

**NASHVILLE TOWN COUNCIL MEETING
THURSDAY, AUGUST 18, 2011**

ATTENDANCE – Council members present – President Robert Kirlin, Vice-President Charles B. King, Councilmember Sean Cassiday (arrived at 8:39pm), Councilmember Jane Gore and Councilmember Arthur Omberg. Also in attendance –Town Superintendent Roger Bush, Chief Administrator Phyllis Carr, Corporal Ben Seastrom, Town Attorney Jim Roberts, Clerk-Treasurer Brenda Young and Deputy Clerk-Treasurer Debbie Ferry.

REGULAR COUNCIL BUSINESS – 7PM

1) CALL TO ORDER by President Kirlin at 7:00pm.

2) PLEDGE OF ALLEGIANCE

President Kirlin asked all in attendance to rise and recite the Pledge of Allegiance.

3) ROLL CALL by Clerk-Treasurer Young. President Kirlin reported he received a note that Councilmember Cassiday will be late to the meeting.

4) APPROVAL OF AGENDA

President Kirlin asked to make a couple of moves in the agenda; under Old Business, the Resolution to change the name of Old School Way he would like to address this after the approval of the agenda. President Kirlin asked to add under Old Business information regarding the Camelot Building water drainage. Vice-President King asked to move the claims up to the regular council business after the report from the Town Marshal.

President Kirlin asked if there were any other changes to the agenda. No other changes voiced. Councilmember Omberg moved to approve the agenda as amended. Vice-President King seconded the motion. All were unanimously in favor.

5) RESOLUTION TO CHANGE OLD SCHOOL WAY TO ROBERT “BUCK” STOGSDILL WAY

President Kirlin explained the Town lost an extremely important person to this community and the Town Council voted two meetings ago to honor Robert “Buck” Stogsdill by changing the name of Old School Way, north of Main Street, to Robert “Buck” Stogsdill Way. Councilmember Omberg read aloud Resolution 2011-06.

Vice-President King moved to adopt Resolution 2011-06. Councilmember Gore seconded the motion. All were unanimously in favor.

President Kirlin presented the new street sign to Mrs. Stogsdill and her family. Brad Stogsdill spoke on behalf of the family and thanked the Town Council for the great honor and for the community’s support.

6) APPROVAL OF THE MINUTES

President Kirlin advised the following minutes had been submitted for approval: July 21, 2011 Public Hearing and July 21, 2011 Council meeting. Councilmember Omberg moved to approve the minutes as presented. Councilmember Gore seconded the motion. All were unanimously in favor.

7) COMMUNICATIONS

A. Written

Chief Administrator Carr reported she has several requests for right-of-way permits. She noted Jenny Johnson was present to talk about the grand opening of the pavilion and she would like to be able to close some streets by the alleys and intersection for the celebration. Chief Administrator Carr advised the date of the event is Sunday, October 16, 2011 from 5-8pm but they would need to block the streets off late Saturday night. The alleys would not be closed but Main Street would be closed. Ms. Johnson explained they wanted to make the event late in the day so that it would not affect tourism and would be a time for locals. The Council did not want to block off the streets on Saturday and suggested the streets be blocked after noon on Sunday. Ms. Johnson advised she did check to see what events would be going on in town and did not see any special events scheduled for that day. She explained the event will include a band and some sort of food for those in attendance. Discussion. Two audience members suggested signs be put up to show the detour routes.

President Kirlin asked for a motion to reject or to approve the request. Vice-President King moved to approve the plan to close the streets starting at noon on Sunday, October 16, 2011 and to mark the detours for the public to get around. Councilmember Gore seconded the motion. All were unanimously in favor.

Chief Administrator Carr presented the right-of-way request from the Methodist Church for the annual Fall Fare. They are requesting to block off the four corners Saturday, October 1, 2011. The event starts at 8am and ends at 3pm. She noted this is the same request as they submitted last year. Chief Administrator Carr advised the streets would be blocked off late Friday evening so they can load and unload items. Councilmember Omberg commented he wished they had some other place to hold these types of events rather than blocking Main Street. One resident noted she was opposed to blocking the street for the event.

President Kirlin asked for a motion to reject or to approve the request. Councilmember Omberg moved to approve the plan to close the streets for the Fall Fare on the dates requested. Vice-President King seconded the motion. Councilmember Omberg commented that he did not think they should close the street on Friday night since they will have the parking spaces reserved and then block off the street early on Saturday morning. Vice-President King withdrew his motion. Councilmember Omberg withdrew his original motion and moved to approve the blockage of the streets for the Fall Fare, blocking off the parking spaces on Friday evening and the road can be closed Saturday morning first thing. Vice-President King seconded the motion. A resident commented that Night Owl's Beading Company may need those parking spaces as they are open until 1am. Councilmember Omberg thought this should all work out as they don't plan on towing vehicles. All were unanimously in favor of the motion.

