

COMMON COUNCIL

Regular Meeting

June 3, 2013

The regular meeting of the Common Council of the City of Shelbyville, Indiana, was held in the Common Council Chambers of City Hall on Monday, June 3, 2013, at 7:00 P.M. Councilman Carmony opened with the Pledge of Allegiance, and Councilman Hamilton followed with a prayer, mentioning how he hoped the Pacers might win game 7 tonight. All Councilmen were present, and Mayor DeBaun presided.

Councilman Hamilton moved to approve the minutes of the previous meeting, May 20, 2013, and Councilman Brown seconded. There was no public comment. The motion was carried on a 5-0-2 voice vote, with Councilmen Asher and Nolley abstaining.

Under old business, Councilman Hamilton moved to approve the City's financial report, and Councilman Nolley seconded. The motion was carried on a 7-0 voice vote.

Darren Brewer represented Brewer Machine & Manufacturing, Inc. for their Compliance with Statement of Benefits hearing. Councilman Nolley moved to approve the Compliance Form, and Councilman Brown seconded. Under discussion, Councilman Phares said he knew there were several Compliance Forms being brought before the Council, so he said that if anyone has any ideas or suggestions on what the Council can do better for the City, to let them know. Councilman Hamilton added that he would like all companies to let the Council know how much has been paid in taxes for their company last year, as well as how much is being paid this year. Councilman Carmony asked Darren how his company was doing economically this year. He said it's been steady this year, while last year was a very good year. He said his company has picked up four new employees in the last 8 to 10 weeks, so they're real happy with that. The motion was carried to approve Brewer's Compliance Form on a 7-0 voice vote.

Dr. David Clark, owner of Clark Orthodontics, was present for the Compliance with Statement of Benefit hearing on his dentistry office. Councilman Nolley moved to approve the Compliance Form, and Councilman Asher seconded. The motion was carried on a 7-0 voice vote.

Dan Duran was present for the Compliance with Statement of Benefit Form on Duran Property Group, LLC. Councilman Brown noted that there was one more hire than expected, and Dan said a sandwich and pizza shop also opened over the weekend, which was doing great. Concerning the Affordable Health Care Act, Councilman Carmony asked how that was going for him. Dan said last year was the first wave they had of it, and it turned out to be his best year ever. Councilman Nolley moved to approve the Compliance Form for Duran Property Group, LLC, and Councilman Asher seconded. The motion was carried on a 7-0 voice vote.

Kyle Simmerman, with BGCB Partners, joined Nick and Sam Saran for the Compliance with Statement of Benefits Forms for 501 Northridge Industrial Properties, LLC. Councilman Nolley moved to approve their Compliance Forms, and Councilman Asher seconded. There being no discussion, the motion was carried on a 7-0 voice vote.

Attorney Bob Thopy and Ren Jhala were present to represent Jhala Properties, LLC in their Compliance with Statement of Benefits hearing. Bob said he didn't realize that Ren had hired three new employees in May, before turning in the Compliance Form. Councilman Nolley moved to approve the Compliance Form for Jhala Properties, LLC, and Councilman Brown seconded. The motion was carried on a 7-0 voice vote.

Mayor DeBaun said the Compliance with Statement of Benefits for KN Plotech will be moved to the end because they have new business as well on the agenda.

Attorney Steve Schrupf and Bill Kent were present to represent PK U.S.A., Inc. in their Compliance with Statement of Benefits hearing. Councilman Carmony noted that approximately 40 people lost their jobs a month or so ago, and he asked to be brought up to date on that situation. Bill said that right now they are stable. He said that PK is not adding to head count, but it's not taking away from head count either. He said they have approximately 350 full time employees, with a weekly payroll of over \$400,000.00, or over \$20,000,000.00 per year. 61% of the workforce lives in Shelby County. There being no further discussion, Councilman Nolley

moved to approve PK's Compliance Forms, and Councilman Carmony seconded. The motion was carried on a 7-0 voice vote. Concerning the Health Care Law starting next year, Bill said a tax of \$63.00 per person will be charged that a company insures. Councilman Carmony felt the general public doesn't have much of an idea what the effects will be starting next year, and there could be huge fines and costs if they're not prepared. He felt the Council needs to help communicate this out to the citizenry.

