

Minutes

Seymour Common Council

April 8, 2024

The March 25, 2024 City Council was called to order by Mayor Matt Nicholson at 7:00pm. The invocation was given by Pastor Les Linz and the Pledge of Allegiance to the nation's flag was recited. A virtual option was available.

Members Present: Mayor Matt Nicholson, Clerk/Treasurer Darrin Boas, Matt Wheeler, Jerry Hackney, Brad Lucas, Clint Blish, Drew Storey, City Attorney Chris Engleking, Police Chief Greg O'Brien, Seth Davidson, January Rutherford, Les Linz, Dan Robison, Brett Cunningham and spouse, Jim Plump, Dave Earley, Paula Hercamp, Heather Clark, Noriko Taguchi, and 20 various City/County residents.

On a motion made by Mr. Storey, seconded by Mr. Lucas, the minutes for the March 25, 2024, Council meeting were approved.

Reports from Committees, Boards, and Commissions

- Councilman Davidson presented the following Statements of Benefits as explained by Jim Plump:
 - o Rose Acres Farms, 1541 W. Tipton St., Seymour, 2 Real Estate abatements
 - o Nippon Steel Pipe America, INC. 1515 E 4th St, Seymour, 2 Real Estate, 3 Personal property abatements.

There was some discussion, initiated by Brett Cunningham, asking if there was any verification if these industries had been cited for hiring/I9 violations. Paula Hercamp shared her experience at a staffing agency with fictitious documentation. Councilman Storey asked if there was a box on the Compliance form for such a question, Jim Plump stated there was not, this is a State of Indiana supplied form. Councilman Hubbard requested additional time to review these Statements of Compliance, and could the Council receive them sooner, or could they go to the Industrial Development Committee prior to presentation to the Council for review. Council will get back to Mr. Plump with questions and a time frame of when they would like to have the Statements.

On a motion by Mr. Davidson, seconded by Mr. Wheeler, the compliances for Rose Acres were approved 6-1.

On a motion by Mr. Davidson, seconded by Mr. Wheeler, the compliances for Nippon Steel were approved 6-1.

- Mr. Plump reported on the Walmart investment from last year; that work is now underway and is expected to be capitalized next year and so they do not need to file any compliance this year. Since it was a significant investment amount of over \$100 million, Jim wanted to give Council an update on that to be reflected in the minutes.

- Councilman Hubbard requested to Table the Statement of Benefits for a new Personal Property abatement for Nippon Steel Pipe America, seconded by Councilman Hackney. The Motion passed 4-3. As this will be on the next agenda, Mr. Plump asked if a representative from Nippon would need to be present. Mr. Hubbard said no. Since this was tabled, it nullified the New Business – Resolution # 15, CB #27, approving a tax abatement for Nippon Steel mentioned in the Statement of Benefits.

Public Hearing

- None to report

Old Business

- None to report

New Business

- None to report.

Miscellaneous Business

The Mayor stated the SHS gym was reserved for 5/15 at 7pm for the follow-up meeting regarding the Brookings Study. The Mayor asked the Council if they still wanted to have the meeting as the Study is dead/voted down due to the nonsupport resolution passed at the prior council meeting. It will not be discussed any further unless the Council brings it back up.

- Mr. Hackney proposed a motion putting the potential meeting on Social media that the event was being cancelled, and if feedback was heavy, then continue with the meeting. Mr. Storey seconded this motion.
 - o Mr. Hubbard asked the audience for their input, one response was “If it is dead. Leave it alone”, another was “if it goes on social media, people will be there like they were at the last meeting, even more.”
 - o Mr. Hackney asked the Mayor if calls to City hall had been heavy asking about another meeting. Mayor shared that Jane fields the calls, so he couldn’t be for certain. Discord had been interesting, people for and against, ugly social media posts, etc. Mr. Hackney then withdrew his motion of putting it out on social media.
- Mr. Storey then suggested, “what if there are some elements of the Brookings Study that deserve additional consideration, could it be sent to Committee?”
 - o Mr. Hackney spoke that he felt if there was a part you wanted to do, it could be brought back to Council.
 - o There was some discussion between Council, the Mayor, and the City Attorney about how the resolution was written as it was all voted down. Mr. Hubbard shared that Council might be open to certain parts of the study.
 - o Mr. Storey then proposed the Economic Development Committee review the study and present favorable items receiving public support back to Council. The City Attorney felt the Resolution was vague enough to allow this to happen.

