

CITY OF DECATUR
COMMON COUNCIL MINUTES
JULY 5, 2022

The City of Decatur Common Council met on Tuesday, July 5, 2022 at 6:35 P.M. at the Riverside Center, 231 E. Monroe Street, Decatur. The meeting was called to order by Mayor Dan Rickord. Roll call was taken to show Councilmen Craig Coshow, Matt Dyer, Tyler Fullenkamp, Scott Murray, and Wylie Sirk were in attendance. Also present were Clerk-Treasurer Phyllis Whitright and City Attorney Anne Razo.

The Mayor invited everyone to stand and recite the Pledge of Allegiance.

The Clerk-Treasurer had emailed the minutes from the June 21, 2022 meeting and Dyer made a motion to accept the minutes as emailed. Seconded by Murray, the motion was adopted.

Murray made a motion to pay the claims. Seconded by Dyer, the motion was adopted.

Mayor Rickord noted all phones should be on silence. He also shared that the rules for the meeting including public comments would be allowed at the end of the meeting, people wishing to speak must sign up and will be allowed two (2) minutes to speak, and anyone not in compliance will be asked to leave.

Before continuing with the meeting, Mayor Rickord thanked those involved for the fireworks display provided on July 4, 2022.

An amendment to the City Code of Ordinances for zoning, Sections 150.171 and 150.191 were presented. City Attorney Anne Razo informed Council that Curt Witte, Building and Zoning Superintendent had presented the changes to the BZA who recommends to Council the changes to transfers work from the Board of Zoning Appeals to the Building and Zoning Department regarding zoning for Industrial uses for fences and storage buildings. Rather than paying \$300 to appear before the BZA, the Building and Zoning Department could approve such changes. Thus, the Department staff could inspect the project and give approval. Ordinance 2022-11, an ordinance to amend City Ordinances 150.171 and 150.191, was brought forward. Sirk made a motion to introduce Ordinance 2022-11 on its first reading by short title only. Seconded by Murray, the motion passed and City Attorney Anne Razo read Ordinance 2022-11 by short title only. Sirk made a motion to pass Ordinance 2022-11 on its first reading. Seconded by Murray, a roll call vote was held and passed 5-0. Sirk made a motion to place Ordinance 2022-11 on its second reading by short title only. Seconded by Murray, the motion passed and City Attorney Razo read Ordinance 2022-11 by short title only. Sirk made a motion to pass Ordinance 2022-11 on its second reading. Seconded by Murray, a roll call vote passed 5-0. Sirk made a motion to table Ordinance 2022-11 until July 19, 2022 meeting for its third reading. Seconded by Murray, the motion was adopted.

Next on the agenda were a couple of event forms presented for the Madison Street Plaza. The first event was for the Belmont Class of 1977 class reunion to be held on Saturday, July 30, 2022 from 6-10 P.M. The group will be using the restrooms and electricity. They have turned in the appropriate liability insurance paperwork. Dyer made a motion to approve the Belmont Class of 1977 reunion on July 30, 2022. Seconded by Fullenkamp, the motion was adopted.

The second event was for the Adams County Senior Living Concert to be held on Madison Street Plaza on September 22, 2022 from 5:30 to 8:30 P.M. Fullenkamp made a motion to approve the Adams County Senior Living Concert on September 22, 2022. Seconded by Dyer, the motion was adopted. No fees will be charged due to this being a community event.

Clerk Treasurer Phyllis Whitright reported that work is beginning on the 2023 budget. The Mayor is proposing to budget a 5% raise for full-time City employees and possibly premium pay with ARP funds. Clerk-Treasurer Whitright also shared that insurance renewal with PHP increased 11% due to large claims, and dental insurance also up a little. Kintz Insurance who is the City's insurance agency negotiated with PHP who lowered the increase to 6%. Renewal will be effective August 1, 2022. Whitright reported that she had previously emailed a list of possible projects to Council members to review before budgets are finalized to either place these projects in the 2023 budget or to include them in the ARP plan to be discussed at a future meeting.

Mayor Rickord shared that a Public Hearing is scheduled for 7:00 P.M. so to fill in some time he asked for Department Head input.

Jamie Gephart, Community Coordinator shared that Downtown Decatur Days will be held this Saturday, July 9, 2022. Mayor Rickord is hoping to get back to the level of participation for the previous Decatur Sidewalk Sale Days.

Fire Chief Jeff Sheets reported that there have been 209 participants for the Thursday School's Out Tours held at the Decatur Fire Station. Also, the Fire Prevention Open House will be held in October.

Councilman Murray made a motion to suspend the Council meeting. Seconded by Fullenkamp, the motion was adopted.

At 7:00 P.M. Fullenkamp made a motion to open the Public Hearing regarding the tax abatement for Hoosier Pattern and RH Warehouse. Seconded by Coshow, the motion was adopted.

