

## **Common Council Meeting – Monday, March 28, 2011 – Held at Ligonier City Hall – 7:00 pm – Audio Available**

### **Call to order by Mayor Fisel**

### **Pledge of Allegiance to the Flag**

### **Roll Call**

Council members present: John Pettit, Gary Bishop (arriving late), Karen Richendollar, Ken Schuman, and John Lutton.  
Also present: Mayor Patty Fisel, City Attorney Steve Hagen, and Clerk-Treasurer Barb Hawn

### **Minutes from previous meeting of March 14, 2011**

Motion to approve by: John Lutton      Seconded by: Ken Schuman      Vote: All Ayes

### **Minutes from special meeting of March 21, 2011**

Motion to approve by: John Lutton      Seconded by: Ken Schuman      Vote: All Ayes

### **Citizens Comments**

Name & Address: Chris Fought, 506 Main Street

Comment: Mr. Fought asked about the two decorative streets that were hit by trucks. Mike Burdette, Street Dept. Superintendent replied that one has been replaced and restitution is being made. They may move the other as funds were not received to replace it.

Name & Address: Lois Rosenogle, 1104 Westfield Court

Comment: Mrs. Rosenogle inquired about the burned out house on Lincolnway West. City Attorney Steve Hagen replied that because the home lies outside the City limits it is in the County's jurisdiction. The City would therefore not be to use tax dollars to help with the tear down if the homeowner/insurance company does not proceed.

In other comment, Mr. Hagen relayed information regarding a development the burned out house on Martin Street. The insurance company has come forward with intentions to deconstruct the house. The City has also issued an order to tear down the house. If the insurance company does not comply the City will have the house torn down and recoup funds at a later date.

### **Unfinished Business**

#### **1. Building Permit Fees**

Information was provided to Council members with building permit fees from other communities of similar size. It was noted by Ken Schuman that there is a tremendous variation in the rates, and there are many different type of charges. The rate schedule is fairly complex. He would like Council to take time to make a recommendation unless a certain percentage is recommended. John Lutton added that he thought a percentage increase might be the avenue to take. Further discussion ensued with the recommendation that area communities or the county be contacted for rate comparison.

Motion to contact Dick Adair from Noble County for a recommendation of rate adjustments and report back to Council with results by: Gary Bishop (who also volunteered to contact Adair)

Seconded by: Ken Schuman      Vote: All Ayes

### **New Business**

#### **1. Tax Abatement**

##### **a. BRC Rubber**

Information regarding abatement for BRC Rubber, who purchased a vacant building in the Industrial Park was presented by Nate Cole of Region III-A. The company currently employs 54 people and plans to add 40 additional employees from the additional equipment to be purchased.

Findings of fact were conducted by City Attorney Steve Hagen. BRC company officials were in attendance to answer questions.

Motion to approve BRC findings by: Ken Shuman                      Seconded by: Gary Bishop                      Vote: All Ayes

Motion to approve Resolution 3-28-11C, abatement for BRC for a period of 2 years (the maximum allowed on a previously vacated building) by: John Lutton

Seconded by: Ken Schuman                      Vote: All Ayes

b. Advanced Metal Etching

A new division of the company, AME Swiss Machining was requesting abatement on \$362,000 in personal property. The machinery will add one new job now with additional machinery and employment expected in the next four years.

Findings of fact were conducted by City Attorney Steve Hagen. AME Swiss Machining company officials were in attendance to answer questions.

Motion to approve AME Swiss Machining findings by: John Lutton

Seconded by: Ken Schuman

Vote: All Ayes

Motion to approve Resolution 3-28-11B, abatement for AME Swiss Machining for a period of 10 years

by: John Lutton Seconded by: Ken Schuman                      Vote: All Ayes

c. Jeld-Wen

A request for abatement by Jeld-Wen for \$2.5 million in new equipment. The project will retain 82 employees at the company.

Findings of fact were conducted by City Attorney Steve Hagen. Jeld-Wen company officials were in attendance to answer questions.