Chief Administrator Carr presented a right-of-way request from the We Care Gang for the seventh Annual Abe Martin Picnic to be held on September 16-17, 2011. Chief Administrator Carr explained they will have to block Main Street as well as the turn lane on Van Buren Street. The streets will be blocked beginning Thursday after 10pm and events will be going on Friday and Saturday. President Kirlin advised he will abstain from voting due to a conflict of interest. A resident commented that every year after they block off the streets merchants start to complain and maybe they block the streets too soon. President Kirlin commented that they have tried to block the streets later but cars park in the area.

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President Kirlin asked for a motion to reject or to approve the request. Councilmember Omberg moved to allow for the seventh annual We Care Gang request to be approved for the dates of September 16-17, 2011. Vice-President King seconded the motion. All were unanimously in favor with President Kirlin abstaining from the vote.

Chief Administrator Carr advised Brown County Habitat is having a Hike for Humanity on September 24, 2011 and information about the hike and route is on the table for the Council to review. The route is to begin at the Nashville Christian Church and walk up Artist Drive, cross at Hwy 135 North and walk downtown. They will have designated people to help crossing at the intersections.

Councilmember Omberg noted they are not requesting to block off any streets. President Kirlin asked if the Police Department has reviewed the route and he preferred not to approve the route until the Town Marshal has approved the route. Councilmember Omberg moved to tentatively approve the hike route pending the Town Marshal's review and approval of the route. Councilmember Gore seconded the motion. All were unanimously in favor.

President Kirlin advised the Council has received a written request from the Shell station to waive the late fees of \$45.17 due to a delay in the postal system. Councilmember Omberg asked when late fees are incurred. Clerk-Treasurer Young explained the water bills go out the third of every month and the late fees are posted next day after the twentieth. Town Superintendent Bush commented if they use the postal system as an argument to not pay late fees they are opening up a can of worms. Discussion. Councilmember Omberg moved that they don't approve waiving the late fees for Mac's Convenience Store. Vice-President King seconded the motion. All were unanimously in favor.

B. Audience

Tommy House, maintenance director for Brown County Health and Living, commented that he has participated in the We Care Gang outhouse race and has won the past two years. He has a new model outhouse that he would like to test out on either August 27th or 28th or the weekend of September 10th or 11th around 7am if it works with the Marshal's schedule. Mr. House advised he spoke with Town Marshal Loerzel and she directed him to bring his request before the Council. He would like to run the outhouse from the Hob Nob to Harvest Moon Pizza a couple of times to see how it works out. Councilmember Omberg commented if it is that early and the Marshal agrees to work with Mr. House. President Kirlin removed his Town Council hat and put on his We Care Gang hat and commented if they are going to do this they should set a date and let all participants test their outhouses if they want to. Discussion.

Councilmember Omberg moved to allow Brown County Health and Living and all other race participants the opportunity to test their portable outhouses if the Town Marshal can work out the time to be done no later than 9am in the morning. Councilmember Gore seconded the motion. All were unanimously in favor with President Kirlin abstaining from the vote.

8) TOWN MARSHAL – STEPHANIE LOERZEL

A. Council Inquiries

Corporal Ben Seastrom reported Town Marshal Loerzel was not feeling very well this evening and asked that he attend the Council meeting in her place. Corporal Seastrom advised everything seems to be going well in the department. The used Ford Explorer appears to be a done deal however he did not know the cost of the vehicle at this time.

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9) CLAIMS

Councilmember Omberg moved to approve the claims for the period of 7-15-11 through 7-31-11 and for the period of 8-01-11 through 8-11-11. Councilmember Gore seconded the motion. All were unanimously in favor.

NEW BUSINESS

1) REDEVELOPMENT COMMISSION APPOINTMENT

President Kirlin explained that he was allowed three appointments to this commission; however, one of his appointments could not serve and resigned. President Kirlin has asked Lucy McGrayel to be on the Commission and she has agreed to serve. Ms. McGrayel came before the Council and Clerk-Treasurer Young administered the oath of office to her.

President Kirlin noted all Redevelopment Commission members must be a resident of the Town of Nashville.