Owner Keith Gerber, Attorney Audrey Snyder, and Colton Bickel, Executive Director of ACEDC appeared before the Council to seek approval of the Confirming Resolution for the abatement for Hoosier Pattern and RH Warehouse. It was noted that the Declaratory Resolution had been adopted at the June 21, 2022 meeting.

The City Attorney asked for any comments from the public, there were no comments received, so Dyer made a motion to close the Public Hearing. Seconded by Coshow, the motion was adopted.

Sirk made a motion to reconvene the Council meeting. Seconded by Dyer, the motion was adopted.

Dyer made a motion to make the legal notice for the public hearing for the tax abatement and also the proof of filing notice to the taxing units a matter of record. Seconded by Coshow. Motion carried.

Presented was Confirming Resolution, 2022-12, a resolution for the Designation of an Economic Revitalization Area for Hoosier Pattern and RH Warehouse located at 906 N. 10th Street, which includes a ten-year abatement for both real and personal property. The estimated value of personal property is \$1.5 million, and the real estate is estimated at \$918,000. The estimated number of employees will be retained at 58 full-time, and 5 new full-time added. The City Attorney mentioned that there were a few minor changes from the Declaratory Resolution, which are in the Confirming Resolution. Sirk made a motion to introduce Confirming Resolution 2022-12 with modifications by short title only. Seconded by Dyer, the motion passed and City Attorney Anne Razo read Confirming Resolution 2022-12 by short title only. Sirk made a motion to adopt Confirming Resolution 2022-12, which was seconded by Dyer and adopted.

The next item on the agenda was discussion of amending Chapter 130, Section 130.02 of the City of Decatur Code of Ordinances of 2015. The Friends of Decatur who are opposed to changing Section 130.02 of the Decatur Code of Ordinances were first given fifteen (15) minutes to speak. I-O Properties then was given 20 minutes. Following I-O Properties comments, the Friends of Decatur would be given ten (10) minutes for rebuttal as outlined by Mayor Rickord.

The first speaker for the Friends of Decatur group was Scott Porter of Decatur who is President of Thunderbird Products. Mr. Porter gave a handout to the City Administration to share a history as to what has conspired since the March meeting. He referenced the presentation made by Michael Webb at the June 21, 2022 meeting regarding property devaluation, wastewater treatment, increased crime, and slaughterhouse odors, cattle trailer smell and traffic concerns. He shared that the Friends of Decatur has hired an expert in the area of wastewater and odor control and sought time to get the results.

Next to speak on behalf of the Friends of Decatur was Tom Borne, CEO of the Asher Agency in Fort Wayne, who spoke about a survey he was asked to do for the Friends of Decatur which showed strong opposition to I-O Properties was handed out. Some of his figures were later questioned by Mayor Rickord for explanation. Mr. Borne shared that 92% of those surveyed had concerns and felt the slaughterhouse would have a negative effect on Decatur.

The presentation then turned to the I-O Properties. The first to speak was Riggs Florence, I-O Properties owner who gave an explanation to a letter that was being circulated around the room regarding a misdemeanor or charge to which he pleaded guilty to in Michigan in 2017 when he was 21 years old. The charge involved forged inspection certificates. It was shared that the Decatur BZA had conditionally approved the use of the Dean's facility as a slaughterhouse as proposed by I-O Properties in March with stipulations. It was also shared that I-O Properties had gone door to door and that ten (10) open houses to tour the facility had been held. On June 15, 2022 an educational meeting had been held at Riverside Center with support from the Northeast Indiana Regional Partnership and a letter of support from the Board of Directors of the Adams County Economic Development Corporation. Mr. Florence also handed out values of homes in the Deer Run subdivision before and after I-O Properties announced their purchase of the Dean Foods plant. The properties have actually sold at profits rather than as devaluation as proposed by the Friends of Decatur.

Also speaking in support was Colton Bickel, Executive Director of the Adams County Economic Development Corporation (ACEDC). Bickel had been contacted about a year ago

regarding I-O Properties being interested in the Dean's Food facility. Bickel shared he has confidence in I-O Properties and what they plan to do in Decatur. The projected capital investment is estimated at an impact of \$23 million, with a payroll of \$130 million. The tax benefit to the City is \$5.6 million over ten (10) years and \$4.6 million to the County.

A speaker who stated that her name was Lindsay mentioned how I-O Properties held public meetings to educate the citizens of Decatur of the food processing, and the impact that Country Butcher would bring to Decatur with jobs.

Next to speak on behalf of I-O Properties was Brent Doctor who shared that there would be no odor since the cattle will be unloaded inside the facility and washed down daily.

