

New Carlisle Town Council
124 E. Michigan Street, New Carlisle, Indiana
General Meeting, April 14, 2009

President Higgins called the meeting to order with 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, Augie Mauer, Jason Quirk, Tom Baker, Davy Doll, Jill Doll, Candie Drake, Mark Adnson, Deb Adnson, Tim Kaminski, Nadine Kaminski, Jen Dudka, Zach Dudka, Jim Ford, Theresa Barnes, Carol Middlebrook, Ken Davis, Doug Glon, Bob Palm, Jason Wykoff, John Lloyd, Mary Ann Swope, March Kauffman, Cal Dittmar and Steve Vojtko.

Minutes:

Council Member Gelow moved to accept the minutes of the March 24, 2009 Executive Session and the March 24, 2009 General Meeting as written. Motion seconded by Council Member Mell and passed.

Employee Reports:

Pat Cummings:

- Met with Mike Jacobs of St. Joseph County Emergency Management and reports that they may be able to provide some assistance to residents with water damage. Pat will prepare a list of approximate costs incurred by the Town as well.
- The pipe lining project on Marvel Lane and East Michigan Street is complete and flows have decreased significantly.
- Will be meeting with Janet from St. Joseph County tomorrow to complete set-up of the gasoline purchasing system from the County. He hopes to have this implemented by the end of the month.
- NPUSC will complete the last 2000 feet to connect into the Town's sewer system this month.
- Stimulus projects being considered include the Transportation Enhancement Project, which has been divided into two separate projects and sidewalk replacement. The Downtown TE Project would include sidewalk replacement and bulb-outs at an estimated cost of \$437,000 including construction inspection. The West Side TE Project would include curbing, planters and lighting at an estimated cost of \$115,000. Destination sidewalks (Chestnut, Bray, Ada and Ben) will receive priority in the sidewalk program. Many sidewalks, although in need of repair or replacement, will not qualify for stimulus funds as they will not meet INDOT right-of-way requirements.
- Will need a special meeting when the Town receives a "DES" number for stimulus projects

Bill Herrbach:

- Sent a letter to Steve Cooreman in reference to the letters of credit but has not received a reply nor has the Town received renewals. If this is not taken care of by Friday there are options for the Town to consider.
- Code/Violations Enforcement: Reports that we currently have an ordinance violations bureau set up in our code.

President Higgins stated that our largest concern was for code enforcement issues, not just ordinance violations. Bill replied that there are significant costs involved with implementing and using a hearing officer as well as an added work load for the Clerk's Office.

Bill reports that an ordinance violations bureau is the least costly option and condemned and abandoned houses could be included. The Ordinance Violations Bureau has already been adopted. There is a new state statute that allows local governments to waive tax liens on these types of properties allowing for their sale.

President Higgins asked if we could enter into an agreement with other towns or cities. Bill replied that this would be an option. Council Member Colpitts stated that Walkerton will hear other Town's cases.

Bill will pursue a lien on the property on Zigler Street.

Old Business:

None

New Business:

- American Legion Auxiliary Poppy Days

Council Member Colpitts moved to waive the Itinerant Merchant Permit fee for the American Legion Auxiliary's Poppy Days. Motion seconded by Council Member Mell and passed.

Ordinances and Resolutions:

Ordinance #1209 – An ordinance establishing a fee for vehicle inspections.

President Higgins read Ordinance #1209 by caption only for the third and final reading. Council Member Colpitts moved to adopt Ordinance #1209. Motion seconded by Council Member Mell and passed.

Ordinance #1210 – A Salary Ordinance for an Employee of the Town of New Carlisle.

President Higgins read Ordinance #1210 by caption only for the first reading. Council Member Colpitts moved to waive the rules. Motion seconded by Council Member Mell and passed.

President Higgins read Ordinance #1210 in its entirety for the second reading.

Ordinance #1210 was read by caption only for the third and final reading.

Council Member Colpitts moved to adopt Ordinance #1210. Motion seconded by Council Member Gelow and passed.

Ordinance #1211 – An Ordinance Amending the Marshal's Department Clothing Allowance.

President Higgins read Ordinance #1211 by caption only for the first reading.

Ordinance #1212 – An Ordinance Amending Zoning
President Higgins read Ordinance #1212 by caption only for the first reading.

Ordinance #1212 will be forwarded to Area Plan for their review and recommendation.

Council Member Colpitts inquired of restrictions that would apply if the zoning was changed. Bill Herrbach stated that the ordinance contains no restrictions as presented. Council Member Colpitts stated that he would rather not rezone without written commitments and that he feels we must be very careful.

Sue explained that following the first reading tonight, the ordinance is forwarded to Area Plan for their review and professional recommendation. They do now want comments from the Town at this time. Area Plan will make their recommendations, which may include a favorable or unfavorable recommendation, written commitments or no recommendation. The ordinance is then sent back to the Town and the Council will have the final decision on the rezoning.

Ordinance #1213 – An Ordinance Amending the Employee Handbook to Include "Employee Cell Phone Policy".

President Higgins read Ordinance #1213 by caption only for the first reading.

Council Reports:

Council Member Colpitts:

- Priming of the viaduct wall is scheduled for April 25th at 9 AM with painting of the wall scheduled for May 17th. The Wesleyan Church is helping with painting and the Fire Department will assist with traffic control. Carol and Bob Middlebrook will preserve the wording on the wall. Volunteers are still needed for both days.

Public Comments:

Steve Vojtko:

- He would like to reiterate the comments of Council Member Colpitts regarding the proposed Wykoff property rezoning. Although this project may look nice it is important to remember that only a small portion of the acreage contained in the parcel they are asking to rezone will be used for this project. This will leave the remaining acreage to be developed with anything in the General Business zoning category. He feels that this could open the Town to a host of problems and that we must be very careful about rezoning this entire 10 acre parcel. This was the reason that no agreement was reached on the proposed property several years ago.

Roger stated that written commitments that would remain with the property could be added and that the Town would need to be very specific.

President Higgins stressed that the Council wishes to assure the residents that they will be very judicious when reviewing the petition for re-zoning.

Mr. Vojtko feels that the water problem is an issue that must be addressed as well.

- In reference to the house near the west end of Zigler Street he has looked into this and because it has gone up for tax sale twice, the County may remove the tax lien and sell the property. This may help with this house as well as several others that have been abandoned.

Mark Adnson:

- Inquired about the drain that was reported as $\frac{3}{4}$ full in front of the American Legion at the last meeting. Augie stated that they are waiting for the State to do this.
- Asked about the status of the Engineering Study proposed by INDOT. Roger stated that we are waiting to get something in writing before proceeding.
- Echoed Mr. Vojtko and Council Member Colpitts' concerns on drainage being an issue with the proposed project on Marvel Lane.
- Expressed his feeling that there is perhaps a better way to spend stimulus money than the \$300,000 beautification project that has been proposed.

Theresa Barnes:

- Feels this is a lot of money for beautification and that we need to have a plan for infrastructure as well.

Bills to be Paid

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

Council Member Gelow moved to adjourn the meeting. Council Member Colpitts seconded the motion and the meeting was adjourned at 8:04 p.m.

Attest:

Carolyn Higgins, Council President

Susan I. Moffitt, Clerk-Treasurer