2) THE SALVATION ARMY – STREET CARNIVAL EVENT

Steve Marshall was present to represent Salvation Army's street carnival event. Mr. Marshall explained their annual fall event will be on Saturday, September 24, 2011 from noon to 8pm. They would like the south part of Jefferson Street between Washington Street and Pittman House Lane closed. They would like the street blocked the night before the event.

A resident commented that the Salvation Army has a huge parking lot and asked why they don't use that area rather than blocking the street. Mr. Marshall explained they would not have the same visibility in the back of the building and the lot would be used for parking by guests and tourists. He noted the whole community is invited to the event and they would like to have as many people attend as possible. Another resident asked if there would be loudspeakers as they have had in the past. Mr. Marshall reported it would be similar to what they have done in the past. The resident noted it has been loud and noisy. President Kirlin advised they discussed the noise issue before last year's event and believed it was a bit quieter. Councilmember Omberg noted the noise ordinance needs to be followed. Mr. Marshall advised they will keep the noise down.

Councilmember Omberg moved to approve the Salvation Army's request. Councilmember Gore seconded the motion. All were unanimously in favor.

Councilmember Omberg asked if the Town has guidelines in place for street closures as they seem to have more and more requests to close streets for events. President Kirlin noted he has no problem if he is asking them to form a committee to look at the possibility of guidelines. Councilmember Omberg asked Chief Administrator Carr for a copy of the application for street closures along with procedure. Chief Administrator Carr explained to close a street a right-of-way permit is completed along with the submission of a Certificate of Insurance listing the Town and then the Council approves each request. Councilmember Omberg will look at implementing some stronger guidelines and will come back to the council with his suggestions.

A resident suggested offering the merchants the ability to be a part of the event that is closing their street.

3) BROWN COUNTY HUMANE SOCIETY – CHOCOLATE WALK

Red Nastoff introduced herself to the Council as the representative for the Chocolate Walk. The Humane Society is asking for an exception to the local ordinance on the itinerant licensing.

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Ms. Nastoff explained they are asking to be allowed to sell tickets on the streets of Nashville as they have done for the past several years. Ms. Nastoff noted one change in the way they sell tickets is to use shelter dogs that have been tested to be safe with the public. She has gone ahead and received a certificate of liability insurance through their insurance carrier so that the town would not be liable should anything happen. Ms. Nastoff thanked the Council for their support on this project over the last three years. Last year they sold out at noon and she noted the town, merchants and humane society all benefit from this event. Ms. Nastoff summarized her request that they be allowed to do street sales of tickets and to take shelter dogs in lieu of their own personal dogs.

President Kirlin read from the request that they are requesting to sell tickets for 15 days but no weekend days in October. Councilmember Gore asked if there is a cleanup procedure behind the dogs. Ms. Nastoff reported they carry bags and will make sure all areas are cleaned up. President Kirlin asked Town Attorney Roberts' opinion on using adoptable dogs from the shelter from a liability perspective. Town Attorney Roberts advised he would like to see what the hold harmless agreement with the Town says first. Ms. Nastoff reported any dog they take out in public undergoes a safer test that measures how a dog will react to different situations.

Councilmember Omberg noted the Monroe County Humane Society brings adoptable dogs and cats to the Bloomington Farmers Market. President Kirlin asked about the adoption process. Ms. Nastoff explained adoption paperwork would only be done at the shelter, not on the streets. There are other events that they do walk adoptable dogs through the Town.

Vice-President King moved to approve the request of the Brown County Humane Society to sell tickets on the streets pending the review of the contract by Town Attorney Roberts. President Kirlin noted for the record the streets where tickets will be sold will be Van Buren, Main Street, Franklin Street, Jefferson Street and Washington Street. Councilmember Gore seconded the motion. All were unanimously in favor. Town Attorney Roberts asked Ms. Nastoff for the hold harmless agreement for his review.

4) RESOLUTION 2011-04 LOCAL ROADS AND STREETS - REDUCTION

Clerk-Treasurer Young explained this resolution is necessary for the budget as they can reduce some of the budget for this year to put in next year's budget. She reported the resolution will reduce the Local Roads and Streets budget by \$1,967.00.

Councilmember Omberg moved to adopt Resolution 2011-04. Vice-President King seconded the motion. All were unanimously in favor. Councilmember Omberg read aloud Resolution 2011-04 by title only.

5) RESOLUTION 2011-05 FOOD AND BEVERAGE FUND - REDUCTION

Clerk-Treasurer Young explained this resolution is for the same reason as the one before. They have not purchased any land this year with the Food and Beverage budget so they will reduce this year's budget by \$101,265.00 to put in next year's budget.

