

New Carlisle Town Council
124 E. Michigan Street, New Carlisle, Indiana
General Meeting – February 22, 2011

President Higgins called the meeting to order with Vice President Colpitts, Council Member Groves, Council Member Gelow, Council Member Vojtko and Clerk-Treasurer Sue Moffitt present. Also in attendance were Roger Nawrot, Chuck Leone, Pat Cummings, Jack Mell, Chris Antonucci, Carol Middlebrook, Bob Middlebrook, Mary Ann Swope, Mary Countryman, Robert Elkins, Davy Doll, Jill Doll, Augie Mauer, Jason Quirk, Tom Baker, Mike McClaran, Jack Daly, Mark Kendall, Julianna Newell, Kim Vanslager and Tim Vanslager.

The meeting was opened with the Pledge of Allegiance.

Minutes

Council Member Vojtko moved to accept the minutes of the February 5, 2011 Special Meeting, February 7, 2011 General Meeting and February 12, 2011 Work Session as presented. The motion was seconded by Council Member Groves and passed unanimously.

Employee Reports

Chuck Leone

- They are nearing completion of the agreement for fire and ambulance services with Hudson Township and are awaiting one legal description.
- Has prepared a letter regarding a sign dispute at Mane Attraction that will be sent tomorrow. Copies of the letter were presented to the Council for review.
- Distributed copies of the completed a contract for 2011 legal services. The flat fee rate will remain unchanged and the hourly rate will raise \$5.00 per hour. Paralegal rates will remain the same as well.
- Prepared and distributed a draft resolution for 125 Zigler Street. The offering price for the property has been left out. The AV was reduced to \$4700 and this makes it much easier to dispose of to an adjoining property owner. All adjoining owners must be notified and be offered the opportunity to bid as they are offered first right.

Vice President Colpitts moved to set the offering price at \$500.00 to be offered to the adjoining owners. The motion was seconded by Council Member Gelow.

Council Member Vojtko asked if the buyer will be required to tear down or repair the home. Chuck stated that the resolution is not a purchase contract but the terms and conditions can be added to the purchase agreement.

President Higgins recused herself from discussion and vote.

A motion to set the offering price of \$500.00 was made and seconded and President Higgins called for a vote. The offering price of \$500.00 was set by a 4-0 vote. President Higgins abstained.

- President Higgins stated that we are very fortunate to have Chuck and Andrea as our attorneys, especially with all of the issues faced over the past year. The Council felt

strongly that we were in need of an attorney with municipal law experience when they were selected as our new attorneys last year.

Vice President Colpitts moved to accept the 2011 legal contract as presented. The motion was seconded by Council Member Vojtko and passed unanimously.

Roger Nawrot

- Will not be able to attend the next meeting as he will be at Purdue Road School March 8 & 9. He will give anything necessary to Pat.
- As soon as they have info for a base plan and some concept sketches they will be ready for a public meeting for the TE project.

Pat Cummings

- Gave notice to proceed on the TE Project. This is the downtown beautification 80/20 grant.

Pat reports that the February 4th meeting with OCRA Representative Jerry White, President Higgins, Roger and Sue was very informative. Pat stated that Mr. White lead us to believe that our chances of receiving the grant for Zigler Street and Marvel Lane infrastructure were slim to none at this point. Chances would be greatly increased if we were to first apply for a planning grant that would help determine infrastructure needs throughout the Town and not just this one area. At the direction of Vice President Colpitts, Pat has prepared a letter to be distributed to residents of Zigler Street and Marvel Lane to inform them that the Town will be applying for a planning grant this year. President Higgins requested that all Council Members receive a copy of the letter prepared.

Roger explained to the Council that he would like a plan for the existing sewer system and what will be needed as we move forward. A planning grant could be given for up to \$50,000 and allow us to identify all of our utility needs for the next twenty years. This would also be the first step to satisfy OCRA as we apply for future grants.

Pat stated that the sidewalk plan would continue with year two as was originally in the plan. Because approximately \$15,000 in-kind match was originally planned for this summer, Pat has asked Augie to prepare a material list for the Zigler Street project so that we can start doing some of the work such as flow tests and some connections behind Marvel Lane.

