

**Meshia GoodwinMeshia GoodwinNew Carlisle Town Council
124 E. Michigan Street, New Carlisle, Indiana
General Meeting – March 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 Andrea Halpin, Roger Nawrot, Pat Cummings, Jill Doll, Jack Mell, Augie Mauer, Tim Kaminski, Chris Antonucci, Tom Baker, Mike Shilts, and Mary Ann Swope.

The meeting was opened with the Pledge of Allegiance.

A motion to accept the minutes of the March 8, 2011 General Meeting was made by Council Member Vojtko and seconded by Council Member Gelow. The motion passed unanimously.

Employee Reports

Tom Baker

- Reports that work continues on the recent case involving three heroin arrests.
- Informed the Council that Randy Rodriguez has taken a position with the County Police Dept. His last day with the Town will be April 5th.

President Higgins commented that she hates to lose Randy but he has to do what is best for him and we wish him well.

Tim Kaminski

- Will be sending Jason Davis and Andy Goforth to Columbus for school.

Roger Nawrot

- Held the Storm Water Project Pre-Construction Meeting last Friday with contracts signed today. Notice to Proceed will be issued tomorrow.
- TE Project – Roger reports the Sub-Consultant has completed the Red Flag Survey identifying issues that could be an environmental problem. He reports that everything but hazardous materials checked out fine.

Issues of concern were ten sites found within ½ mile of the project including a leaking underground storage tank. It is recommended that a Phase 1 Initial Site Assessment be performed for this project. This will entail additional research as it is possible that some of these things have been removed and documentation is just not up-to-date.

John Gelow questioned how they know that one tank is leaking. Roger stated that the 1st Search Report indicates that the leaking tank is still in existence.

More investigation must be done in addition to the first cursory report. This will involve follow-up research and interviewing of people. Additional cost will be billed hourly up to \$6,031.00. Follow-up will be done by Abonmarche's environmental consultant out of Indianapolis. Council Member Vojtko suggested that preliminary follow-up work be done by Pat Cummings as current property owners may have documentation of issues listed in the report. Roger will contact the Environmental Consultant to see what can be done to reduce costs.

Vice President Colpitts moves to authorize Abonmarche to proceed with the Environmental Study at a cost not to exceed \$6,031. The motion was seconded by Council Member Groves and passed unanimously.

Pat Cummings

- Met with Roger, Council Member Groves, Council Member Gelow and the design architect for TE Project. President Higgins appointed Council Member Gelow to chair the design committee with Council Member Groves appointed to the committee as well. They will select other committee members. He reports that both Bill Sutton and Mike Wilhelm have volunteered to serve on the meeting as business owners.
- The Town Code Book is now available on the Town website.
- Reports that two people from MACOG are now OCRA Grant Administrators and their services will be available to the Town at no cost. Pat plans to meet with James on April 4th.

Old Business

None

New Business

None

Ordinances and Resolutions

- Ordinance #1236 – An Ordinance Regarding Electric Fees

President Higgins read Ordinance #1236 by caption for the third and final reading.

Vice President Colpitts moved to adopt Ordinance #1236.

Council Member Vojtko reviewed the fees contained in the ordinance with those of other towns and feels some of them are comparatively quite high. Vice President Colpitts stated that Jason spent a significant amount of time researching the cost of these services and feels that they are reflective of the actual cost to the Town to provide these services. Sue stated that when she, Jason and Pat met initially, they felt that the residents using these additional services should pay for them as opposed to those costs being absorbed by residents through utility rates. .

Council Member Gelow seconded the motion which passed unanimously.

Jayna Keigley and Kelly entered the meeting at this time.

- Ordinance #1238 – An Ordinance Amending Mileage Reimbursement

President Higgins read Ordinance #1238 by caption only for the first reading.

- Ordinance #1239 – A Salary Ordinance for Town Employees

President Higgins read Ordinance #1239 by caption only for the first reading.

Vice President Colpitts moved to waive the rules to allow for the adoption of the ordinance on the day of its introduction. Motion seconded by Council Member Vojtko and passed unanimously.

A motion to adopt Ordinance #1239 was made by Council Member Gelow and seconded by Vice President Colpitts. The motion passed unanimously.

- Resolution 11-03-22-01 – A Resolution for Appropriation Transfers within the Public Safety LOIT Fund and MVH Fund.

President Higgins read Resolution #11-03-22-01 in its entirety.

Vice President Colpitts motioned to adopt Resolution #11-03-22-01. The motion was seconded by Council Member Vojtko and passed unanimously.

Council Reports

Vice President Colpitts

- Attended the March APC Meeting with nothing to report.

