

New Carlisle Town Council
124 E. Michigan Street, New Carlisle, Indiana
General Meeting – April 12, 2011

President Higgins called the meeting to order with Vice President Colpitts, Council Member Groves, Council Member Gelow and Clerk-Treasurer Sue Moffitt present. , Council Member Vojtko entered the meeting following Old Business. Also in attendance were Kenny Davis, Dawn Krueger, LaDonna Nagy, Dawn Ebersole, Carol Middlebrook, Marcia Kern, Mary Countryman, Mike Shilts, Augie Mauer, Tim Kaminski, Jeff Roseboom, Cal Dittmar, Jason Quirk, Candie Drake, Becky Jose and Chris Antonucci., Kelly and Jayna Keigley, Koby Keck, Bill Gumm, Craig Meyers and Mike Wilhelm entered the meeting following Old Business.

The meeting was opened with the Pledge of Allegiance.

Minutes

A motion to accept the minutes of the March 22, 2011 General Meeting and March 31, 2011 Executive Session was made by Vice President Colpitts and seconded by Council Member Groves. The motion passed unanimously.

Employee Reports

Kenny Davis

- Reports that all Town First Aid Boxes have been checked and refilled as needed.

Roger Nawrot

- He is currently working on 2011 Sidewalk Project and has given Pat preliminary plans. They will meet to review them in the next few days with work scheduled to begin in early May. Alley approaches included in the project contain brick that may be of historical significance. Dana and Roger will research prior to beginning the project.

Jason Quirk

- Has attended two schools in the last two weeks and reports that everything else going well.

Pat Cummings

- Has received preliminary (conceptual) plans for TE Project that the committee will be meeting to review.

Old Business

Waiving of fines for Jayna Keigley

President Higgins reviewed information on fines imposed. The Code Enforcement Officer gave Mrs. Keigley 60 days from the original date of contact when she was informed that the sign was not in compliance with the Town Code to the date she received the first fine. There was no cooperation on removal of the sign for 60 days and 5 fines were issued from March 4 to March 18. President Higgins cautions that we must be very careful about setting precedence. She stated that much thought has gone into these ordinances and cautions everyone to consider this. Further, in all fairness, there was a sense of defiance regarding removal of the sign.

President Higgins opened the floor for discussion

Vice President Colpitts asked for Council Members' feelings on the request to waive these fines. President Higgins stated that they remained not in compliance for several days following the March 26th meeting instead of immediately removing it. She also stated that we need to be careful of the message we send, should we waive or not waive the fines.

Vice President Colpitts stated that he agrees with President Higgins and that these ordinances are for the protection of everyone.

John Gelow moved to have fines stand as they are and they be allowed to pay them off in payments.

Vice President Colpitts stated that he would like the fines to stand but for the real costs incurred by the Town. He feels that the Council had agreed to look at the fines if they were to remove the sign following the last meeting on March 26th.

Council Member Gelow's motion died for lack of second.

Waiving of the fines was tabled until next meeting for review of all costs incurred.

New Business

None

Ordinances and Resolutions

- Ordinance #1238 – An Ordinance Amending Mileage Reimbursement

President Higgins read Ordinance #1238 in its entirety for the second reading.

- Resolution 11-04-12-01 – A resolution to express interest in the purchase of real estate.

President Higgins read Resolution 11-04-12-01 in its entirety.

President Higgins opened the floor for discussion. Council Member Gelow asked if these appraisers can be from outside the area with no connections to the property. Andrea reports that the only requirements would be those stated in the resolution. However, if there is an appraiser who would stand to profit from the sale it would be a conflict.

Vice President Colpitts moved to adopt Resolution #11-04-12-01. The motion was seconded by Council Member Groves and passed 4-0. Council Member Vojtko was not in attendance for the vote.

Council Member Gelow and Vice President Colpitts were appointed by President Higgins to select the appraisers.

- Ordinance #1240 – An Ordinance amending a schedule of rates and charges to be collected by the Town for services rendered by the municipal water utility.

President Higgins read Ordinance #1240 by caption only for the first reading.

- Ordinance #1241- An Ordinance amending the Sewage Rate Ordinance.

President Higgins read Ordinance #1241 by caption only for first reading.

- Ordinance #1242 – An Ordinance amending the New Carlisle Municipal Electric Utility Rates.

President Higgins read Ordinance #1242 by caption only for the first reading.

.Council Reports

Council Member Gelow:

- Reports that the TE Design Committee has held no meetings as nothing suitable has been submitted for review to date. The committee will hold meetings when there are plans to review.
- Reports that some towns allow residents to have chickens for the purpose of laying eggs only. He would like to hold a discussion at the next meeting regarding an amendment to our current animal ordinance to allow chickens. Local ordinances from several towns and cities were presented as examples. The sample ordinances will be available at the town hall for council members as well as the public to review.

Vice President Colpitts

- Has been working with both Bob Middlebrook and Jason Quirk to get the building department up to speed through additional training.