Councilmember Gore moved to adopt Resolution 2011-05. Councilmember Omberg seconded the motion. All were unanimously in favor. Councilmember Omberg read aloud Resolution 2011-05 by title only.

6) ORDINANCE 2011-06 BUSINESS LICENSE APPLICATION PROCEDURE

Clerk-Treasurer Young reported this is a new ordinance created by the Town Attorney. The ordinance is a result of the discussions between Planning and Zoning, the Clerk-Treasurers office, Town Administration and the Town Attorney to make the application procedure easier. Town Attorney Roberts explained the substantial changes include adding that if the applicant intends to display changed or new signage the applicant must within 45 days of the issuance of their license, obtain a sign permit for said change for new signage. He also added under enforcement, in the event any licensee fails to obtain a sign permit within 45 days of the issuance or fails to comply with any conditions set forth, the Clerk-Treasurer may cause the license to be revoked or suspended. Town Attorney Roberts noted the 45 days will give a business owner enough time to go through the sign approval process. He noted they are trying to put a little bit more teeth in the enforcement procedure for signage approval.

Councilmember Omberg moved to have the first reading of Ordinance 2011-06 by title only. Councilmember Gore seconded the motion. All were unanimously in favor. Councilmember Omberg read aloud Ordinance 2011-06 by title only. Vice-President King moved to suspend the rules and have a second reading of Ordinance 2011-06 by title only. Councilmember Gore seconded the motion. All were unanimously in favor. Councilmember Omberg read aloud Ordinance 2011-06 by title only. Vice-President King moved to adopt Ordinance 2011-06. Councilmember Gore seconded the motion. All were unanimously in favor.

7) ORDINANCE 2011-07 CAPITAL IMPROVEMENT PLAN

Clerk-Treasurer Young explained Ordinance 2011-07 is just before them this evening for them to review. The current Capital Improvement Plan will expire this year for the EDIT revenues which is paying for the Town Hall. Clerk-Treasurer Young advised the building is now paid for and they will need to adopt a new Capital Improvement Plan. This first draft is for the Council to work from so that they can formulate a plan to use EDIT revenues next year.

President Kirlin asked when the next budget meeting is scheduled. Clerk-Treasurer Young reported they do not have another budget meeting scheduled because the accountant is coming to review Town Superintendent Bush's water and sewer budgets. The Council will have a pre-adoption hearing for the tax budget side on October 6th, 2011 and they will not adopt the budget until October 20th, 2011.

President Kirlin asked when they will see the proposed water and sewer budgets. Town Superintendent Bush advised the accountant is currently covered up and therefore he is proposing to do a preliminary budget and send it to the accountant for his review and recommendations. Clerk-Treasurer Young commented that they are probably looking at November before they see the water and sewer budgets. President Kirlin would like to see what the accountant has to say about the budget first and directed Town Superintendent Bush to make an appointment with the accountant.

8) ANY OTHER NEW BUSINESS THAT MAY COME BEFORE THE COUNCIL

A resident voiced concern about the drag racing strip on Main Street past the Tilton property and back and forth in front of the condos. She noted this is a very dangerous area and asked if they could put ribs on the road to remind people to slow down or some sort of sign. President Kirlin asked Corporal Seastrom to work on this issue and report back to the Council. Councilmember Omberg suggested putting extra patrol in the area so people get the message to slow down.

The same resident spoke about the green space near her home is irregular and could cause tripping. She would like to put in a more stable walking area and also put some flowers in the area. Town

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Superintendent Bush will meet with the resident at the area in question to figure out what needs to be done.

Another resident voiced concern about the visibility at the corner of South Jefferson Street and Pat Reilly Way. She explained years ago someone planted pine like shrubs in this area and they have grown to the point where they cannot see tourists that are walking from the parking lot to the sidewalk. She advised they did trim some trees there for the town, but in her opinion they really need to be taken out. The resident advised there is a dead tree at the culvert area on Pat Reilly Drive. President Kirlin reported they know about the tree and will have it removed. Chief Administrator Carr advised there is a work order written to have the pines removed from the area.

A resident voiced concern about the amount of cigarette butts and litter that she sees in town. She suggested that each business or residence take responsibility for their area and clean up the trash. Clerk-Treasurer Young commented that the Lions Club volunteers do sweep the sidewalks of litter and they volunteer many hours each year for this project.

