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 Pastor Justin White 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 Tim Shuffett made a motion to approve the minutes as presented from the City Council meeting of June 4, 2013. Councilor Ryan Brand seconded the motion. Motion passed by a unanimous vote of seven (7) to zero (0).

Councilor Shuffett made a motion to suspend the rules of order and move Items A and B under New Business to be heard prior to Unfinished Business. Councilor Brand seconded the motion. Motion passed by a vote of six (6) in favor and one (1) opposed. Councilor Hankins voted nay.

III. New Business Requiring Council Action

A. Reading of a Resolution entitled "RESOLUTION NO. 14, 2013, RESOLUTION APPROVING A DEDUCTION FOR TAX ABATEMENT IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA PURSUANT TO INDIANA CODE 6-1.1-12.1, ET. SEQ. AND AUTHORIZING THE MAYOR TO EXECUTE THE STATEMENT OF BENEFITS FORM." (Sunright America, Inc.) Chris Schilling, Communications and Program Director, along with Toshiaki Takeuchi and Shannon Rudicel with Sunright America, Inc. presented the request for tax abatement. Sunright America, Inc. requested a tax abatement on real and personal property at its existing plant located at 6205 S International Drive in Columbus, in the total amount of \$34,600,000.00. Chris explained Sunright America, Inc. is planning a 336,000 square foot expansion at its facility to accommodate the installation of new manufacturing and information technology equipment. The property is located in a previously designated Economic Revitalization Area. Mr. Schilling further stated that, as a result of this expansion, Sunright America, Inc. expects to retain 150 full-time positions and will add 103 new jobs by the end of December 2016. Councilor Lienhoop stated the Incentive Review Committee met prior to the Council meeting and found Sunright America, Inc. to be in substantial compliance. Mr. Takeuchi explained Sunright America, Inc. is the manufacturer of automotive fasteners and has been in Columbus since 2002. Glenn Petri, 1614 27th Street, Columbus, wants to make sure Sunright America, Inc. gives local vendors opportunities to provide services. Councilor Lienhoop made a motion to approve a ten (10) year

abatement on real property and a ten (10) year abatement on personal property. Councilor Shuffett seconded the motion. Motion passed by a vote of six (6) in favor and one (1) opposed. Councilor Hankins voted nay.

B. First Reading of an Ordinance entitled "ORDINANCE NO. 2013, AN ORDINANCE VACATING PUBLIC RIGHT-OF-WAY." (Old Marr Road/Northbrook Vacation). Jeff Bergman, Planning Director, presented a request by Centra Credit Union, current owner of the remaining lots in Northbrook Subdivision, to vacate a portion of the right-of-way of old Marr Road. Jeff stated the right-of-way is adjacent to Northbrook Section VI and has been unused for a number of years since the new Marr Road was constructed. Jeff displayed photos of the property. He stated this matter was reviewed by the Columbus Subdivision Review Committee, which gives the Columbus Engineer's Office and any utility services time to specify any interest in the right-of-way. None of the participants at the meeting had any interest in the right-of-way. Jeff introduced Brad Davis and E.R. Gray, both representing Centra Credit Union. Councilor Lienhoop asked about the width of the location. Jeff explained the photographs show a sixty (60) feet right-of-way and Centra is asking for thirty (30) feet (or half) of the right-of-way. Much discussion followed. Mayor Brown opened the meeting for public comment. A member of Talkwhit, LLC, and his father, were in attendance. They explained they are adjoining property owners and objected to the vacating of right-of-way because the property is used when taking grain out of the fields. He also stated this would land lock the Parks Department. Further discussion followed. The public meeting was closed. Councilor Jerome express concern about too many loose ends and was not satisfied that it was clear. Councilor Brand asked if there has been any conversation with the Parks Foundation regarding the access to that piece of property. David Hayward spoke on behalf of the Parks Foundation stating it is a long piece of property and the understanding is that there would be an access easement left open on the north end. Brad Davis stated Centra Credit Union would give the Parks Foundation the easement on this property. Councilor Miller asked about signage on the property. Councilor Shuffett made a motion to pass the first reading and place in proper channels. Councilor Lienhoop seconded the motion. Motion passed by a vote of five (5) to two (2). Councilmen Jerome and Hankins voted nay.

