

**New Carlisle Town Council**  
**124 E. Michigan Street, New Carlisle, Indiana**  
**General Meeting – February 7, 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 Andrea Halpin, Roger Nawrot, Jack Mell, Mark Kendall, Jack Daly, Mary Ann Swope, Carol Middlebrook, Bob Middlebrook, Tom Baker, Jason Quirk, Augie Mauer, Jill Doll, Davy Doll, Chris Antonucci, Josh Schweizer, Jamie Middlebrook, Keith Wilkeson, Tim Vanslager, Kim Vanslager, Robert Widup, Ed VanLue and Robert Elkins.

The meeting was opened with the Pledge of Allegiance.

**Minutes**

Vice President Colpitts moved to accept the minutes of the January 24, 2010 Executive Session and the January 25, 2011 General Meeting as written. The motion was seconded by Council Member Vojtko and passed unanimously.

President Higgins welcomed the visitors.

**Employee Reports**

Tom Baker

- Reports that the Olive Township Trustee provided funding for a new 800 mhz radio for one of the new police cars.

Augie Mauer

- The town crew removed snow from downtown early Sunday morning with additional removal planned for next weekend to help with visibility at the corners. Thanked Council Member Gelow for his help with snow removal.

President Higgins commended the street crew on an excellent job.

Roger Nawrot

- Presented amended agreements for 2010 and 2011 for the viaduct pumping station as requested by OCRA. There are no changes to any aspect of the agreements other than creating a separate contract.

Vice President Colpitts moved to accept the amended contracts for the storm water project. The motion was seconded by Council Member Gelow and passed unanimously.

Andrea Halpin

- Completed amended agreements for engineering services for the viaduct project.
- They are waiting on property deeds for completion of fire and ambulance services agreement with Hudson Township.

Ken Davis

- Recently presented Council Member Vojtko with a proposal to promote EMT Mike McClaran to Captain.

Vice President Colpitts asked if this new position would include additional duties such as some management. Ken stated that there would be additional duties as well as some management. They have always had a captain but that captain resigned in 2008 and there was no one qualified to take the position.

Council Member Vojtko reports that there is money in the budget as this was part of the overall plan for the ambulance service.

Council Member Vojtko moved to accept Ken's recommendation to promote Mike McClaran to the EMS Captain position as submitted. Motion seconded by Council Member Gelow and passed unanimously.

#### **New Business**

- Mark Kendall owner of John's Package Liquors at 521 W. Michigan Street – presentation of sign proposal.

Bob Middlebrook reports that the current sign is a legal non-conforming use but Mr. Kendall would like to add a reader board sign to the bottom of the existing signage and this would not be allowed under the Town's sign regulations.

Mr. Kendall presented photos of his existing sign as well as a sign similar to what he proposes. He would like to add this sign for the "Discount Tobacco Store" he will be opening in the same building as his liquor store. The new business would employ four people. He offers use of the sign to advertise community events, meetings etc., if his proposal is accepted.

Vice President Colpitts read information regarding options.

Following much discussion, Sue reports that there are only two options available in this instance. The Council could direct Area Plan to change the existing ordinance to allow pole signs in LB zoning or Mr. Kendall could apply for a zoning change for his building. Sue cautions that the Council must be aware of any additional uses for the building should rezoning be granted by the BZA.

Mr. Kendall stated that it seems unfair that he wants to put in a new business in Town but would be unable to advertise that business because this sign would not be allowed.

Sue stated that other options are available for signage including a sign directly on the building as well as a monument sign.

President Higgins stated that she would like to see the signs referred to by Mr. Kendall.

Roger suggested that Mr. Kendall give the sign ordinance to the sign company he is working with and they can help him determine what signage is allowable.

Council Member Gelow asked that Mr. Kendall please have patience with employees assigned to enforce our ordinances.

Mr. Kendall stated that he did not get a permit for work being done and as he was unaware that it was necessary and had a red tag placed on the project by the Building Inspector. He went to the Town Hall to fill out the necessary paperwork and when he returned to his business he found the Building Inspector, electrician and a police officer waiting and he felt this was uncalled for. Vice President Colpitts stated that it was perhaps past situations that led Mr. Middlebrook to have others present in this instance.

Council Member Vojtko asked Mr. Kendall if he was using a licensed contractor as they should be aware when building permits are necessary. He stated that Mr. Kendall is questioning integrity of people and that is not right.

President Higgins asked that this be on the agenda again for the February 22<sup>nd</sup> meeting.

### **Ordinances and Resolutions**

President Higgins stated that two draft resolutions were prepared following the proposed “shredder project” informational meeting Saturday at the fire station and have been presented for review. One resolution expresses support of the project and the other opposition at this time. President Higgins opened the floor for discussion on the proposed resolutions.