OLD BUSINESS

1) ANNEXATION OF THE PROPERTIES KNOWN AS: NAPA-2412 E. SR 46, CIRCLE "K"-2356 E. SR 46 AND TYK PROPERTY MANAGEMENT "HOLISTIC VET" – 1150 OLD SR 46 E

Clerk-Treasurer Young explained she put this item on the agenda because they have held the public hearing, however they must wait 30-60 days before they can adopt the annexation. Town Attorney Roberts noted the next Council meeting will be 56 days after the hearing and they can address the annexation then.

2) MOLLY'S LANE ALLEY VACATION REQUEST – ED RYAN, RED TRUCK LLC

President Kirlin noted there was not a representative present for this discussion. President Kirlin updated those in attendance that Town Attorney Roberts sent a letter to Mr. Ryan explaining the vacation process. President Kirlin advised they did receive a two page letter from Mr. Ryan but it didn't suffice a lot of Indiana codes for the vacation process. Town Attorney Roberts commented that what Mr. Ryan filed with the Town on 8-09-11 is a sufficient petition to put it before the Council. The Town's obligation is to hold a public hearing within 30 days of August 9th, 2011 and they will need to publish notice of the hearing one time at least 10 days prior to the hearing. They must also give notice by certified mail to each owner of the land that abuts the property proposed to be vacated.

President Kirlin noted they have not received a list of the landowners that abut the property proposed to be vacated. Town Attorney Roberts advised the names of the property owners were listed in the letter but not the mail addresses. He noted they should advise the petitioners they need to furnish the names and address of all abutting owners and when the Town receives this information they can set a hearing date. President Kirlin instructed Town Attorney Roberts to send the letter to the petitioners.

A resident asked if the Fire and Emergency Departments reports have been turned in yet. President Kirlin advised they have not been submitted yet. She noted there are apartments upstairs in one of the buildings and two of the residents have health issues. The resident also commented that there is music playing in the area seven days a week until 10pm with speakers on the outside of the building. Town Attorney Roberts noted there is a noise ordinance but nothing against speakers being outside. Vice-President King said if they are playing music in violation of the noise ordinance the police should be contacted.

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A resident asked if there is any information regarding the light poles in the alley. Town Superintendent Bush explained the light poles are in the Town's road right-of-way. The utility does this at its own risk because if the Town was in the position of vacating the alley it would be up to the utility to determine what they will do with their facility.

3) CAMELOT BUILDING DRAINAGE

President Kirlin advised there is a drainage problem at Old School Way and Washington Street. They have asked Town Superintendent Bush to investigate and come up with some solutions for the problem. Town Superintendent Bush presented four proposals for the Council to consider. Proposal number three is a gutter groove but he does not believe this will be money well spent. Proposal number one includes three storm grates however he does not believe the grates will be able to handle large amounts of rainfall at one time. Vice-President King asked about putting a grate across the road. Town Superintendent Bush advised the cost would be very high. Councilmember Omberg commented that he is opposed to a standalone curb as he believes they are tripping hazards. He believes they should come off the building twelve inches and put in a sidewalk. The owner could dig out the existing asphalt and plant flowers in the space in between. Discussion.

Town Superintendent Bush will get an estimate of costs for a grate to go across Old School Way and come back to the Council with those figures. A resident suggested they make the grate twice as big as they think they will need and Councilmember Omberg agreed it is better to over engineer.

4) UPDATE ON PROPERTY AT 212 W. MAIN STREET

President Kirlin asked Lee Terrill to inform the Council on how things are progressing. Mr. Terrill reported he has taken off the front porch from the house. He is looking at the structure underneath and has also worked on gutting the back part of the structure and at this time he is not sure he will take the back part off as it seems structurally sound.

President Kirlin asked if the front porch would go back on and if so when will the work be done. Mr. Terrill reported he would be putting a front porch on the house but is not sure when he will do so as it takes money. Mr. Terrill told the Council that he feels like he is making good progress.

President Kirlin asked for questions from Council. Councilmember Omberg commented they had set a date for when things were supposed to be done and he does not believe they are achieving their goals. Mr. Terrill commented that he tore off the front porch to see what is underneath and noted the 125 year old house is sitting on native stone. Mr. Terrill believes he can save the back part of the house without tearing it all apart. Councilmember Omberg asked if Mr. Terrill was disposing of all the waste. Mr. Terrill reported the front porch went into a dumpster and he is not storing parts of the house. He explained what is currently in the front yard is what came off the porch such as antiques and tools.

