REGULAR SESSION, COMMON COUNCIL, DECEMBER 13, 2021

Be it Remembered that the Common Council of the City of Plymouth, Indiana, met in regular session on December 13, 2021. The meeting was held in the Council Chambers, on the second floor of the City Building, 124 N. Michigan St., Plymouth, Indiana and was called to order at 6:30 p.m. Councilman Ecker led the Pledge of Allegiance and offered prayer.

Mayor Pro Tempore Ecker presided for Council members Jeff Houin, Robert Listenberger, and Randy Longanecker, all of whom attended the meeting in person. Council member Shiloh Carothers Milner attended the meeting virtually. Duane Culp, Greg Compton and Mark Senter were absent. City Attorney Surrisi and Clerk-Treasurer Xavier were also present. The public was able to see and hear the meeting through Microsoft Teams.

Council Members Listenberger and Houin moved and seconded to approve the minutes of the last regular Common Council session on November 22, 2021, as presented. The motion carried. City Attorney Surrisi presented the City of Plymouth Americans with Disabilities Act Transition Plan: Pedestrian Facilities in the Public Right-of-way.

Surrisi stated that this update was presented first at the November 8th meeting. This addressed a prioritization of city sidewalks and crosswalks to bring the city closer to compliance with Accessibility Standards. MACCOG helped the city put this together with the help of Street Superintendent Marquardt and City Engineer Gaul. This had been open to the public for comments for the past month, which had ended earlier in the day.

There was nobody who was present who had a comment on the current plan, but there was one written comment that was received earlier in the day.

Sean Surrisi

From: Adam Thada <athada@poorhandmaids.org>
Sent: Monday, December 13, 2021 4:08 PM
To: Sean Surrisi
Subject: comments on Plymouth's ADA transition plan

Sean,

Please accept these comments in regards to Plymouth's ADA Transition Plan Update:

I am glad to see Plymouth continue to make investments towards more inclusive transportation infrastructure. However, I'm concerned that the Location Priority Matrix might be giving some intersections "High" priority without actually improving the network as a whole.

Specifically, Eastwood Drive (see attached) has 3 intersections designated as High priority, of only 7 intersections total that were ranked High. Two other intersections in the Eastwood Estates neighborhood ranked Medium. However, this neighborhood can only be accessed via a single road on S Michigan St, which is 45 mph traffic with no sidewalks. Improving these intersections will not increase access to any goods, services, or government facilities for residents of the entirely residential neighborhood. Benefits would also be minimal to other residents of the city, as this neighborhood is not a connecting point to further destinations and is isolated from the rest of the City.

For this reason, it might be that the "Locations serving other areas" section of the Priority Matrix should not have any ranking above "Medium". I hope the City can use discretion with the use of this Matrix in allocating resources to make sure that the network is improved.

Meanwhile, 3 of the 4 major grocers within the City limits have no sidewalk access at all. Plymouth's hospital has no pedestrian access and a pedestrian was struck and killed by a driver in October while leaving the hospital. Many neighborhoods still do not have safe routes for children to get to school, either because of crumbling sidewalks or lack of any sidewalk at all (see south and east of Webster Elementary). Several intersections near schools lack any sort of crosswalk. I don't know if this is beyond the scope of the ADA Transition Plan, which appears to be focusing strictly on intersections, but from a resident's perspective an intersection upgrade is of minor use when complete swaths of the City are lacking in sidewalk infrastructure.

Thank you for your time and attention to this matter.



**Priority Matrix
Plymouth**

Access Grade	Total Intersection Per Priority			Leg:
	1 Locations serving Government Facilities	2 Locations serving Commercial & Employment Centers	3 Locations serving Other Areas	
E	0	1	5	High:
D	1	1	17	Med:
C	16	7	36	Low:
B	28	18	60	
A	33	24	53	

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"Be curious, not judgmental."

Surrisi stated that he had discussed with this Marguard, and sent a brief response back to Theda explaining the concept behind this broad plan. He stated that he would like to work to digest the comments made by Theda and would bring back the plan at a later meeting.

Council Members Houin and Longanecker moved and seconded to table the Plymouth American with Disabilities Act Transition Plan. The motion carried.

City Attorney Surrisi presented the following 2022 Agreement for Planning Services.

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AGREEMENT FOR PLANNING SERVICES

This Agreement made and entered into by and between CITY OF PLYMOUTH, a municipal corporation of the State of Indiana acting by and through its duly elected public officials hereinafter referred to as "City" and RALPH BOOKER, of Marshall County, Indiana, hereinafter referred to as "Planner".

WITNESSETH:

WHEREAS, the City is desirous of hiring a Plan Consultant, referred to herein as "Planner", for purposes of providing planning consultation services on various planning matters which come before said City; and

WHEREAS, the parties desire to set forth the specific duties and responsibilities of said Planner.

