

**TOWN COUNCIL – GENERAL MEETING**  
**124 E. MICHIGAN STREET, NEW CARLISLE**  
**APRIL 10, 2007. 7:00 PM**

President Hora called the meeting to order. Present were Vice-President Vojtko, Council Member Higgins, Council Member Colpitts, Council Member Mell and Deputy Clerk Sue Moffitt. Also in attendance were Roger Nawrot, Bill Herrbach, Larry Brown, Pat Cummings, Tim Kaminski, Bob Middlebrook, Carol Middlebrook, Doug Dodd, Kenny Davis, Bill Gumm, Jack Krumroy, Maury Null, David Null and Joe Knowlton.

Vice-President Vojtko motioned to accept the minutes of the March 27, 2007 General Meeting as written. The motion was seconded by Council Member Mell and passed. President Hora abstained.

Vice-President Vojtko motioned to accept the minutes of the March 13, 2007 General Meeting with the following correction: addition of the following to page 1, paragraph 7 – “The cost of these maps is to be deducted from payment to Ball State University.” Council Member Mell seconded the motion which passed unanimously.

Pat informed the Council that he will be meeting with CSI Net tomorrow to begin design on the Town’s website.

Pat reports that he met again with Steve Cooreman regarding the Wintergreen Meadows subdivision. Mr. Cooreman now plans to plat only 22 lots along the north side adjacent to Dunn Road for the initial phase. Council Member Colpitts questioned the possibility of other changes being made to what was presented at the March 24<sup>th</sup> meeting. Council Member Higgins expressed much concern about extreme changes from the initial presentation. Roger reminded the Council that they have given no approval to any part of this subdivision and that Mr. Cooreman and Mr. Akin simply gave an informational presentation. Vice-President Vojtko asked Pat and Roger about the concerns voiced previously on cul-de-sac lengths. Both Pat and Roger feel that the cul-de-sacs discussed should be connected and also that utilities will need to be looped.

Pat reports that the rate study is nearly complete and he hopes to have information for the next council meeting.

Vice-President Vojtko asked Pat if the proposed new plant will be serviced by Town utilities. Pat stated that we would provide water only.

The Kil Architecture and Planning contract for the Town Hall refurbishment is ready and will need to be included on the April 24<sup>th</sup> agenda. Bill has reviewed and approved the contract.

The contract for engineering services for the street project will be divided into different work elements including field survey. Engineer Roger Nawrot plans to secure wage rates for the street and building projects at the same time. The cost of the contract is approximately 7.3% of project cost and with contingencies less than 7%. This contract will need to be placed on the April 24<sup>th</sup> agenda.

Roger informed the council that he plans to set up separate bid packages for paving and concrete work to not preclude those contractors who do concrete work only. He hopes

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to open bids in July, most likely at a special meeting, with an estimated 90 days to complete the project. Roger stated that Pat will be doing inspections on the street project.

In a letter to the Council, Marshal Larry Brown requested an executive session to be held as soon as possible. He will need approximately ½ hour for a synopsis of what will take place. An Executive Session was set for 6PM, Friday, April 13, 2007.

Vice-President Vojtko inquired about the status of the house at 502 E. Michigan Street. Building Inspector Bob Middlebrook reports that he has been unable to get the Health Department to return his calls. He further reports that the homeowners will not allow access to the home. Attorney Bill Herrbach was asked to check into this as the Health Department is not resolving the issue. Vice-President Vojtko stated that he would like this to begin as soon as possible.

Following research of the November 2000 minutes and review of Ordinance #1060 it was determined that not-for-profit groups are required to pay one half of established fees for tapping of water and sewer lines. Council Member Mell motioned that the Little League also pay one-half of the water and sewer taps. Council Member Colpitts seconded the motion which passed unanimously.

Doug Dodd of 509 S. Race Street was here to discuss his application to construct a privacy fence in place of the existing chain link fence on his property. In speaking with Bob Middlebrook he has learned that this is questionable. Bob stated that he feels allowing this fence would not be following the Town's guidelines. Bob stated that because this is a corner lot there is frontage on two streets and the 25' setback would apply to both Race Street and Dunn Road.

Doug presented many pictures of homes on corner lots that currently have fences. He stated that there are approximately 25 homes that do not meet the Town's guidelines. Bill Herrbach stated that it is possible some of these fences were constructed prior to the new guidelines and would be grandfathered in until removed, while others may possibly be in violation and need to be enforced. This would not, however, be a reason to ignore current codes.

Council Member Colpitts stated that he feels it is not a good idea to ignore ordinances although it appears that this has happened in the past. He feels that we need to support Bob Middlebrook in his continued efforts to enforce the Town's codes.

Following a lengthy discussion, Council Member Colpitts motioned that, based on the Town's ordinances and the advice of Roger and Bill, we not allow Mr. Dodd's fence to the property line. He would be allowed, however, to install a privacy fence at the 25' setback. The motion was seconded by Vice-President Vojtko and passed unanimously.

The renewal of the Keystone Software contract was given to the Council for approval. Council Member Mell asked if problems regarding the utility billing software had been corrected. Sue replied that they had. Vice-President Vojtko motioned to approve the

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Keystone contract renewal. Motion seconded by Council Member Mell and passed unanimously.

President Hora read Ordinance #1166 by caption only for the third and final reading. Council Member Higgins motioned to pass Ordinance #1166. Seconded by Vice-President Vojtko, the motion passed unanimously.

Ordinance #1167 was unavailable and tabled until the April 24<sup>th</sup> meeting.