Todd Howell, Chief Financial Officer of Seneca Medical, Inc., represented the company in their Compliance with Statement of Benefit hearing. Todd said the company in Shelbyville will have record revenues this year. Councilman Nolley moved to approve the Compliance Form, and Councilman Brown seconded. The motion was carried on a 7-0 voice vote. Continuing on the Obamacare discussion, Todd said there was a 2.3% medical device tax that kicked in on January 1, 2013. He said this was a direct pass-thru that goes from the manufacturer, to the distributor Seneca Medical, to the hospital, to the patient. He said there is no pot of gold that's being created for anyone.

Mayor DeBaun said Triumph Group Operations asked to postpone their Compliance with Statement of Benefits hearing until the June 17 Council meeting.

On Ordinance No. 13-2716, concerning the establishment of a Historic Preservation Commission, Councilman Fero moved to approve this on second and final reading, and Councilman Carmony seconded. Councilman Brown moved to amend Section 161.04B on line two where it shows Section 4, it should read Section 101.05 of this title; in Section 161.05E, on line 3, the word 'me' should be stricken. Continuing, City Attorney Trent Meltzer said in Section 161.06, on the first line, Section 4 should be changed to Section 161.05. Councilman Fero moved to approve the amended changes, and Councilman Carmony seconded. Under discussion, Mayor DeBaun said that in the prelim meeting it was felt that this was something that needed to happen in a public forum, that it only creates a Commission, and there could be no formal enforcement of any rules that might be promulgated until a map was adopted by the City Council. It also was believed that the rules need to be created in a public forum with public input. Opening discussion for the public, attorney Bob Adams said he and others had their first opportunity to hear about this proposal last Thursday, which was a very short amount of time. He said he felt this was the most significant interference with property rights Shelbyville has ever had. Bob said there were a lot of problems with the Ordinance as drafted. He said it was a very poor job, it was very inaccurate, it has a lot of errors, it wasn't integrated into the City's Code, etc. He cited several Sections that were full of errors and inconsistencies. Bob felt using the Plan Commission with their recognized standards and findings of fact was the way to go, and this Ordinance doesn't have anything referring to the Plan Commission. Bob asked Judy Yeager to come forward to talk about an experience she and her family encountered with a historic preservation commission in Marion County. She said her daughter had bought a home on the old North side and they wanted to renovate it. While in the middle of renovating, a heavy rain caused water problems inside the home, so they had a roofer fix the problems using the same shingles that were inside the home. A neighbor saw what was happening, and reported them, so they had to pay a fine because they didn't get a permit. She talked about problems encountered in putting in a front porch, colors of paint, a side porch, and other issues causing distress. She found the mandates hard to work with, and she hoped Shelbyville wouldn't have the same problems started with this Ordinance. Bob Adams said he's opposed to having a Commission created under this Ordinance, and he strongly favors what the Plan Commission does already. Councilman Nolley said he lived in Charleston, South Carolina several years ago, which was a very historical place with lots of history. He was appalled to hear that those living in the old downtown area could do nothing with their home unless it was approved by a Commission, and it struck him that this could create the same situation. He said he wasn't comfortable with this Ordinance as presented; it needed to be tabled, discuss it in a lot more detail, and maybe look at alternatives such as the Plan Commission. Councilman Hamilton agreed. Speaking for Mainstreet Shelbyville, Chris King said he shared some of the same concerns as Mr. Adams and Mrs. Yeager had. He said Mainstreet's goal was not to invade people's property rights; the goal was to strike a balance with preservation. Talking about the goals of Mainstreet on this, Chris said there is no hurry as far as the process is concerned. He said he knew this process has been going on for over 15 years. Chris said it's Mainstreet's goal to be a resource, and also help advocate for property owners in maintaining the historic integrity in downtown Shelbyville. Pat Trefun, who owns properties at 34, 36, and 38 E. Washington St., lives in the County, but she felt anyone on the Commission, should be owners of properties in the City. She said whenever

someone takes control of something she owns, it bothers her, and she feels like she's lost her freedom. There being no further discussion, Councilman Fero and Councilman Carmony rescinded their original motion to approve this on second reading. Councilman Hamilton moved to table and reconsider this situation at the first Council meeting in August, and Councilman Nolley seconded. The motion was carried on a 7-0 voice vote. Councilman Asher thanked everyone for coming in to share their concerns, and said the Council is better off now than it was before the meeting.