II. Unfinished Business Requiring Council Action

A. Public Hearing and Determination of NuSun's Substantial Compliance with "City of Columbus, Indiana Investment and Job Creation/Retention Agreement." Jeff Logston, City Attorney, explained in 2011 the City of Columbus entered into a Job Creation/Retention Agreement with NuSun, Inc. That agreement granted NuSun \$825,000.00. \$500,000.00 of that amount was from the Lawrenceburg Economic Regional Development Grant, \$100,000.00 from Bartholomew County Economic Development Income Tax (CEDIT), \$100,000.00 from the City Redevelopment Commission TIF, and \$125,000.00 from City Economic Development Income Tax (CEDIT). Jeff further stated that as part of this agreement, there were specific goals and milestones required for this loan agreement to move forward. The Council must now determine whether or not NuSun has made reasonable efforts to substantially comply with this loan agreement. Jeff stated there are four (4) different ways to substantially comply, two (2) of which are not required on this date, which are: real property expenditures of not less than \$700,000.00 by no later than December 31, 2014 and making qualified personal property expenditures of not less than

\$5,000,000.00 by no later than December 31, 2014. The two (2) matters which are to be reviewed are: the creation and employment of at least 80% of the projected full-time equivalent jobs in each year of the term, and the average hourly base wages paid each year of the term shall meet or exceed \$20.31. Ryan Stout, CEO of NuSun Solar, gave a brief overview of the company and provided Councilmembers with job creation reports. Councilor Lienhoop asked Mr. Stout about delinquent property taxes. Mr. Stout explained he was not aware it was the company's responsibility to pay the taxes and would like to get those paid by the end of June. Councilor Shuffett inquired about the possibility of reaching 80 employees by the end of the year. Mr. Stout believes job growth will happen and hopes to get to a total of 50 employees by the end of the year. Mr. Stout stated he has five full-time employees at this time. Much discussion followed. Mayor Brown opened the floor for public comment. Jim Lucas of Shoreline Drive commented on owning his own business and paying bills in a timely manner. Laura Arnold, President with Indiana Distributive Energy Alliance, spoke on behalf of Mr. Stout and NuSun and commented on his personal dedication to this industry and trying to survive in what has been an impossible marketplace. She suggested appointing a taskforce to work with Mr. Stout to ensure his success in the community. Max Lemley of Columbus echoed Ms. Arnold's interest in this and added the future is solar energy. He would love to see this business succeed. Glenn Petri thinks the City of Columbus does an excellent job of supporting manufacturing. He asked whether Mr. Stout counted himself as one of the five employees at the company. Mr. Stout stated he did not because he does not take a salary. Tom Heller wanted to register his dismay with so much time being performed by City Council that really doesn't have much to do with running a city. Mayor Brown closed the floor for public comments. Councilor Hankins stated he believes government should look to scale back involvement with economic development and should look to repeal the CEDIT tax, putting more money back in the pockets of taxpayers who work hard for them. Councilor Jerome would like for Mr. Stout to complete all basic reports and be kept informed by Mr. Stout. Councilor Miller stated he doesn't think our city would be where it is today if we didn't allow tax abatements. He further stated Mr. Stout is not in compliance; however, he thinks the city should work with Mr. Stout. Councilor Miller made a motion to table this determination for two (2) months under specific conditions that Mr. Stout pay the property tax bill by the end of June, 2013, fulfill any past documentation/reports, meet with the Incentive Review Committee and possibly meet with representatives of the Economic Development Board (to be determined). Councilor Jerome seconded the motion. Councilor Shuffett stated communication is the key. Councilor Brand asked if the Council would be addressing the benchmarks already in place or revise a new business plan for NuSun. Mayor Brown stated we have a responsibility to the taxpayers; it's not up to us to determine whether market conditions can compete with this type of vendor. She further stated, Mr. Stout is not even remotely close to being substantially compliant. Councilor Jerome stated it was his understanding that the taxpayers money is secured by the building and the land. He said an additional two (2) months is not too much to ask. Jeff Logston explained the city does have a mortgage on the building for \$850,000.00. If the taxes are not brought current, the building will be put on a Sheriffs sale list the end of June, with a Sheriff's sale on September 11, 2013. Councilor Lienhoop stated this is a most prudent course of action. The next correct decision is to give this two (2) more months, asking Mr. Stout to pay the property taxes, which he has agreed to do, and then work with the Council to convince them of the viability.

Discussion continued. Mayor Brown called for a vote. Motion passed by a vote of five (5) in favor and two (2) opposed. Dascal Bunch and Aaron Hankins voted nay.