President Kirlin noted the permit says Mr. Terrill will remove the front two rooms and asked if that had been done yet. Mr. Terrill advised he has not removed those rooms but he believes he can save this part by gutting the rooms. President Kirlin asked if the front room that had surrounded the front porch has been removed. Mr. Terrill explained he told Town Attorney Roberts that he was not going to remove the front room. President Kirlin explained he was reading what Mr. Terrill submitted in his demolition permit. Town Superintendent Bush advised he helped Mr. Terrill with the demolition permit and Mr. Terrill commented that he has amended the permit with Town Attorney Roberts. Town Attorney Roberts advised that Mr. Terrill informed him verbally this afternoon that he had changed his plans.

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Councilmember Omberg asked Mr. Terrill if he has addressed the water, plumbing and wiring issues yet because this all started over condemnation of the property. Councilmember Omberg explained he needs to have water at the house. Mr. Terrill advised if he needs water he can go to his neighbor's house across the street. Discussion. Mr. Terrill asked if gets the water turned on and has water in his house would they all be happy. Councilmember Omberg and President Kirlin commented that would be a start.

Vice-President King commented if Mr. Terrill would pick up the stuff in the yard it would look a lot better in his opinion. Councilmember Cassidy commented that he believes it looks better because of the work Mr. Terrill is doing and understands money is an issue. Councilmember Cassidy would love to see the sub structure saved but he wants to see things move a little quicker. Councilmember Omberg asked Mr. Terrill if he has contacted any organizations that might be able to help him. Mr. Terrill reported he has friends helping him. Discussion. President Kirlin commented that the Council is not fighting Mr. Terrill, they are fighting the building. He explained as elected officials they are extremely worried about the building and Mr. Terrill's safety and he is only showing slow progress. President Kirlin noted Mr. Terrill agreed to a timeline to have the substantial work completed by August 15, 2011. President Kirlin asked Mr. Terrill how much more time he wanted and he responded that he would like two years.

President Kirlin then opened the meeting up to the audience for their comments. Sarah Eads commented that she can see Mr. Terrill's property from her home. She has helped to rehab homes and would like to write a proposal of how to help Mr. Terrill fix his home. Ms. Eads asked for a month to write the proposal and bring it before the Council. President Kirlin asked for more information about the proposal. Ms. Eads explained she is lining up individuals who have the skills and knowledge to properly rehab the house and the time frame will be in the proposal. President Kirlin asked about cleaning up the property. Ms. Eads volunteered her time to help clean up the property.

Marge Grimm addressed the Council and explained she lives next door to Mr. Terrill and has talked to the Council before about the condition of the house. Ms. Grimm noted the Council has given Mr. Terrill several ultimatums and he has not followed any of them. Ms. Grimm noted this house is very filthy and it is time for the Council to take action and clean this mess up.

Billy Salmon commented that he has been complaining about this situation for about fifteen years and financially it has been hard on him as he built buildings in the area and couldn't sell them due to the conditions of this house. Mr. Salmon is concerned the house may catch fire and do considerable damage. He feels that Mr. Terrill has been given more than enough time to accomplish what the Council has asked to be done. President Kirlin asked if Mr. Salmon is suggesting that the Health Department condemn the house. Mr. Salmon noted the representatives of the Health Department were not able to attend the Council meeting but they would agree with supporting the condemnation.

Ms. Grimm commented that she is hoping to sell her home but when they come to look at her home, they see Mr. Terrill's property and it brings the value of her home down. President Kirlin asked about the offer by Ms. Eads. Ms. Grimm remarked that she does not believe this will really help him as the inside of the house is falling apart inside as well.

Jenny Johnson spoke and noted she was a realtor for fourteen years and this property has a serious impact on the homes around it. She believes if they at least require that the yard be cleaned up so that at least the presentation from the road would be better as they try to figure out how to go forward with the house. Councilmember Omberg reported they have asked him to clean up the area.

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Mr. Salmon stated he is not against Mr. Terrill, but he is definitely against the house staying there. Ms. Eads assured the Council that before her proposal for the house is written she intends to help Mr. Terrill clean up the area along with others that will help to clean.

President Kirlin commented that it is very easy to condemn a house, however what they are dealing with is a human being and a house. The Health Department condemned a house in the county eight years ago but the house is still there and the area is in worse condition. President Kirlin voiced concern that condemning the house will not solve one thing and he thinks if they do condemn the house Mr. Terrill will be homeless and the house will still be there. The Health Department has already advised they do not have any money to tear down the house. President Kirlin said if they were to vote tonight about what to do he would vote to give Ms. Eads a month to present a proposal and she has already made a commitment to clean up the yard. President Kirlin advised next month they will review the plan but he is not sure how much more time he is willing to give Mr. Terrill. Ms. Eads agreed that she will bring a proposal to the Council at the September 15, 2011 meeting.

