COMMON COUNCIL
COUNCIL CHAMBERS
AUGUST 20, 2013

Mayor Kristen Brown called a regular meeting of the City Common Council to order at approximately 6:00 P.M. in the City Council Chambers.

I. Meeting Called to Order

A. Opening Prayer was given by Tyler Tolbert with First Christian Church.

B. Pledge of Allegiance was led by Mayor Brown.

C. Roll Call was taken. Dascal Bunch, Ryan Brand, Frank Jerome, Frank Miller, Tim Shuffett, Aaron Hankins and James Lienhoop were present.

D. Councilor Shuffett made a motion to approve the minutes as presented from the City Council meeting of August 6, 2013. Councilor Brand seconded the motion. Motion passed by a unanimous vote of seven (7) in favor and zero (0) opposed.

II. Unfinished Business Requiring Council Action

A. Second Reading of an Ordinance entitled "ORDINANCE NO. 16, 2013, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 5.20 OF THE COLUMBUS CITY CODE, DOOR TO DOOR SOLICITATION." Jeff Logston, City Attorney and Executive Director of Administration, presented the ordinance by explaining a change to the State law which now excludes any direct marketing for cable services, including video programming, from obtaining a local permit as long as they receive a certificate issued by the Indiana Utility Regulatory Commission (IURC). The ordinance was also amended to change the time frame for vendors to conduct door-to-door solicitation from 8:00 a.m. to 7:00 p.m., Monday through Saturday, all year. There were no comments from the public. Councilor Miller made a motion to pass the second reading and adopt the ordinance. Councilor Bunch seconded the motion. Motion passed by a vote of six (6) in favor and one (1) opposed. Councilor Hankins voted nay.

B. Determination of NuSun's Substantial Compliance with "City of Columbus, Indiana Investment and Job Creation/Retention Agreement." Jeff Logston explained the issue before Council is a potential action regarding failure to comply with job creation and retention requirements. Councilor Shuffett stated the Incentive Review Sub-Committee met with Ryan Stout and requested the following: all property taxes paid in full, all paperwork completed and filed according to regulations, and information on Mr. Stout's business plan for NuSun. Councilor Shuffett further stated he does not believe there is a new business plan to sustain the job growth being discussed. The Incentive Review Committee found Mr. Stout/NuSun in non-compliance, based upon the guidelines set forth in an agreement with the City. Mr. Stout explained in the last

few months the company has made substantial progress in their commitments for contracts in production; however, nothing is finalized at this time. He asked the Council to allow him a couple more months to finalize the contracts. He also asked permission to use the final contract amount of $96,000.00 to go toward the business or for mortgage payments. He stated five (5) additional employees have been hired in the last two weeks to produce a current order. NuSun realizes they are not in compliance with the job creation agreements and are trying to add more jobs. Much discussion followed. Mayor Brown opened the meeting for public comment. Dave Jones of 27th Street stated he was disturbed that most of Mr. Stout's employees are making less than $5,000.00 a year. He doesn't see how NuSun is a benefit any longer and job creation is nil. Clark Greiner, Columbus Business Development and Planning Coordinator, asked if Mr. Stout has any signed purchase orders or contracts currently. Mr. Stout made reference to two (2) contracts with very large companies, but stated the contracts are unsigned at this time. Further discussion followed. Jeff Logston explained a resolution has been prepared in the event that Council determines NuSun is in default and not in substantial compliance. Mr. Stout questioned the terms of the original agreement and the possibility of a final reimbursement. Jeff explained the request to allow Mr. Stout to draw down any funds to make mortgage payments would be counterintuitive, because the only reason mortgage payments are due now is because of the default. Jeff explained there are potentially two (2) defaults, but only one (1) default before the Council at this time. The current is a default of the agreement which would be effective as of the adoption of the resolution. Payments would be due on the first of every month beginning September 1, 2013. There is a potential default down the road if failure to make mortgage payments occurs. Councilor Shuffett made a motion to pass the resolution that Mr. Stout is not in compliance with the goals set out in the agreement. Councilor Jerome seconded the motion. Motion passed unanimously approving Resolution No, 21, 2013.

III. New Business Requiring Council Action

A. First Reading of an Ordinance entitled "ORDINANCE NO._____, 2013, AMENDED FROM ORDINANCE NO. 3, 2013, AN ORDINANCE FIXING SALARIES AND WAGES OF OFFICERS AND EMPLOYEES OF THE CITY OF COLUMBUS, INDIANA FOR CALENDAR YEAR 2013." Jeff Logston explained the ordinance is a request to amend over-time lines in the Fire Department. He stated the department has experienced illnesses and extended sick leave. The total increase between the two over-time lines is $75,000.00 and would be broken out to increase scheduled overtime by $35,000.00 and $40,000.00 for unscheduled overtime. Jeff explained there is no need for an additional appropriation; the money would be moved from several different lines in the 100's to cover the $75,000.00. Discussion followed. Councilor Brand moved to pass the first reading and place in proper channels. Councilor Shuffett seconded the motion. Motion passed unanimously.

IV. Other Business

A. Standing Committee and Liaison Reports – Councilor Shuffett reminded everyone that September will be the last month for the summer watering program with Columbus City Utilities.

Councilor Miller stated there is a Solid Waste Management District Board meeting on Thursday, August 22 at 9:00 A.M. Umbaugh and Associates will be presenting a financial review.

Councilor Brand announced the Columbus ArtFEST is this weekend, August 23 & 24 and encouraged everyone to attend.

B. Discussion Items: Budget – Mayor Brown asked Council members if they had any feedback on the budget. Councilor Brand stated they are continuing to have discussions and are gathering information on the budget. Dave Jones requested the Council to consider a budgetary line for a curbside recycling program. Much discussion followed.

C. Next regular meeting is scheduled for **Tuesday, September 3, 2013 at 6:00 o'clock P.M. in City Hall.**

D. Councilor Bunch made a motion to adjourn the meeting. Councilor Hankins seconded the motion. Motion passed with a unanimous vote. The meeting adjourned at approximately 6:56 P.M.

Presiding Officer

Attest:

Clerk Treasurer of City of Columbus