- Plans continue for Community Days – May 21st. Waste Management has committed to donating a dumpster again this year and will accept anything that is non-hazardous. Anyone who would like to be involved can contact a committee member for a list of projects or just get out and participate in any way they choose. There will be activities at the fire station and all over town.

President Higgins

- Wanted to provide the following Information for the public: If you have gotten your assessment and it has gone up significantly, it can be appealed at the St. Joseph County Court House Deadline is May 2nd for filing an appeal.. Assessments are now based on a five mile radius as opposed to your neighborhood.

Council Member Groves

- The Town Logo contest deadline was yesterday. Over 50 submittals were received and will be voted on at the Business Association Meeting tomorrow.
- Is working on getting a truck to pick up paint cans for Community Days in addition to the dumpster.

President Higgins reports that she was approached by the Scout Master about the wooden sign near the viaduct as they are looking for an Eagle project. Council Member Groves will contact him.

Public Comments

President Higgins explained that this is a time for public comments and concerns only. The Council will not answer or make decisions regarding those comments or concerns presented at this time. Andrea affirmed that this is exactly what this time is for. It gives residents a chance to voice opinions and address issues of concern. However, it is not the time for the Council immediately answer those questions and concerns or to act on a request.

Dawn Krueger

- Home Town Days Committee

Dawn informed the Council that the Home Town Days Committee is busy planning the Home Town Days festival. The committee would like to add fireworks this year and would like Council approval to hold them on July 29th with a rain date of July 30th. An application would have to be submitted to the Fire Chief following Council approval. Details have not been worked out and they have not contracted for the fireworks yet.

Dawn will meet next week with Bill Gumm who works for the company in Rolling Prairie that they would like to contract to do the fireworks. Steve Vojtko will meet with them as well.

The Committee will again ask that Michigan Street be closed for the parade. They would also like to have Bray Street closed from Michigan to Chestnut for the entire festival.

Following much discussion the Council asked that Dawn prepare information packets containing all proposals and requests and get them to the Council prior to the April 26th meeting so that they may be reviewed. Copies of the packets will be made for the electric, police and fire departments. Vice President Colpitts suggested that Dawn contact homeowners that would be affected by the street closing and get their okay in writing. President Higgins suggested that additional requested handicap parking be included in the information packets as well.

Marcia Kern

- Lives at 413 W. Michigan Street. She expressed her concern about the number of rental houses in her neighborhood. The House on her west side recently sold to a realty company in Maryland. The east side has also recently been purchased by an LLC with a business address in Florida. The condition of the house to the west of hers as been an issue for quite some time with no resolution.

Vice President Colpitts will get with Bob to work on the house to the west as it is a blighted property. Marcia's concern is that a number of houses on their block alone are owned by elderly residents. President Higgins expressed concern about absentee landlords.

Marcia spoke with Wendy at the County City Building regarding landlord requirements in the City of South Bend. She reports that the city requires a local representative for all rental property in the city. She reports that the new owners of the property to the east of her is listed as Shilton Properties LLC of Florida and expresses concern about upkeep and tenant issues.

Council Member Vojtko feels Marcia is exactly right. We have a code enforcement officer who should write tickets and address these issues. Andrea feels that people with safety or overgrown vegetation concerns should contact Code Enforcement.

Much discussion followed. Marci has reviewed requirements in many communities on line and spoke with someone who suggested rental inspections.

Vice President Colpitts will follow up with Bob Middlebrook and begin the process to do something with the property at 417 W. Michigan Street.

Craig Meyers

- Craig is the owner of Black Cat and would like to have a beer garden during Home Town Days for one night on a much smaller scale than those of years past. Excise will dictate how this tent must be handled.

President Higgins asked that Craig prepare details of his plans for the Council prior to April 26th meeting. Excise will dictate how this tent must be handled.

Kelly representing Jayna Keigley

- Regarding the fines issued, he reports that Bob Middlebrook did not think waiving fines was a problem and that moving the sign on Saturday was fine.

President Higgins informed him that this issue was already discussed under Old Business and has been tabled.

Sue reported that in speaking with Bob in the office earlier in the day he reported that the sign was not moved on Saturday as was promised but sometime late on Monday.

Kelly reports that Larry Magliozzi of Area Plan told him that this issue was simple and that the Council could just grandfather it in. Andrea explained that a sign that did not exist prior to passage of the ordinance cannot be grandfathered in.

Kelly stated that he was told to have the Council write a letter and explain why the Council will not grandfather the sign.

The Council had tabled this item earlier under Old Business until the April 26th meeting.

Jack Mell

- Stated that he knows that Sue spent hours researching the owners of 417 Michigan and trying to address the issues with the house.

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

A motion to adjourn the meeting was made by Council Member Gelow and seconded by Council Member Vojtko. The meeting was adjourned at 6:15 PM.

Carolyn Higgins, Council President

Susan I. Moffitt, Clerk-Treasurer