Motion to approve Jeld-Wen findings by: Gary Bishop

Seconded by: Ken Schuman

Vote: All Ayes

Motion to approve Resolution 3-28-11A, abatement for Jeld-Wen for a period of 10 years

by: Gary Bishop

Seconded by: John Pettit

Vote: All Ayes

Rick Sherck from Noble County Economic Development was in attendance and applauded Ligonier for working with its existing industry and providing assistance.

2. Precision Tank CF-1

Tax abatement compliance form CF-1 was presented to Council by Precision Tank. Ken Schuman commented that the forms shows that Precision Tank has done everything they said when abatement was approved,

Motion to approve the CF-1 form for Precision Tank by: Ken Schuman                      Seconded by: Gary Bishop

Vote: All Ayes

3. Resolution 3-28-2011 – Adopting the Noble Co. Multi-Hazard Mitigation Plan

The Multi-Hazard Mitigation Plan recommends many activities which will protect the people and property of Noble County which are affected by natural hazards.

Motion to approve Resolution 3-28-2011 and adopt the Noble County plan by: John Lutton

Seconded by: Ken Schuman                      Vote: All Ayes

4. Ordinance 784-2011, Amending 771-2010 (2011 Salary Ordinance)

Prior to introduction of the amended salary ordinance, Mayor Fisel informed the Council that she received a letter of resignation from Stan Wiley, Building/Zoning Administrator. In the interim, the City will rely on Dick Adair from Noble to assist with building inspections.

Gary Bishop addressed the Council and stated that after some thought he now feels that the wage of \$15.87 for the Building/Zoning Administrator was set too high as the previous meeting and he would like to adjust the pay to a figure comparable to other current part-time City positions. Gary offered a motion to lower the hourly salary for the Building/Zoning Administrator to \$13.00.

Much discussion ensued. It was questioned if the \$13.00 was a flat hourly rate for the Plan Commission portion of the position and in addition to the \$10,500 set for the building inspector. The duties of the Plan Commission administrator were discussed. John Pettit felt that the position could be tied in with the building inspector and that the Plan Commission was meeting with their attorney for further direction and to redefine the position. It includes interaction with business and industry as well as decision making with regards to the zoning and administration of the appropriate uses of land. Pettit would like the Plan Commission to meet and come back to Council with recommendation on how best to fill the role. Steve Hagen pointed out that it is critical for the community to fill the position as the position is now vacated.

The meeting was abruptly interrupted with comments from a member of the audience who was asked to leave the meeting, then escorted out by the Chief of Police.

Mayor Fisel resumed the meeting. She feels the job description needs to be clarified along with the salary. Council has the opportunity to make the position right before a new employee is hired.

Because there was confusion as to whether the original motion by Gary Bishop was seconded, the original motion was again brought to the table. Motion to set the salary for the Building/Zoning Administrator at \$13.00 per hour.      Seconded by John Lutton      Vote: Ayes – None, Nays – Five

Gary Bishop then offered the motion to have John Pettit meet with the Plan Commission and come back to Council with a recommendation of the responsibilities for the Plan Commission Administrator and table the salary until a later date. Motion was seconded by John Lutton. Vote: All Ayes

Motion by Gary Bishop to table Ordinance 784-2011, Amending 771-2010 (2011 Salary Ordinance)  
Seconded by: John Lutton      Vote: All Ayes

### **Claim Registers**

APV# 32966 through 33100

Motion to approve by: John Lutton      Seconded by: Ken Schuman      Vote: All Ayes

### **Comments by Members of Council and Administration**

Mayor Patty Fisel: The Mayor attended the annual meeting of Region III-A recently. Ligonier was well blessed by being recognized with what was going on in the community. Region III-A has been very valuable to the City in their assistance with grants and tax abatement for local businesses.

The Mayor also addresses a strip of property near the Becker building near the Street Dept. which belongs to the City. Steve Hagen informed Council that there is a fast track sale to offer adjoining property to the adjoining property owner. The Mayor would like to give Steve approval to proceed with an offer to the property owner. Sale of the property would put the property back on the tax roll.

### **Adjournment**

Motion by: John Pettit      Seconded by: John Lutton