President Kirlin asked for comments from the other council members. Vice-President King commented that he is encouraged by the offer of the proposal. Councilmember Gore advised they expect to see the yard cleaned up by then along with a substantial plan. Ms. Eads asked to see documentation as to what has been agreed to in the past so she can understand the Council's concerns. Town Attorney Roberts will give this information to Ms. Eads. Councilmember Cassidy and Councilmember Omberg would like to see the proposal. Discussion. President Kirlin stressed this is the last straw for this issue. The Council thanked Ms. Eads for taking this upon herself.

RECESS

A recess was called from 9:22pm to 9:30pm.

5) BROWN COUNTY VOLUNTEER FIRE DEPARTMENT REPORT

President Kirlin thanked Joel Fawbush for their yearend report and thanked him for coming before the Council. Chief Fawbush introduced himself to the Council as the new Fire Chief of the Brown County Volunteer Department. Chief Fawbush reported that either he or another officer will be at each council meeting with a monthly fire department report.

President Kirlin noted the Fire Department came before them about four months ago with the possibility of securing a grant for a new building. He asked where they are at in this process. Chief Fawbush reported the Board of Directors at that time decided that was not an avenue they wanted to pursue. They are now discussing building a structure and paying for it themselves.

Councilmember Omberg asked if the Fire Department is ok with the money the Town gives them each year. Chief Fawbush said they are not really ok with the money as they receive \$9,000 each year from the Town and their insurance is \$8,000 a year alone. Vice-President King asked how much money the Township gives them. Chief Fawbush reported the Township gives them \$28,000 a year but with the annexation they will lose Township monies. Clerk-Treasurer Young noted the Town has CCD funds and a part of those funds are allocated to the Fire Department. She offered to give him the total of how much has accumulated in the fund for them. If they did receive a request for those funds in 2011, Clerk-Treasurer Young advised they would need to apply for additional appropriations so they could spend those funds.

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Chief Fawbush asked about the report needed regarding Molly's Lane. President Kirlin explained they would like a report from the Fire Department regarding their opinion of closing Molly's Lane alley to vehicular traffic. Chief Fawbush advised he will have the report to them by Monday.

6) ORDINANCE 2011-04 OFF PREMISE SIGNAGE

Town Attorney Roberts reported he has been tinkering with the ordinance since the last Council meeting and noted Celeste Kirlin, Zoning Inspector with Planning and Zoning, was present to give some input on this. Zoning Inspector Kirlin advised her office enforces the Town ordinance. A letter was written in April from Dave Woods, Planning and Zoning Director, where he noted they have had additional requests for off-premise signage. Zoning Inspector Kirlin explained businesses near the IGA have received variances from the Zoning and Appeals Board to have off-premise signage because their businesses are farther back off the road and not as visible.

Zoning Inspector Kirlin spoke of the second letter Director Woods wrote on June 23, 2011 to Town Attorney Roberts that addressed limiting the location of where off premise signage should be as well as the size and number of signs allowed. She explained Planning and Zoning's intent was that the Town ordinances address off-premise signage in the area near the Salt Creek Plaza and IGA not necessarily in the Town or Village District. Zoning Inspector Kirlin reported that adding to the number of signs that are allowed for businesses in town would be very difficult. Discussion.

Zoning Inspector Kirlin reported the Town of Nashville does not have directory signs but in the Village District a lot of businesses or groups of businesses in one building already have directory signage. If the Town would allow directory signage in the area near Salt Creek Plaza and IGA that would solve the issue of signage for the area. President Kirlin suggested they table the ordinance and form a committee with Director Woods, Zoning Inspector Kirlin, Councilmember Gore and himself to discuss the ordinance further. Connie Percifield, a Development Review Commission member, also volunteered to be a part of the committee.

7) ORDINANCE 2011-05 BUSINESS SIGN DISTRICT S2

Town Superintendent Bush explained prior to the annexation of the Orchard Hill area, the only area that had any type of vehicular speed involved with signage was along the Hwy 46 East corridor. Since they have annexed north of town, there is now another area that is of a similar nature. Town Superintendent Bush reported Orchard Hill Motel's sign was in compliance prior to the annexation but once annexed it was out of Town ordinance compliance and Ordinance 2011-05 would address this issue.