President Higgins inquired about planning grant preparation. Pat reports that the grant administrators we are using for the viaduct grant have had some major staff changes and feels that we may need to look at other administrators. He will obtain proposals for the next meeting. The grant proposals can be scored in a similar manner to the TE Grant proposals for engineering services.

- We have several operators that need CEUs and Tim would like to send 3 or 4 employees to a water seminar in Columbus in March.

Vice President Colpitts moved that Tim be allowed to send 4 employees to the seminar in Columbus at a cost not to exceed \$1,000. President Higgins stated only two rooms and one car will be paid for. The motion was seconded by Council Member Vojtko and passed unanimously.

Old Business

Mark Kendall stated that he is in attendance to get some understanding as to what he can do regarding the sign he would like to install at his business. He is trying to open a new business and feels the sign he wants to put up is attractive.

Mr. Kendall would like the Council to allow the sign addition. Sue stated that, according to Area Plan, the Council has no authority to issue a variance in this case.

Council Member Groves suggested that he add a sign to the building or change the sign within the existing framework.

Vice President Colpitts stated that we contract with Area Plan and follow certain rules as part of that. The only resolution to this is to apply for rezoning of the property.

Mr. Kendall stated that there are existing signs that are less than attractive and he presented pictures of several to the Council.

President Higgins stated that the people at Area Plan are experts in their fields. Because we are members of Area Plan there are certain ordinances, procedures and precedence set and we must follow these guidelines.

Mr. Kendall stated that unemployment is everywhere. He feels that a business that wants to open and employ four people should receive help.

Council Member Vojtko voiced his opposition to spot zoning. Vice President Colpitts stated that he is against spot zoning as well.

Sue reminded Mr. Kendall that there are other options for signage including a monument sign and sign additions to the building that would be allowable in LB zoning. Vice President Colpitts stated that the Council cannot issue a variance to allow an additional sign to be added to the existing pole sign and Mr. Kendall must follow the process prescribed in our zoning ordinance.

New Business

- Julianna Newell – Relay for Life/American Cancer Society

“Relay for Life” is an annual fundraiser of the American Cancer Society held at NPHS each year. This year they would like to hold a 5K walk/run in addition to “Relay for Life”. They would like to hold the event on Saturday, May 7th and estimate it will take 1-1.5 hours and have approximately 100 participants Ms. Newell reports that State Trooper Todd LaBonne has volunteered his services to help with crowd control.

Roger suggested that they apply for a permit and then Tom Baker can review and discuss it with her at the next meeting. Ms. Newell will get the permit application from the Clerk's Office.

- Proposed fees for Electric and Water Service.

The proposed fee changes do not include rate changes for any utility.

Jason spent a great deal of time reviewing costs for street lighting, security lighting, call-outs, shut-offs and reconnects. Also addressed in the info presented were fees for water such as new services, tap fees and meter deposits. Recommendations for fee changes were made as well.

Copies of the information presented to the Council will be available for public review. Any concerns may be addressed to Pat Cummings,

President Higgins commended Jason, Augie and Pat for their work on the information presented.

Ordinances and Resolutions

- Ordinance #1236 – An Ordinance Amending Electrical Permit Fees

President Higgins read Ordinance #1236 by caption only for the first reading.

- Ordinances #1237 – An Ordinance Adopting the Town Code Book.

Ordinance #1237 was read by caption only for the first reading by President Higgins.

Council Member Vojtko moved to waive the rules to allow for the passage of Ordinance #1237 on the day of its introduction. The motion was seconded by Council Member Groves and passed unanimously.

Vice President Colpitts moved to adopt Ordinance #1237. Seconded by Council Member Vojtko, the motion passed unanimously.

President Higgins reminded everyone that the codification will be available on the Town website for reference and review soon.

Council Member Vojtko stated that this has been ongoing for 6 – 7 years but needed to be done. He feels that we now have a good document that we can use.

Pat asked that as everyone uses the new code book over the next year they document any questions or concerns and give those to either Pat or Sue.

Council Reports

Council Member Groves

- Expressed concern about the damage to Chestnut Street that was part of the street project last year.

Pat reports that there is a maintenance bond for this project and the company will fix it in the spring. Augie reports that there is an additional problem at Chestnut & Arch Streets as well.

Council Member Vojtko reports that there was a street project done in the town where he works that looked much better than the Chestnut Street Project. The state came in and inspected the work and told the company that the work was not adequate and that it had to be torn up, rd and completely redone. Council Member Vojtko feels that we need to have the same done on Chestnut Street and not just a repair job.