- Recently met with Dave Kirkham and Marvin LaRue of the Wesleyan Church who will co-chair Community Days again this year with he and Council Member Groves. They hope to have more community involvement and ask that organizations interested in participating contact the committee members. Additional information will be presented at the next Council Meeting.

Steve Vojtko

- Reports that a Fire Territory work session was held to review information put together by Paige Gregory. With state legislature not moving forward on the local government reform and with the limited amount of time to present information and gather public input, they have decided not to pursue a fire territory at this time. The numbers provided will still be good next year and we should have a better idea of what will happen at that time. The time frame for fire territory establishment is Jan 1 to March 31 to present the information, hold public hearings and adopt.
- Asked to meet with Chris Antonucci and Ken Davis regarding the command vehicle following the meeting.
- Reports that they were informed at the Legislative Conference in Indy today that the state feels that there was overpayment made to cities and towns last year and they will be seeking reimbursement for those monies.

Chris Antonucci stated that Kenny has nothing to do with the fire truck. He asked about moving forward with the purchase of the command vehicle using funds that were encumbered last year. Cost of the command vehicle purchase is being divided between Olive Twp. (\$25,000), the Town (\$25,000) and the Fire Department, who will contribute \$15,000 toward the cost.

Following a short discussion, Council Member Vojtko motioned to accept the proposal for the command vehicle and move forward with that purchase. The motion was seconded by Vice President Colpitts and passed unanimously.

- Council Member Vojtko asked why the State is not repairing the road under the viaduct. Council Member Gelow expressed his feeling that something needs to be done there as well. Council Member Vojtko questioned how they will screen what goes into the drains under there as we prepare for new pump installation. President Higgins asked Pat to pursue this with INDOT and report back to the Council.

- Council Member Vojtko expressed concern about the road where Marvel Lane goes into Kate O'Connor's parking lot as it continues to worsen. He asked that Pat please see that this is taken care of.

Public Comments

Jayna Keigley introduced her fiancée Kelly. She discussed the sign she has located in her parking lot that Bob Middlebrook has informed her is not in compliance with the sign ordinance and must be removed. She presented a list of signatures gathered in the last week in support of her sign. She stated that she has been surviving for 19 years in the back of the building but when she got the sign it was a big help to her business.

Kelly stated that Mr. Middlebrook expressed that he does not feel that the sign ordinance needs to be enforced (Mr. Middlebrook was not in attendance). Kelly stated that he did receive a list of the signs that would be allowable but they asked if they could make the current sign permanent. Jayna asked what she can do to keep a sign that advertises her business.

Andrea suggested that Jayna contact the Area Plan Commission for guidance and contact a sign company that will assist with allowable options. She stated that the Council is not in a position to comment on a hypothetical situation.

Jayna expressed her wish to keep the existing sign and Kelly cited several similar signs being used in other areas of Town. Vice President Colpitts explained that some of the similar signs were grandfathered in and others are being addressed by Code Enforcement. Kevin asked if they will all have to be removed if theirs does. Andrea explained that you cannot un-grandfather existing signs. There are conditions that apply but you cannot force the removal of existing signs that have been grandfathered.

Vice President Colpitts stated that in all fairness, Bob contacted them when the sign was first placed in front of Jayna's business and several times after but they chose to continue to use the sign. They could have been fined all along but were not until they chose to remain in non-compliance for two months. He stated that they will continue to be fined until the sign is removed.

Jayna stated that the sign helps her business and she doesn't understand why the Council won't allow it. Vice President Colpitts stated we have an ordinance and it needs to be enforced. The sign in place now is an illegal sign. If a business owner wants to do signage the ordinance must be followed. It is not up to us to determine the sign but up to the owner to research options. INDOT may have input on the sign as well.

President Higgins stated that we certainly are not in the business of causing problems for businesses and the ordinances are in place to protect both citizens and business owners.

Vice President Colpitts stated that we will instruct Bob to ensure that the other signs are in compliance or are grandfathered in.

Following much discussion, Jayna asked if fines would be waived if the sign is removed. Andrea stated that their firm has been authorized to sue for collection of these fines. She stated that it would certainly be an act of good will but the fines would have to be an agenda item. President Higgins suggested that the sign be removed and John Byorni of Area Plan be contacted for assistance with selection of an allowable sign. Jayna's request to waive fines imposed is to be on the agenda for the April 12th meeting.

Mary Ann Swope

- Following the last public meeting at the Fire Station she contacted Steve Hora to let him know that it is a great place to have a meeting but in winter months the furnace fan is loud and annoying. She recommends using the library for the next public meeting to allow everyone to be able to hear.

Bills to be Paid

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

Adjournment

Vice President Colpitts moved to adjourn the meeting. Seconded by Council Member Groves, the meeting was adjourned at 6:10 PM.

Carolyn Higgins, Council President

Susan I. Moffitt, Clerk-Treasurer