Council Member Higgins asked that the Council revisit the Greenspace Ordinance that was passed in 2000 and rescinded in 2001. She would like to set up a work session and possibly work with the Park Board as well. Pat suggested that a work session be held and then information brought to the Council for consideration.

Vice-President Vojtko stated that much has changed since 2001 as impact fees were not popular at that time. President Hora stated that he has issues with impact fees because we must be prudent with charges to developers. Council Member Higgins stated that there are more options to be looked into that would be perhaps more equitable.

Council Member Higgins stated that she had asked Kate if money was available in the budget to hire a grant writer on a limited basis but has not received an answer. She believes that someone who is knowledgeable in grant writing is important and could be very valuable to the Town. President Hora stated that we would weigh the cost of the grant writer with the potential benefits to the Town. Council Member Higgins asked Pat to look into finding a grant writer.

Council Member Colpitts expressed concern about the parking situation across from the Ambulance Dept. He questioned the possibility of changing the parking designation in that ½ block because with the length of the ambulance it is difficult to maneuver the ambulance in and out of the bay doors when cars are parked across the street.

Discussion followed reference allowing a loading zone on the north portion and the handicap parking space to remain on the south portion while changing the center to no parking.

Council Member Colpitts motioned to allow Roger to review the parking on Arch Street from Michigan Street south to the alley and to provide information to Bill to put into ordinance form. Vice-President Vojtko seconded the motion which passed unanimously.

Roger reports that he reviewed the seating areas and business displays on Michigan Street following the Council's request at the last meeting. He recommends that the Council implement a Sidewalk Café ordinance similar to what is already in place in Indianapolis. He stated that it is important that the Town have a standard for all businesses to follow. The ADA recommendation is a 5' minimum sidewalk but 6' was established in Indy and this would be more comfortable for pedestrians. This is the area that would need to be left clear from seating and display.

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Roger further recommended the following: All business displays be placed against the buildings; the limestone chips in front of one of the downtown businesses be removed and concrete poured for public safety and fences placed around seating areas be required to be removed during winter months.

Council Member Colpitts motioned that Roger work with Bill on a Sidewalk Café/Vendor Ordinance. Seconded by Council Member Mell, the motioned passed unanimously. Council Member Colpitts stated that all business owners in Town should be notified by letter when the ordinance is prepared.

Vice-President Vojtko inquired about a flushing program and street sweeping schedule. Pat stated that we do have a flushing program that will begin in May. Pat also reported that the Town Crew has been busy this week learning to use the new meter readers as well as crack sealing. John did street sweeping more last year than any previous year and Pat hopes to continue this year.

Vice-President Vojtko stated that the whole in the bridge deck on the railroad overpass previously discussed has not been repaired and asked if it had been reported. Pat will notify the railroad.

Vice-President Vojtko reports that he met with Jason Wykoff regarding his request to rezone property he owns on Marvel Lane. He stated that Mr. Wykoff would like to rezone to allow storage units. Vice-President Vojtko stated that he visited similar units in Granger with Jason and they were very nice looking, all brick and of good quality. They are across from a nice hotel and also a church. Vice-President Vojtko asked if there is a way to re-zone for this type of a unit.

Council Member Higgins stated that she is very uncomfortable with this concept. She also feels that Mr. Wykoff should come and make a presentation with a detailed plan to the entire Council.

Roger stated that Mr. Wykoff should present a plan of exactly what he would like to put in and on which piece of the property before the Council should consider anything. Bill stated that if the Council were to decide to allow something like this we could use written commitments that could be as stringent as we desire. These would be binding and would also follow the property in the event of a sale.

Council Members Higgins and Colpitts stated that they would like to see a detailed plan of the proposed project.

Council Member Mell stated that he would like Pat to make a phone call to get pole rental from the telephone company. Pat reports receiving an email today and we are near reaching an agreement. IMEA is currently negotiating with Embarq on behalf of the Town.

There are currently eight homeowners in town who have sidewalk escrow on file and have not put in sidewalks. Council Member Mell stated that he would like to see these put in when the Town does the street project. Roger asked that the Clerk give him a list

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of these homeowners and the amount of escrow on file so he can review to see if the escrow is sufficient to cover sidewalk installation.

Council Member Higgins asked if a replacement has been appointed to the Cemetery Board to fill the vacancy created with Gary Lawson's resignation. Pat stated that it has not been filled but that the Cemetery Board will make a nomination to the Council as soon as possible.

President Hora thanked Mr. and Mrs. Null for their patience tonight. They are in attendance to ask what needs to be done so that they can install their sidewalk.

Roger stated that they still must present to him a detailed construction plan per ordinance. The Nulls said that they have presented two already.

Roger reported that he has not received a detailed plan that includes length, width, where the sidewalk will begin and end, how it will fit to the building and the cross slope. As soon as this detailed plan is submitted, Roger will review with Bob Middlebrook.

Because the Null's are under contract to have the sidewalk installed by April 15<sup>th</sup>, President Hora stated that the Clerk-Treasurer needs to send a letter to the leaser of the building, informing them that the sidewalk installation process is moving forward.

The Council stated that they would extend the Nulls' sidewalk installation permit which has expired.

Joe Knowlton spoke representing several groups in Town who would like to help with the purchase of a town clock if the Council is willing to accept donations. They would also consider organizing a way to raise funds for the clock. The Council expressed interest in working with these groups.

Council Member Mell motioned to pay the bills. Vice-President Vojtko seconded the motion which passed unanimously.

A motion to adjourn the meeting was made by Vice-President Vojtko and seconded by Council Member Mell. Meeting adjourned at 9:01 PM.

Sue Moffitt  
Deputy Clerk-Treasurer