The final speaker for I-O Properties was Attorney Tom Trent, of Rothberg Law Firm in Fort Wayne. Attorney Trent has represented I-O Properties previously before the Council noting it was his third appearance. Attorney Trent shared his concerns about the false and racial comments, noting I-O Properties would not discriminate in any way in areas such as race, sex, religion, and so on, nor would the business increase crime. I-O Properties plans to hire 100 employees, and Attorney Trent stated that there will be a diversity of employees as they will not discriminate. All employees will be E-Verified that are allowed to work in the US.

The Friends of Decatur were given time for rebuttal. Attorney Tim Haffner, from Fort Wayne, noted the Porter's would concur with Attorney Tom Trent's comments regarding false and racial comments. Attorney Haffner noted items that have not been researched such as valuation of properties, wastewater analysis, and order analysis. He then asked for time to allow for studies to be completed. Attorney Haffner shared 92% of the community is concerned. He noted they are not opposed to the slaughterhouse, but they are opposed to where it is located.

Mayor Rickord expressed his appreciation for the respect shown for both presentations.

Public discussion was then opened with each speaker who signed up given two (2) minutes to speak.

Speakers were as follow:

- Jerry Andrews--resident of Decatur--support
- Brian Homan--Jay County--support
- Fred Lengerich--resident 6 miles south of Decatur--support
- Howard Curry--Fulton County--support
- Jeremy Reinhart—City Resident--support
- Norma Landis-Geyer--City Resident--against
- Linda Geyer--County resident--against
- Tyler Affolder—lives near facility--support
- Mary Montgomery Byer--Madison Street--against
- Gerri Gage—City resident--against
- Charles Brune--Winchester Road--against
- Jean Brune--Winchester Road--against
- Susan Baumann--Monroe Street--against
- Ted Porter—County Resident, Decatur--against
- Rhea Gratz--Adams County Resident--support
- Drew Cleveland--Randolph County--Support--Regional Manager for the Indiana Farm Bureau

--Kathleen Kozlowski--450 W, Preble--support
--Jason Brune--City Resident--against
--Steve Muhlenkamp--Mercer County Ohio farmer--support
--John Overman--Fort Recovery, Ohio--support
--Terry Geier--Coldwater, Ohio--support
--Tim Ehlerding--W. Monroe Street--against
--Mark Bulmahn--north of Preble and local businessman--support
--Steve Kriegh—Realtor, Decatur resident--support
--Dan Buchan--Adams County Resident--support

Time was given for Council Members and Department Heads to ask questions.

Mayor Rickord questioned the figures that 92% of the people have concerns yet on the third page of the report it refers to 59%. Regarding the fact that all responders were voters it was shared that was noted by how the responders checked the form for the survey. It had been reported 700 had signed the petition but only 146 people took the survey.

Karey Fuelling, Wastewater Superintendent informed the public that the CSO's (Combined Sewer Overflows) are in the downtown area only, and not in Industrial Park.

Councilman Dyer thanked all for coming and shared that he had heard from many and had five (5) reasons to get behind the project. The five reasons were I-O Properties willingness to meet the BZA's stipulations, I-O Properties is in Decatur's Industrial Park, it will diversify the City's industry, I want growth in our City, and the economic impact I-O Properties brings will not only be in Decatur, but Adams County, and the region.

Councilman Coshow shared that he had spent much time going over ordinances from the 1800's and read City Council minutes from 1873 to 2022. He shared that the City Council created the Plan Commission and the BZA on September 24, 1949. Also, an industrial area had been formed. Coshow noted if problems do come up that Decatur has the employees to handle the situation. Coshow also noted that recent homes that are selling near the facility are not lowering the property values.

Councilman Sirk thanked everyone for attending. He noted he wants Decatur to grow and be a great place to live. He mentioned that he has listened and checked things out and feels I-O Properties to be a good employer and will support local farmers. Sirk also shared that he is satisfied with the stipulations required by the BZA.

Councilman Murray commented that he is not for or against any of this, but if it opens in the City there needs to be a comprehensive ordinance adopted to govern this type of business. Murray noted the ordinance at least should include allowable locations, size, number of animals allowed per day for slaughter, types of animals, setback requirements to represent property owners. He wants an ordinance to protect the residents of Decatur.

Councilman Dyer commented that he had visited other food processing facilities, everything was contained in the building and no smells. Food processing has changed over the years.

Dyer made a motion to have City Attorney Anne Razo to draft the proper paperwork to amend the City Code of Ordinances, Chapter 130, Section 130.02 for the July 19, 2022 Council meeting. Seconded by Sirk. The vote was, Coshow, Dyer, Fullenkamp and Sirk voting in favor, and Murry voting against.

There being no other business to be brought before the Council, Dyer made a motion to adjourn. Seconded by Sirk, the motion was adopted.

Adjournment was at 9:02 P.M.