NOW, THEREFORE, in consideration of the mutual promises and subject to the terms and conditions hereof, the parties hereto mutually agree as follows:

1. **SERVICES TO BE PERFORMED**

Planner agrees to furnish and perform the following planning services for City:

- A. Attend all meetings of the Plan Commission, Board of Zoning Appeals ("BZA"), Technical Review Committee ("TRC"), and Common Council when matters are pending before such bodies of a planning or zoning nature. Provide such bodies advice and consultation at such meetings regarding all matters then before the bodies. Make oral presentations at such meetings regarding the Planners opinions and recommendations regarding all matters then before the bodies. Perform such other miscellaneous tasks as required by the Mayor, the City Attorney or the members of the BZA, Plan Commission, TRC, or Common Council at such meetings.
- B. Review all pending matters before the Plymouth Board of Zoning Appeals ("BZA") and Plymouth Plan Commission ("Plan Commission");
- C. Provide consultations as required with members of the BZA, members of the Plan Commission, City Attorney, the Mayor and other representatives of the City with regard to matters presently pending or which have been pending before the BZA or Plan Commission;
- D. Prepare written staff reports with maps, in a format suitable for printing by City personnel, for the BZA, Plan Commission and the City's Common Council with regard to all planning and zoning matters pending before said bodies. Generate address labels for neighbors within 300 ft. of the petitioned property and provide such labels, in a format suitable for printing, to the Recording Secretary of the Plan Commission;
- E. Offer advice and work on subdivision and zoning ordinances for the City, including the Comprehensive Plan, and assist with matters involving annexation;
- F. Aid and assist the City and its officials with regard to planning and/or zoning matters;
- G. Provide assistance to the City Engineering Department in keeping the City zoning map up-to-date;
- H. Give all recommendations from the Plan Commission and BZA to the Common Council in written form;

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- I. Assist the Plan Commission Recording Secretary with all legal advertisements for the Plan Commission and BZA;
- J. Perform such other miscellaneous tasks as required by the Mayor, the City Attorney or the members of the BZA, Plan Commission, TRC, or Common Council.

2. COMPENSATION FOR PLANNING SERVICES

The City agrees to pay Planner on a monthly basis from the General Fund Building Commission Department. It is agreed that the total amount for the 2022 calendar year shall be Seventeen Thousand One Hundred Forty Dollars and Zero Cents (\$17,140.00), paid in monthly payments of approximately One Thousand Four Hundred Twenty-Eighty Dollars and Thirty-Three Cents (\$1,428.33).

3. BINDING AGREEMENT.

It is understood and agreed that this Agreement shall be binding upon the parties hereto pursuant to its terms and conditions and both parties are duly authorized to enter into, effectuate and carry out the Agreement pursuant to its terms. Neither this Agreement nor any interest therein may be assigned by either party without the prior written consent of the other party being first had and obtained.

4. TERM.

It is understood and agreed that the effective date of this Agreement shall be January 1, 2022, and that this Agreement shall be in full force and effect for the entire calendar year of 2022.

5. TERMINATION.

Notwithstanding, paragraph number 4 above, either party to this Agreement may terminate this Agreement, with or without cause, by giving the other party thirty (30) days prior notice that the party wishes to terminate this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this _____ day of _____, 2021.

Surrisi stated that this would be a 3% pay increase for the Plan Consultant this year. This was budgeted for.

Clerk-Treasurer Xaver stated that there was a typographical error in the contract, and the total contract should be \$17,139.96. This would be needed to ensure even payments throughout the year.

Council Members Listenberger and Longanecker moved and seconded to approve the 2022

Agreement for Planning Services with the correction of the total contract amount. The motion carried.

City Attorney Surrisi presented the proposed Agreement for Transportation Services with the

Marshall County Council on Aging in the amount of \$10,000.00.

AGREEMENT FOR TRANSPORTATION SERVICES

This agreement is entered into by and between the CITY OF PLYMOUTH, a municipal corporation of the State of Indiana acting by and through its duly elected Common Council, hereinafter referred to as "the City," and the MARSHALL COUNTY COUNCIL ON AGING, INC., an Indiana not-for-profit corporation with Federal Identification Number 35-1522711, hereinafter referred to as "Older Adults."

Statement of Purpose and Intent

Older Adults manages a program entitled "Marshall County Public Transportation Program" which in part provides partially subsidized public transportation to citizens of Marshall County, including citizens of Plymouth. For several years, the City has contributed to the funding of this public transportation program. The City desires to continue with its financial support of public transportation for the citizens of Plymouth and Older Adults desire to maintain the program into 2022. NOW, THEREFORE, in consideration of the mutual promises and subject to the terms and conditions listed below, the parties agree as follows:

1. SERVICES TO BE PERFORMED

Older Adults agrees to maintain the Marshall County Public Transportation Program in its present form which consists of providing public transportation to citizens of Plymouth for a nominal and subsidized fee.