Roger stated that this was overlay and patch, not a rebuild. He will look at the problems and follow the proper procedures.

Council Member Vojtko stated that he does not want to see a street that is less than six months old have patches. He feels strongly that it should be torn up and replaced.

Council Member Gelow states that we will need to monitor the temperature of loads in the future as this was not done on this project.

Council Members Gelow and Groves will monitor the Chestnut Street project resolution.

Council Member Vojtko

- Reports that we are moving ahead with obtaining financial impact figures and are gathering as much information as possible for Paige Gregory of Umbaugh to put those figures together.

Vice President Colpitts reports that current legislation regarding fire territories favors limiting levying ability.

President Higgins reiterated her feeling that we should not rush into anything as news reports state that Green and Warren Townships are considering withdrawing from their fire territory.

Vice President Colpitts

- We need to prepare an ordinance to update the mileage rate that was approved at a previous meeting.
- Reports that he has attended two Area Plan Commission Meetings. There is nothing that he has been a part of that effects Olive Twp. or the Town. There was a rezoning to allow a new business at Quince Road and US 20 recently.

He will bring all APC packets received at meetings to the Clerk's Office where they will be available for review by other Council Members or residents. He feels that changing this procedure will afford other board members the opportunity to be more informed.

- For the last two years the Town has sponsored “Community Days” with the Wesleyan Church. They have painted the viaduct wall, edged the park, stained benches, etc. In the past this has been held in May and he would like to get more community organizations involved. He will present more information at the next meeting. Council Member Groves will help with this project as well.

Council Member Gelow

- Reports that pothole repair and sealing will begin as soon as weather permits.
- He spoke with Pat last week about getting Phase 2 of the Sidewalk Plan started soon.
- Reports that Pat Cummings will be moving his office to the Town Hall.

Public Comment

Jack Mell questioned why Mr. Kendall of the Liquor Store needs a larger sign.

Jack Daly

- Suggests that everyone continue to follow the progress of the shredder proposal. The next step will be IDEM permitting. When the permit is applied for an ad will be placed in the paper. He asks that when this happens, the Council correspond by sending the resolution previously adopted to IDEM.

Mr. Daly asked Vice President Colpitts if he will carry the Town flag to the Area Plan Commission meeting that will again deal with the “Shredder Project”?

Vice President Colpitts responded that he is new to this but it was explained to him that when you vote on something regarding zoning, if the use fits then you should vote for it. Mr. Daly asked then would Mr. Colpitts abstain as he did with the Council vote? Vice President Colpitts stated that he could. Mr. Daly asked if Vice President Colpitts felt it would reflect badly for him to abstain. Vice President Colpitts replied he did not.

Jack Mell stated that he was on the Area Plan Commission for a year. He feels it is not right for Vice President Colpitts to sit here and say whether he will vote one way or another.

Vice President Colpitts reports that he will be looking to see commitments that would be attached to and remain with the property even if owners change as was promised. He spoke with both Rafael Morton and Dan Herbster of the St. Joseph County Council about this issue.

President Higgins stated that Vice President Colpitts is very thorough and will research all information and vote according to that research and comments he has received. He knows that there are things that can be put in those contracts. She appreciates those who have attended the board meetings to see what it entails. This is what comprises a community. She asks that Mr. Daly please keep the Council apprised of developments with the shredder.

Robert Elkins

- Thanked Vice President Colpitts for increasing the visibility of the Area Plan Commission and Council Member Groves for showing up at the County Council meeting to represent the Council.
- Questioned what will be done in reference to the email he sent to the Council regarding Roger Nawrot and his behavior while representing the community at the fire station meeting.

President Higgins stated that personnel issues are never discussed at public meetings.

Mr. Elkins stated that he respects President Higgins' opinion but feels that they should consider Mr. Nawrot's behavior.

Bills to be Paid

Vice President Colpitts moved to pay all bills as presented. Motion seconded by Council Member Vojtko and passed unanimously.

Adjournment

Council Member Vojtko motioned to adjourn the meeting. The motion was seconded by Council Member Gelow and the meeting was adjourned at 6:37 PM.

Carolyn Higgins, Council President

Susan I. Moffitt, Clerk-Treasurer