

New Carlisle Town Council
124 E. Michigan Street, New Carlisle, Indiana
General Meeting, November 24, 2009

President Higgins called the meeting to order with Vice President Groves, Council Member Mell, Council Member Colpitts, Council Member Gelow and Clerk-Treasurer Sue Moffitt present. Also in attendance were Roger Nawrot, Bill Herrbach, Pat Cummings, Carol Middlebrook, Mary Ann Swope, Kym Vincent, Nadine Kaminski, Oleta Kaminski, Bart Bales, Bill Gumm, Mark Watkins, Kevin Laureys, Kim Huston, Mike Shilts, Augie Mauer, Tom Baker, Jason Quirk, Candie Drake, Joe Laureys and Carol Laureys.

The meeting was opened with the Pledge of Allegiance.

Minutes

Council Member Gelow moved to accept the minutes of the November 10, 2009 General Meeting and the November 19, 2009 Executive Session as written. Motion seconded by Council Member Mell and passed unanimously.

Employee Reports

Roger Nawrot

- Continues work on the new subdivision ordinance with Pat.

Pat Cummings

- Has completed the zoning ordinance and will have for Council review in December.

Old Business

- Landlord Registration

Council Member Gelow expressed concern that the smoke detector ordinance would be used as a means to get in to residences to check on rental properties. He feels that this should be further researched.

Council Member Colpitts feels that we were looking for a nuisance ordinance similar to the ordinance adopted by the City of South Bend. After review and taking into consideration concerns expressed at the last meeting we should table the proposed ordinance and look into this further, possibly designating a committee.

Council Member Mell feels the same as the others, although he would have no objection to an inspection.

Vice President Groves felt this issue was more of a nuisance issue and that substandard housing is separate. She does not feel that this ordinance meets our needs and this issue should be looked into further.

President Higgins stated that in an effort to quell some disturbances and help Code Enforcement get a handle on some issues we asked that an ordinance be drafted. Because smoke detectors in rental properties are already governed by the state and this ordinance does not address nuisances she suggests we go back to the drawing board and look at a nuisance ordinance.

President Higgins appointed a committee to work on a nuisance ordinance in place of the landlord registration. The committee will be chaired by Council Member John Gelow and consist of Fire Chief Bill Gumm, Nadine Kaminski and Mark Watkins. A representative of the police department will serve on the committee as well.

Joe Laureys questioned why this would be for rental properties only.

Council Member Colpitts stated that tenants can be issued a ticket for nuisances but there is no recourse for the Town when their fines are not paid.

Council Member Gelow will contact the committee to set up a meeting date.

New Business

- Appointment to Library Board

Appointment of this position was postponed until the December 15th meeting for research.

Council Reports

Council Member Gelow

- Presented a Conflict of Interest Disclosure to the Council.

Council Member Colpitts

- Has been asked about employee raises. He would like to know when raises can be offered to all employees and asked that Pat look into when this will be feasible.

- Reminded everyone that there are many things to be done prior to the end of the year. Would like to look into the possibility of changing the Council pay distribution to quarterly.

President Higgins

- Would like to change the meeting time for December 15th to 5 PM. All Council Members were in favor of this change.
- Would like to schedule an executive session to discuss supervisor evaluations.

An executive session will be held on Wednesday, December 2nd at 9:30 a.m.

Public Comments

Joe and Carol Laureys

- Questioned resolution of the sidewalk issue at their new grocery store.

Pat Cummings stated that he and Bob Middlebrook met yesterday with Ben Laureys and that he had agreed to post either a bond or sidewalk escrow. Mr. Laureys stated that he did not agree to that.

Mr. Laureys stated that INDOT has denied allowing the sidewalk and he now wants the Town to waive the sidewalk requirement.

Roger stated that he had not received anything from Mr. Laureys or INDOT until today when he received an email forwarded from Ben Laureys. The email was originally sent by Mr. Laureys to INDOT on November 20th asking that a letter be issued stating that sidewalks would not be allowed in the right-of-way.

Council Member Colpitts stated that this issue should have been brought back to the council long ago, prior to the 11th hour, with the store scheduled to open on Friday. He feels that they should be required to post a bond as was previously agreed to in January.

Mr. and Mrs. Laureys stated that they felt the Council should have addressed this sooner.

Following much discussion, Mr. Laureys asked if the January minutes were available for review.

President Higgins read the following from the January 27, 2009 Minutes:

“The project manager for Joe’s building feels that the state highway will not issue a permit for sidewalks in the right of way. Roger replied that he believes they will but if not, an easement could be granted by Joe and sidewalks installed on his property. He stated that if the permit is denied he can come back and we could further discuss the issue.

Council Member Colpitts moved to allow Joe Laureys to continue with the grocery store project at 485 East Michigan Street with the issuance of the permit minus the fees we agreed to reduce. However, the Occupancy Permit will not be issued until the sidewalk is installed or another alternative agreement is met. Motion seconded by Council Member Mell and passed unanimously.”

Discussion continued. Attorney Bill Herrbach stated that in his opinion, a bond or escrow should be made prior to the occupancy permit being issued until this issue is settled.

Mr. and Mrs. Laureys feel that they are being singled out on this issue as the car wash was given a waiver to not have sidewalks. They also questioned no sidewalks being installed at the Little League Concession Stand, Air Gas or the police department garage.

Sue replied that no waiver was given for the car wash and it was simply an error that no sidewalk escrow was collected when the building permit was issued. The permit for Air Gas was issued through the state and they have no frontage, only an easement for access.

Council Member Colpitts explained that the police department garage is all approach as it was when the town hall was at that site.

Council Member Colpitts moved that no occupancy permit be issued unless a bond or escrow is presented.

Further discussion followed.

Council Member Colpitts amended his motion to include: or an irrevocable letter of credit from a bank guaranteeing that the money will be available to install the sidewalk in the event the Council determines this must be done. Determination is to be made within ninety days.

Council Member Gelow seconded the motion and a roll call vote was taken as follows:

Council Member Gelow	Aay	Council Member Colpitts	Aay
President Higgins	Nay	Council Member Mell	Nay
Vice President Groves	Aay		

Motion carried 3-2.

Kym Vincent

- Asked if the nuisance ordinance would be discussed at the December 15th meeting.

Council Member Gelow will contact committee members after the first of the year to meet and work on this ordinance.

Bills to be Paid

Council Member Mell motioned to pay all bills as presented. Motion seconded by Council Member Colpitts and passed unanimously.

Adjournment

Council Member Mell moved to adjourn the meeting. Seconded by Council Member Colpitts, the meeting was adjourned.

Carolyn Higgins, Council President

Attest:

Susan I. Moffitt, Clerk-Treasurer