2. VOLUNTARY AUDIT AT REASONABLE TIMES WITH REASONABLE ADVANCE NOTICE

Older Adults agrees to allow the City, or the City's designee, to audit all records of Older Adults related to the Marshall County Public Transportation Program at all reasonable times and with reasonable advance notice, to ensure that Plymouth citizens are being adequately served by the program relative to the monetary subsidy provided by City.

3. NON-AGENCY RELATIONSHIP

The parties specifically agree that one is not the agent of the other. In other words, Older Adults acknowledges that, in managing and providing services to the citizens of Plymouth, it is neither an agent of the City, nor in any way takes direction from the City in its management of the program, or Older Adults supervision of and relationship with the drivers providing services to citizen riders.

4. HOLD HARMLESS

Older Adults agrees to hold the City harmless from any cause of action arising out of Older Adults' management of the Marshall County Public Transportation Program or its supervision of the employees providing services to citizen riders.

5. SUBSIDY PAYMENT FOR SERVICES

In exchange for the performance of the obligations of this Agreement by Older Adults, City shall pay to Older Adults the annual sum of \$10,000.00, payable in at least semi-annual increments throughout the calendar year 2022. Older Adults shall prepare and submit to the Office of the Clerk-Treasurer a duly executed claim in proper form, with any other documentation requested by the Clerk-Treasurer.

6. BINDING AGREEMENT

This Agreement shall be binding upon the parties pursuant to its terms and conditions and both parties acknowledge each is duly authorized to enter into, effectuate and carry out this Agreement pursuant to said terms. neither this Agreement nor any interest therein may be assigned by either party without the prior written consent of the party being first had and obtained.

7. TERM OF AGREEMENT

It is agreed the effective date of this Agreement shall be January 1, 2022, and that this Agreement shall be in full force and effect for the entire calendar year of 2022.

Council Members Houin and Listenberger moved and seconded to approve the Agreement

for Transportation Services with the Marshall County Council on Aging in the amount of

\$10,000.00. The motion carried.

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Surrisi referred to the Executive Checklist and Submission of Elected Officials' Annual Certifications Regarding Compliance with Municipal Contracting with a Unit Policy and Municipal Nepotism Policy Involving Direct Line Supervision.

Surrisi stated that this was the same certifications that they had done in previous years. Each elected official would need to sign off on these policies.

City Attorney Surrisi presented Ordinance No. 2021-2187, An Ordinance to Amend Ordinance No. 2021-2182, the 2022 Salary Ordinance, on first reading.

City Attorney Surrisi presented Ordinance No. 2021-2188, An Ordinance Adopting the Fee Schedule for the Department of Aviation and for the Department of Park and Recreation for the City of Plymouth, on first reading.

Clerk-Treasurer Xavier stated that the Resolution No. 2021-984 which was included on the agenda was not needed as the Park's numbers were needed. This resolution number would be used for a different resolution at a later date.

Clerk-Treasurer Xavier stated that after considerable consideration, she would be retiring effective December 31, 2021.

City Attorney Surrisi updated the Council on the Stellar Communities Projects. He stated that the Crossroad Committee had cancelled their most recent meeting, but they would be having an executive meeting soon to discuss some items. He added that there would be a pre-bid meeting at 11:00 AM on the Wednesday following the meeting for River Park Square Phase II Project. Lastly, he stated that the preliminary engineering proposals for the Greenway Trails Project for Phase III had recently been received, and that they were working on those.

Human Resource Manager Klingerman mentioned that she had applied for the IPEP Grant for the Human Resources Department. They would be receiving \$1,487.60 in January in order to purchase chilled water bottle tumblers for Heat Stroke Awareness Month. This money would also be used to purchase a MacBook for the Human Resource Department.

Klingerman addressed the Insurance renewals for 2022. She stated that they would be renewing their contracts with VSP, UHC, and Mutual of Omaha for the next year. They would be switching from Medico-Op for dental to Paramount Dental for the next year. This would provide better coverage for the employees, employees would be provided a dental card, while also saving the city \$1,836.00 for the year.

Ecker asked if the review of the handbook was still ongoing. Klingerman stated that they were still working on reviewing the handbook at this time.

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Mayor Pro Tempore Ecker offered the privilege of the floor.

Council Members Longanecker and Listenberger moved and seconded to accept the

following communications:

- Minutes of the Board of Public Works and Safety meeting of November 22, 2021
- December 13, 2021 Check Register
- November 2021 Clerk Treasurer Financial Reports
- November 23, 2021 Technical Review Committee Notes

The motion carried.

There being no further business to come before the Council, Council Members Houin and

Longanecker moved and seconded to adjourn, Mayor Senter declared the meeting adjourned at 6:50 p.m.

APPROVED



Jeanine M. Xaver, IAMC, CMC, ACPFIM
Clerk-Treasurer



Mark Senter, Mayor