- The Mayor asked Council what their wishes were. Mr. Storey then proposed an amendment to the Resolution passed last council meeting to remove the word “alternative”. The City Attorney said it would have to be presented at the next Council Meeting due to public access law as it was not on the agenda tonight.
- Paula Hercamp then asked if Council was cleaning up language of the resolution, trying to kill it, or keep it alive for a rainy day. Mr. Storey stated he felt the Council needed more time to examine what their legal options are. Mrs. Hercamp then shared her thoughts regarding the duty of elected officials, their reciting of the Pledge of Allegiance, their duties to the Constitution and the people who elected them to office.
- Mr. Hackney then stated that nothing needed to be done at this time with the resolution.
- The Mayor asked if there was a motion to cancel the meeting at the High School as the resolution stands as is and the Study is dead. Mr. Davidson made the motion to cancel the meeting on 5/15 at the High School, seconded by Mr. Lucas. The motion passed 7-0.
- Mr. Storey then made a motion stating the City Council finds it is in their best interests to hire separate legal council to represent the City Council, seconded by Mr. Hackney.
 - The Mayor asked the reason for increasing the costs to taxpayers, and Mr. Storey stated there was a loss of confidence in the City Attorney. Mr. Storey stated it was an ad hoc committee composed of Mr. Storey, Mr. Hackney, and Mr. Wheeler.
 - Mrs. Hercamp then asked for what purpose was for the additional expense and area of law they were looking for. Mr. Storey shared the expense had not been assessed and wanted the ad hoc search committee to seek council at no cost to the City. Mrs. Hercamp then asked if he was looking to hire or Pro Bono attorneys with Municipal Law experience, which Drew couldn’t answer at this time.
 - Questions arose regarding the duties of the current City Attorney and a Council Attorney were discussed. Both attorneys will have to work together, and then it was questioned if the City had a Law Department established.
 - As the motion was called to vote, Mr. Blish asked for clarification if this was a committee to hire or perform a search, to establish a search committee was the response. Another motion would come in a future meeting when it comes to hiring. Mr. Wheeler then asked if an Executive Session would be needed, and that was confirmed by the City Attorney.
 - January Rutherford then questioned if the Ad Hoc committee Mr. Storey put together advertised for public input. They did not, which is OK as there were only 3 members (not a majority of Council which could violate State Open Door laws).
 - Mr. Early then asked if other council members knew of this action, and Mr. Wheeler stated he contacted Mr. Hubbard and Mr. Blish after the committee meeting, which now potentially causes a state Open Door law violation. (Daisy chaining/Serial meeting)
 - Mr. Hubbard then asked if this action effects Mr. Storey’s motion, the City Attorney didn’t think it did as long as the search committee operates within the State’s Open Door Law.

- The motion passed 5-2 to move forward with the Search Committee. Mr. Storey then asked Council President Hackney to head up the search committee. The Mayor confirmed it is his responsibility to assign people to committees, so the Mayor assigned this task to the Governmental Affairs committee.
- Mr. Hubbard thanked January Rutherford, the Mayor, and his staff for their efforts put forth for the Eclipse celebration. Everything went smoothly and thanks to the Fire and Police for traffic control.
- Brett Cunningham then spoke again regarding when approving tax abatements council should consider where equipment and workers come from for these improvements, along with verifying legal hiring practices.

On a motion by Mr. Lucas, seconded by Mr. Wheeler, the meeting was properly adjourned.

Matt Nicholson, Mayor

Attest: Darrin Boas, Clerk/ Treasurer

- There will be another public meeting later once availability is determined at the High School.

On a motion by Mr. Wheeler, seconded by Mr. Hackney, the meeting was properly adjourned.

Mayor Matt Nicholson

Attest: Darrin Boas, Clerk/Treasurer