Council Member Groves stated that many questions remain regarding the proposed project and feels that it is in conflict with the Comprehensive Master Plan.

Council Member Vojtko stated that he has done much research and looks at two separate parts, the first being the people proposing the “shredder plant”. He has known these people for quite some time and feels you could not find a better company. The second part is the proposed plant. He went to Indianapolis to see a competitor plant and most of those he spoke with didn’t know that the shredder was there. There is a school about 2000 feet from the school. Steve spoke with the secretary who reports that she never heard the plant and the janitor who did occasionally hear it. He reports getting no negative comments in reference to the noise and one person who did report some dust. Steve also spoke with people near the Dayton Plant and got no complaints at all.

He feels that although these will not be the highest paying jobs, they are still jobs. He further reports that the company has a good environmental record.

President Higgins feels that Jack Mell’s suggestion at the meeting on Saturday, that the company take a bus of residents to view another plant, was a very good idea. This was done when they proposed their plant near Rum Village but not offered to our residents. She also stated that she did not understand some of the answers provided by this company on Saturday.

Although the Town Council does not have any authority over this proposal, President Higgins feels that we must have sufficient ease that this will not be harmful. She would like to see further information provided prior to a final decision.

Further, President Higgins wanted to be sure that people are aware that although it has been reported that the Council has given approval to the developers of this project, that is completely untrue. She and Vice President Colpitts met with Pat Cummings and representatives of this company but in absolutely no way did they endorse them coming here. She did suggest that they talk with various people within the community but they did not choose to do that. She stresses that she would like to dispel the image that support was given in any way to this project.

President Higgins stated that former Council Member Jack Mell did attend the December 21<sup>st</sup> Area Plan Commission meeting. This was, however, the day following his last Council Meeting on December 20<sup>th</sup>. President Higgins apologizes that this wasn't more timely but both the St. Joseph County Council and Olive Township Trustee have jurisdiction over this area and could have been more proactive.

Vice President Colpitts stated that the public relations department of this facility was an abomination. They should have been more responsive and responsible to the people in the area that they chose to locate and he is very disappointed.

He reiterated that the first time he heard about this proposed project was on the news sometime around Christmas. At that time, he spoke with various people and gathered as much info as possible, including minutes of the Area Plan Commission and Common Council. At the meeting with President Higgins, Pat Cummings and representatives of the company he asked specific questions about water. The public needs to know, however, that we cannot deny water to this business as the infrastructure in this area was paid for by TIF money as was the water treatment plant. He also expressed his concern about increased truck traffic and asked that SR 2 please be used. He reports that the company is not opposed to annexation and feels this would be part of responsible planning. The company also explained their intentions to protect the ground water as well.

When Vice President Colpitts received a call from the Vanslagers regarding the first meeting at the library, it was the first he knew of the meeting and he had a previous commitment. He never expressed that this was not our problem, only that he would not be in a position to have a vote on this matter. Mrs. Vanslager was the only person to contact him regarding the proposed "shredder plant".

Council Member Gelow stated that his biggest concern is not sound but equipment breakdown as well as occasional fires and pollutants contaminating the groundwater. Although contamination would not affect those living in the Town, it would those east of the proposed site. He feels that this is not manufacturing as the zoning intend but basically a junk yard.

Vice President Colpitts stated that the County Council will vote tomorrow and that we need to make sure that if this is approved, they do what they promise. He feels that covenants should be attached to the property that would stay no matter who the owner is. He voiced this directly to two of the members of the St. Joseph County Council who attended Saturday's meeting, Rafael Morton and Dan Herbster.

Council Member Gelow stated that the City of South Bend approved this project and he would rather they have it.

Vice President Colpitts stated that in speaking with Pat McMahon of Project Future, Mr. McMahon stated that he would not recommend the shredder for this area. He would look for alternative sites with screening and railway and there are other options.

Council Member Vojtko stated that much has been said that has no basis. He personally did not have one invite to any of the meetings held. He has not had one person email, call or write to him in opposition to this project. Randy Schlipp, the developer, has had email from a few people.

President Higgins asked how preliminary the current proposal is. Roger stated that it is very preliminary and may receive many changes.

Following discussion, President Higgins read Resolution 11-02-07-01 in its entirety.

President Higgins read Resolution 11-02-07-02 in its entirety.

Council Member Vojtko proposed to adopt Resolution 11-02-07-02 in support of the “shredder project”.

The motion dies for lack of a second.