III. New Business Requiring Council Action

- C. First Reading of an Ordinance entitled "ORDINANCE NO. 2013, AN ORDINANCE AMENDING ORDINANCE NO. 63, 1986 REGARDING APPROPRIATION AUTHORITY OF PARKS DEPARTMENT NON-REVERTING FUND." Mayor Brown presented the ordinance requesting Council to appropriate the parks non-reverting fund; making this a part of the budget process. It amounts to approximately \$1.5 million. Mayor stated much of the revenue in this fund comes from Donner Center and Hamilton Ice Arena, which are now facilities that the city is financing the maintenance of with debt and cash reserves. Councilor Brand questioned what the non-reverting fund has to do with capital needs for the department; the non-reverting fund is not used for capital funds. Mayor stated capitals are park expenditures. She stated money has to be found to pay for capital expenditures by a reduction of expenses, efficiencies, and cuts or raising fees. Jeff Logston gave a brief overview of language in the ordinances surrounding the Parks non-reverting fund. Chuck Wilt, retired Parks and Recreation Director, explained how and why the non-reverting fund was established. Further stating it was designed to take certain facilities out of the regular budget and be as self-sufficient as possible. He explained this is a common practice throughout the State of Indiana and the \$1.5 million is an in and out process. Mr. Wilt stated the success of the Parks Department has been based on mutual trust between the City Council and citizen members of the Park Board. Much discussion followed. Tom Heller doesn't see anything wrong with the Council appropriating the money. Councilor Jerome doesn't see how changing the non-reverting fund would address the capital needs; he believes it is a separate issue. Councilor Miller asked how often this fund runs low on money. Jamie Brinegar, Director of Business Services, spoke regarding the financials and how this fund fluctuates during the year, in part, due to sports registrations. Wayne Hanrattie, 2685 Chestnut Street, Columbus, questioned the management of time for this meeting and if Roberts Rules of Order are being followed. Glenn Petri stated he sees City vehicles at local restaurants, eating or picking up food to go. Councilor Lienhoop asked if Mr. Petri could substantiate any of that information. Mr. Petri will take pictures in the future. Brian Russell, President of the Parks Board, explained the Parks Board goes to great lengths to make sure they are making good decisions with taxpayers' dollars and money coming in from user fees. A great deal of time is spent on looking at user fees, benchmarking and talking to user groups. Mayor stated this is not about trust; it's a need to address capitals. Mayor Brown called for a motion. Failed for lack of a motion.
- D. Reading of a Resolution entitled "RESOLUTION NO. 15, 2013, RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, ADOPTING A CODE OF ETHICAL CONDUCT." Tim Shuffett presented this resolution by proposing under Sec. 20 an allowance of \$50.00 per occurrence, \$250.00 cumulative total per year, and spousal cumulative total of \$500.00. Mayor Brown explained there are all kinds of carve outs and we should not be taking gifts from people doing business with the City of Columbus or wishing to do business with the city. She stated a smaller amount, such as \$25.00 would cover a sandwich, cup of coffee or a bottle of water. A member of the audience asked if there was documentation of a problem with this in the past. Mayor stated she's been offered these kinds of gifts many times. Councilor Brand stated people

offering gifts and accepting gifts are two different things. Councilor Jerome stated zero tolerance is intolerable; he has no objection to a little leeway. Larry Thomas of Columbus stated there are a lot of companies in town that struggle with this same ethics problem and we can learn from our community. He believes better relationships can be forged by having a \$4.00 or \$5.00 lunch than not having it. Tom Heller suggested dropping the amount to zero. Glenn Petri spoke. Councilor Shuffett moved to approve the resolution. Councilor Jerome seconded the motion. Motion passed by a vote of six (6) in favor and one (1) opposed. Nay vote was Councilor Hankins.

E. First Reading of an Ordinance entitled "ORDINANCE NO. 2013, AN ORDINANCE AMENDING CITY MUNICIPAL CODE SECTION 9.12.020 DISCHARGING OF FIREARMS AND USE OF WEAPONS." Jeff Logston presented this ordinance by explaining this is a revision from the current ordinance. He discussed proposed revision definitions of "weapon" and "projectile" to include BBs, pellets, paintballs and other similar objects. Chief Maddix was present for any questions. Councilor Jerome stated the Council had discussed this twice prior to this meeting and made their opinions known, which have been corrected. Jerry Thomas, 7035 S Stratton Court is concerned about the use of the word "weapon" and would encourage use of the word "gun" or "projectile device". Larry Thomas asked if it is the City's job to regulate toys. Councilor Hankins shared that the more laws and regulations that are passed, we get away from personal responsibility and particularly parenting responsibilities in the household. Bill Jones, 4650 Stonebridge Court, understands what Councilman Hankins is saying but takes the opposite side of that view. Pat Kinnard of Columbus stated guns are not toys, they are potentially dangerous. Councilor Jerome made a motion to pass the first reading and place in proper channels. Dascal Bunch seconded the motion. Motion passed by a vote of six (6) to one (1). Aaron Hankins voted nay.

IV. Other Business

- **A.** Standing Committee and Liaison Reports Councilor Bunch and Mayor Brown reported there will be a neighborhood celebration at the Ninth Street Park on June 29, 2013 at 12:00 p.m.
- **B.** Discussion Items:
 - 1.) Budget Process Jeff Logston briefly discussed a potential budget process of supplying the Council with Budget Form 1's with notations and then one afternoon with budget hearings where department heads would be available for questions.
- C. Next regular meeting is scheduled for Tuesday, July 2, 2013 at 6:00 o'clock P.M. in City Hall.
- **D.** Council Jerome made a motion to adjourn the meeting. Tim Shuffett seconded the motion. Motion passed with a unanimous vote. The meeting adjourned at approximately 9:26 P.M.

	Presiding Officer	
Attest:		
Clerk Treasurer of City of Columbus		