Stephen Schrupf and Randy Danhauer were present for KN Platech America Corporation's Compliance with Statement of Benefits hearing. Stephen said the company is in the second year of a five year plan, it currently has over 30 employees, and the plan will have over 80 by the end of this year. With the expansion of the company, the plan is to have up to eight lines of machinery open, so he said business is going very well. Some of the parts made were shown to the Council. Councilman Fero moved to approve the Compliance Form for KN Platech, and Councilman Brown seconded. The motion was carried on a 7-0 voice vote.

Under new business, on Resolution No. 13-2716, KN Platech requested approval of ten years of tax abatement on a real estate expansion, estimated to cost around \$2,988,000.00. An additional 20 jobs will be added, with salaries estimated to be \$726,860.00. Councilman Nolley moved to approve the tax abatement request for KN Platech, and Councilman Hamilton seconded. There being no discussion, the motion was carried on a 7-0 voice vote.

Lydi Davidson, Coordinator for Community Aspiration, came before the Council to talk about the work that Community Aspiration has achieved. A handout was given to the Mayor and Councilmen before tonight's meeting to give everyone an idea of what Community Aspiration has been doing, what they've been involved with, and how they're trying to make this a better City and County. As a professional grant writer, she's been doing it for many years; she reviewed some of the things that have happened over the last year. She said she'd like to get more involved in regional planning to see what direction they could take in partnering with other counties. She'd like to hear from the Council if they have any direction to share with her on how to move forward. She asked to be refunded for another year and see what can be accomplished. She said she's been very proud of what's been accomplished, but there's a lot more that can be done. Councilman Carmony asked if she has access to her operating budget. She said Tony Collier, from Shelby County Life Long Learning, does that, and she will get it to him. Councilman Phares said he's been happy with what Community Aspiration has accomplished in the last couple of years, including the bicycle trail that's coming eventually to Shelby County. Lydi said the County is so much farther down the road than they were three years ago. Concerning Racino funds, Lydi said it hasn't affected any of the grants that she's written at all. Mayor DeBaun thanked Lydi for her time.

Under comments or requests from citizens, John Drew, 437 Colescott St., wanted to get the Council interested in getting an Ordinance written concerning the noise and vibration of jake-brakes used by truckers going through the City. He felt there was no need for the jake-brakes to be used in the City. Councilman Nolley said he wouldn't have an issue with signing an Ordinance on this. Councilmen Brown and Asher said this is being looked into, and something should be happening in the next month or two. Also concerning noise, Councilman Hamilton said this place sounds like Beirut during the summer concerning fireworks. Doug Linne, who lives near Colescott St., said the noise is bad almost all day long, and it's the worst place in the City.

Councilman Brown had a prepared letter addressed to the Mayor, the Police and Fire Chiefs, and several members of the Shelbyville Police and Fire Departments. He read the letter saying that he had an accident on Memorial Day, May 27, and he wanted to personally thank everyone who responded to the emergency. Having been an officer for 17 years, many people thank public safety employees for their help, who say "they're just doing their job", but he said it truly comes full circle when a person is on the receiving end of that service. Jason wanted all to know how much he appreciated all they did for him and his family that day. Mayor DeBaun said he was glad he's back, despite all the ribbing he gives, which Jason said isn't going to end either.

There being no further business, Councilman Hamilton moved to adjourn.

Thomas D. DeBaun
Mayor

ATTEST:

Frank M. Zerr
Clerk-Treasurer