Council Member Gelow moved to adopt Resolution 11-02-07-01 in opposition to the “shredder project”. The motion was seconded by Council Member Groves and passed 3-1.

Ayes: Carolyn Higgins, John Gelow, Dana Groves                      Nays: Steve Vojtko  
Vice President Colpitts abstained.

Vice President Colpitts stated that he feels 100% of the questions have not been answered but he sits on the Area Plan Commission and feels that a vote might be premature and in conflict so he must abstain.

### **Council Reports**

Council Member Gelow

- Commends the crew for a good job on snow removal.

President Higgins

- Stated that she has taken the attacks on the Council personally. This is the first time in forty years of public administration that she has been referred to as slime and the first time that she has been accused of secret meetings. That did not happen as this would be a blatant disregard of the open door laws. It is also the first time that she has been told that she must “suffer and feel the pain.” She is deeply disappointed with these citizens and further disappointed that no one chose to speak up.

There are three seats up for election this year and she encourages those interested to consider running. This job requires much more of a time commitment than two meetings per month as there are committees, research, travel and a large scope of responsibility.

Council Member Vojtko

- Expressed his agreement with President Higgins on this.
- The Intergovernmental Meeting went very well.
- The January 31<sup>st</sup> meeting regarding fire territories was very informative. Steve Carter of Umbaugh gave an excellent presentation and was able to answer the many questions.

Because of great concern as to what the legislature will do concerning local government, Council Member Vojtko feels we need to continue to look into fire territories. We would need a consensus as it will be very hard to pursue if everyone is not on board.

Chris Antonucci stated that we should know by Friday what will happen in the legislature regarding local government reform and he would like to go forward with the study by Umbaugh. He feels, however, that we should not move forward with the study unless two entities are in favor.

Council Member Vojtko stated that the initial phase of the study would be to determine the impact on tax payers and could cost up to \$7,000 but with help from the Clerk's Office could be much less.

Chris Antonucci reports that the general consensus of the fire department is that this should be looked into and that there were only two firemen opposed to doing so.

Council Member Vojtko recommended a work session to hear further information on fire territories. The Council scheduled a work session for Saturday, February 12<sup>th</sup> at 10 AM at the town hall to hear information on fire territories.

Public Comment

Jack Mell

- Served on the Town Council for eight years and the Area Plan Commission for one. He feels that people opposing the "shredder" need to understand that the Council has no vote regarding this and that 99% of the people saying these terrible things do not attend meetings to be informed about the issues.

Jack Daly

- Asked if anyone from the Town Council will be attending the St. Joseph County Council meeting tomorrow. President Higgins and Council Member Groves both hope to attend.
- Asked Council Member Vojtko about his change of heart with Tondu. Council Member Vojtko stated that he was not in favor of that project.
- Stated that perhaps Council Member Vojtko should not consider his research on the "shredder project" complete at this time.

Tim Vanslager

- Has done much research and has just found a place with an exact model of shredder proposed for Smilax Road, finding pictures only yesterday. This facility has been recently shut down due to a “cease and desist” order issued by the full time fire chief in Springfield Missouri. When speaking with him he was told that our volunteer fire department is in for a surprise when this plant is up and running.

Mr. VanSlager stated that Randy Schlipp lives in Dowagiac while his recycling company is in Eau Claire. The exact words of Mr. Schlipp when first discussing his proposal were that he will not put his business in a community that does not want them.

President Higgins asked Mr. Vanslager if he has shared this recent information he found about Springfield, Missouri with the St. Joseph County Council. Mr. Vanslager replied that he will.

Vice President Colpitts stated that we all need to work together as a team with a common cause and not alienate people.

Mr. Vanslager stated that stuff has been said that is not what they said.

Robert Elkins stated that he is the one who made up the flyer that was distributed at the meeting on Saturday and that nothing in that flyer was fabricated. He stated further that there is evidence that the Council did know what was going on. As elected officials some of them knew yet no one took any action and therefore they all failed.

Council Member Vojtko stated that he was in attendance at the library meeting where the Council was called a “slimy entity” by a member of the Tea Party.

Mr. Elkins stated that he cannot answer for someone else’s comments but that this has not been personal.

Mr. Elkins thanked the Council for the Resolution adopted tonight that will be forwarded to the St. Joseph County Council prior to their meeting tomorrow evening.

### **Bills to be Paid**

Vice President Colpitts moved to pay all bills as presented. The motion was seconded by Council Member Groves and passed unanimously.

### **Adjournment**

Council Member Groves moved to adjourn the meeting. The motion was seconded by Council Member Gelow and the meeting was adjourned.

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Carolyn Higgins, Council President

Attest:

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Susan I. Moffitt, Clerk-Treasurer