

**Martinsville Common
Council
Meeting Agenda
Monday, August 25,
2025
7:00 PM - Council
Chambers**

THE CITY OF
Martinsville
INDIANA



Call to Order, Invocation, and Pledge of Allegiance

Roll Call

Consideration of the Minutes

Documents:

AUGUST 11, 2025, COMMON COUNCIL MEETING MINUTES.PDF
AUGUST 18, 2025, COMMON COUNCIL EXECUTIVE SESSION
MEMORANDUM.PDF

Mayor's Comments

Council Reports

- A. Morgan County Economic Development Corporation
- B. Planning Commission
- C. Redevelopment Commission

New Business

- A. A. Consideration of a Request to Repeal or Revise City Code Article V, Division 1, Section 18-191 – Peddlers, Solicitors and Transient Merchants

Documents:

CITY CODE ARTICLE V, DIVISION 1, SECTION 18-191 - PEDDLERS,
SOLICITORS AND TRANSIENT MERCHANTS.PDF

Consideration of Claims

Council Comments

Public Comments

Announcements

Next Regular Meeting

The next Regular Meeting will be on Monday, September 8, 2025, at 7:00 PM in the Council Chambers (Room 202), City Hall, 59 S. Jefferson St, Martinsville, IN.

Adjournment

Any individual who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a public meeting, program, service, or activity of the City of Martinsville, IN contact Ben Merida, ADA Coordinator, 995 Rogers Road, Martinsville, IN 46151, 765-342-6012, as soon as possible, but no later than 48 hours before the scheduled event.

**MARTINSVILLE COMMON COUNCIL
MARTINSVILLE INDIANA
MORGAN COUNTY, INDIANA
MONDAY, AUGUST 11, 2025**

CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Mayor Costin called the Martinsville Common Council meeting to order Monday, August 11, 2025. Pastor Jeff Floyd from M1 Church led the prayer for those in attendance. Mayor Costin then led the attendees in the Pledge of Allegiance.

ROLL CALL

Kenny Costin, Mayor - Present
 Phil Deckard Sr, District 1 - Present
 Ben Mahan, District 2 - Absent
 Josh Ferran District 3 - Present
 Suzie Lipps, District 4 - Present
 Phil Deckard II, District 5 - Present
 Ann Miller, Councilwoman-at-Large - Present
 John Badger, Councilman-at-Large - Present
 Dale Coffey, City Attorney - Present
 Stacey Williams, Deputy Clerk - Present

A quorum was declared present.

MINUTES

Mayor Costin presented the minutes of the July 28, 2025, meeting to the Council. A motion to approve the minutes as presented was made by Councilman Phil Deckard II. Councilwoman Ann Miller seconded the motion. The minutes were approved 6-0.

CLAIMS

A motion to approve the claims as presented was made by Councilwoman Ann Miller. Councilman Phil Deckard II seconded the motion. The claims were approved 6-0.

PUBLIC COMMENT

None

ADJOURNMENT

There being no further business, the meeting was adjourned by unanimous consent.

Name		Signature
Phil R. Deckard II, Member, District 5, President Pro Tempore	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Phil R. Deckard Sr, Member, District 1	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Ben Mahan, Member, District 2	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	

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Josh Ferran, Member, District 3	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Suzie Lipps, Member, District 4	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Ann Miller, Member-at-Large	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
John Badger, XIV, Member-at-Large	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	

ATTEST

Name	Signature	Date
Benjamin K. Merida, Clerk-Treasurer		

MAYOR ACTION

Name		Signature	Date
Kenneth W. Costin, Mayor	Approve <input type="checkbox"/> Veto <input type="checkbox"/>		

**MARTINSVILLE COMMON COUNCIL
MARTINSVILLE INDIANA
MORGAN COUNTY, INDIANA
MONDAY, AUGUST 18, 2025
EXECUTIVE SESSION MEMORANDUM**

ATTENDANCE

Kenny Costin, Mayor - Present
Phil Deckard Sr, District 1 - Present
Ben Mahan, District 2 - Present
Josh Ferran District 3 - Absent
Suzie Lipps, District 4 - Present
Phil Deckard II, District 5 - Present
Ann Miller, Councilwoman-at-Large - Present
John Badger XIV, Councilman-at-Large - Present
Dale Coffey, Attorney - Present
Ben Merida, Clerk Treasurer - Present

PURPOSE

Pursuant to IC 5-14- 1.5-6.1(b)(2d), the purpose of the Executive Session will be for the discussion of the purchase, lease, transfer, exchange, or sale of real property.

Name		Signature
Phil R. Deckard II, Member, District 5, President Pro Tempore	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Phil R. Deckard Sr, Member, District 1	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Ben Mahan, Member, District 2	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Josh Ferran, Member, District 3	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Suzie Lipps, Member, District 4	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Ann Miller, Member-at-Large	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
John Badger, XIV, Member-at-Large	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	

**MARTINSVILLE COMMON COUNCIL
MARTINSVILLE INDIANA
MORGAN COUNTY, INDIANA
MONDAY, AUGUST 18, 2025
EXECUTIVE SESSION MEMORANDUM**

ATTEST			
Name	Signature	Date	
Benjamin K. Merida, Clerk-Treasurer			
MAYOR ACTION			
Name		Signature	Date
Kenneth W. Costin, Mayor	Approve <input type="checkbox"/> Veto <input type="checkbox"/>		

ARTICLE V. - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

Footnotes:

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State Law reference— *Authority to regulate peddlers, solicitors and the like, see I.C. 36-8-2-11*

State Law reference— *Transient Merchant Law of Indiana, see I.C. 25-37-1-1 et seq.*

DIVISION 1. - GENERALLY

Sec. 18-191. - Definitions.

For the purpose of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Business means the business earned on by any person who is a transient merchant, peddler or solicitor.

Goods means merchandise of any description whatsoever and includes, but is not restricted to, wares and foodstuffs.

Peddler means:

(1) Any person who:

- (a) Travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or
- (b) Without traveling from place to place, sells or offers goods for sale from any public place within the city.

(2) The term *peddler* does not mean any person engaged in making wholesale deliveries or wholesale sales.

Solicitor means any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a *solicitor* is not a peddler.

Transient merchant means any person, whether as owner, agent or consignee, who engages in a temporary business of selling goods within the city and who, in the furtherance of such business, uses any building, structure, vehicle or any place within the city.

Sec. 18-192. - Hours.

It shall be unlawful for any person to peddle or solicit before the hour of 8:00 a.m. of any day, or after the hour of 9:00 p.m. of any day, without the specific prior consent of the prospective purchaser.

Sec. 18-193. - Obstruction of public places prohibited.

It is unlawful for any person, either selling, or offering for sale, any article or service by peddling or soliciting in any place, to obstruct or cause to be obstructed the passage of any sidewalk, street, avenue, alley or any other public place, by causing people to congregate at or near the place where any article or service is being sold or offered for sale.

Sec. 18-194. - No peddling signs.

It is unlawful for any peddler or solicitor to ring the bell, or knock on the door or otherwise attempt to gain admittance for the purpose of peddling or soliciting at any residence, dwelling or apartment at which a sign bearing the words "no peddlers or solicitors" or words of similar import indicating that peddlers or solicitors are not wanted on the premises is painted, affixed or otherwise exposed to public view. This section shall not apply to any peddler or solicitor who rings the bell, knocks on the door or otherwise attempts to gain admittance to such residence, dwelling or apartment at the invitation or with the consent of the occupant.

Secs. 18-195—18-215. - Reserved.

DIVISION 2. - LICENSE

Sec. 18-216. - Required.

- (A) Any person who carries on business as a peddler, solicitor or transient merchant shall obtain a license before engaging in such activity within the city.
- (B) The license fee for the license required by this section shall be as prescribed in Section 34-163 of this Code and may be redetermined from time to time by the common council.
- (C) The license fee shall be paid to the clerk-treasurer upon the filing of an application for a license.
- (D) If the license is denied, the license fee, less \$5.00 for the cost of the license investigation and inspection procedure, shall be returned to the applicant.
- (E) All licenses issued under this section shall expire 180 days after the date of issuance.

Sec. 18-217. - Application procedure.

- (A) All applicants for licenses required by this division shall file a written, sworn application with the clerk-treasurer. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. Applications should be made on forms available in the office of the clerk-treasurer. The application shall state:

- (1) The name and address and social security number of the applicant;
 - (2) The name of the individual having management authority or supervision of the applicant's business during the time it is proposed to be carried on in the city, and the local address of such individual, the permanent address of such individual and the capacity in which such individual will act;
 - (3) The name and address of the person if any for whose purpose the business will be carried on, and, if a corporation, the officers and directors of the corporation and the state of incorporation;
 - (4) The time period during which the applicant desires to carry on business;
 - (5) The nature, character and quality of the goods or services to be offered for sale or delivered, and, if goods, their invoice value and whether they are to be sold by sample as well as from stock, and where and by whom such goods are manufactured or grown, and where such goods are at the time of application;
 - (6) The nature of the advertising proposed to be done for the business; and
 - (7) Whether or not the applicant has been convicted of any crime and, if so, the nature of each offense and the penalty assessed for each offense.
- (B) All applications for peddler or solicitor licenses shall state, in addition to statements required by subsection (A) above:
- (1) A description of the applicant; and
 - (2) A description of any vehicle proposed to be used in the business, including its license plate number and registration number, if any.
- (C) All applicants for licenses required by this division shall attach to their application the following:
- (1) If required by the clerk-treasurer, copies of all printed advertising proposed to be used in connection with the applicant's business; and
 - (2) Credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

Sec. 18-218. - Standards for issuance.

- (A) Upon receipt of an application for a license required by this division, the clerk-treasurer shall cause an investigation of the applicant's business reputation and moral character to be made.
- (B) The clerk-treasurer shall approve the application unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals or general welfare. In particular, tangible evidence that the applicant has:
 - (1) Been convicted of a crime of moral turpitude;

- (2) Made willful misstatements in the application;
- (3) Committed prior violations of ordinances pertaining to transient merchants, peddlers, solicitors and the like;
- (4) Committed prior fraudulent acts;
- (5) A record of continual breaches of solicited contracts; or
- (6) Has an unsatisfactory moral character.

Sec. 18-219. - Exemptions.

- (A) Any veteran of the United States armed forces described in I.C. 10-5-12-1 or I.C. 10-5-13-1 shall be entitled to a license to vend, hawk and peddle goods, wares, fruits and merchandise in the city without the payment of any license fee upon the presentation to the clerk-treasurer a certificate of discharge proving his or her identity. However, such veteran shall be subject to all other regulatory provisions of this article.
- (B) Peddlers, solicitors and transient merchants engaged in interstate commerce shall be exempt from any license fee required by this division. Any person claiming such exemption shall file a verified statement disclosing the:
 - (1) Interstate nature of the business;
 - (2) Name and location of the company or firm for which orders are to be solicited or secured;
 - (3) Name and address of the nearest local or state manager;
 - (4) Kind of goods or merchandise to be delivered; and
 - (5) Place of shipment and method of delivery.