Councilmember Omberg moved to have the first reading of Ordinance 2011-05 by title only. Vice-President King seconded the motion. Zoning Inspector Kirlin commented a lot of the area they are addressing is residential and asked if they are concerned that this would allow for larger signage than what is already there. Vice-President King advised the sign shouldn't be any bigger than what is there now. Zoning Inspector Kirlin noted then one of the businesses in this area is lacking a sign permit. Clerk-Treasurer Young asked what the area is zoned and Town Superintendent Bush advised it is zoned B3. Clerk-Treasurer Young commented that they will need to send letters to these businesses in the newly annexed areas in order to get them current with business licenses and signage. All were unanimously in favor. Councilmember Omberg read aloud Ordinance 2011-05 by title only. Vice-President King moved to suspend the rules. Councilmember Gore seconded the motion. All were unanimously in favor. Vice-President King moved to have a second reading of Ordinance 2011-05 by title only. Councilmember Omberg seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young asked if they had to have a public hearing first before they adopted the ordinance since it is a part of the zoning code. Town Attorney Roberts confirmed that they needed a

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public hearing before they could adopt the ordinance. He advised he will get a public hearing with the Planning Commission but he would like to get Ordinance 2011-04 finalized so that he could have one public hearing for both ordinances. Vice-President King withdrew his motion for a second reading. Councilmember Omberg withdrew his second to that motion.

8) SEWER EXPANSION PROJECT

Tony Akles of Strand Engineers addressed the treatment plant first and advised he has recommended approval of the pay application for Mitchell and Stark. Clerk-Treasurer Young noted they would need a motion to approve the claim. Councilmember Omberg moved to approve the claim for Mitchell and Stark Construction, Inc. in the amount of \$230,808.20 contingent upon the receipt of funds.

Councilmember Gore seconded the motion. All were unanimously in favor.

Mr. Akles spoke about change order number four from Mitchell and Stark and advised this is a deducted change order. Darrin Wells of Strand Engineers explained the change order takes out the demolition of the existing clarifier and splitter box structure from the contract. Mr. Wells reported they are going to add some valves and fittings that will allow the existing treatment plant to be used in emergency situations. They will also put some valves in the new RAS pump station which will isolate the new clarifiers. Mr. Wells reported with all the additions and subtractions it will be a deduction of about \$1,206.00. Town Superintendent Bush advised he approves of this plan.

Councilmember Gore moved to approve change order number four for Mitchell and Stark Construction, Inc. in the amount of \$1,206.00. Councilmember Omberg seconded the motion. All were unanimously in favor.

Mr. Akles spoke about Central Engineering and explained he received a payment application from them. Central Engineering is almost done with their work and has submitted a pay application for \$40,000 and they have not submitted a retainage payment application. Mr. Akles reported about a week and a half ago he was receiving phone calls from a supplier and a subcontractor of a subcontractor saying they have not been paid yet. Mr. Akles therefore recommended the Council not approve the pay application and possibly have a special meeting next week with Central Engineering to find out what is going on. Discussion. Clerk-Treasurer Young voiced concern about paying the monies to the subcontractors not the contractors.

Councilmember Omberg moved to approve the claim for Central Engineering Construction Association, Inc. in the amount of \$40,850.00 contingent upon the receipt of funds. Councilmember Cassiday seconded the motion. All were unanimously in favor.

Mr. Akles reported they have a quote from Central Engineering to hook on the additional 15 homes in the annexed area. There is almost enough money in the contingency to do the work but the original cost to hook up a home was around \$10,000 however now Central is quoting them about \$15,000 per home. Mr. Akles has not spoken with Gerald Swenson of Rural Development lately, but the last time he spoke with him he commented that he might have a problem with the additional homes if the Town does not charge tap on fees. Discussion. Mr. Akles asked the Council if they were comfortable extending Central Engineering's contract to do the other fifteen homes knowing the problems they are having in paying their subcontractors. President Kirlin commented that Council can say this is not their problem. Town Superintendent Bush asked if they could discuss this issue with Mike Strahl during the next pay meeting because he wonders if the Town just purchases the equipment can they pay to have it installed. Mr. Akles advised they will be allowed to purchase equipment but not sure if they can pay to have it installed.

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President Kirlin asked for a motion to allow the Council meeting to go past 10:00pm. Councilmember Gore moved to have the meeting go past 10:00pm. Councilmember Cassidy seconded the motion. The motion passed four to zero. Vice-President King left the meeting prior to this motion.

President Kirlin asked when they would like to have the meeting with Central Engineering. Mr. Akles would like to have the meeting next Tuesday after the progress meeting around 11am. Clerk-Treasurer Young will post the meetings.

Councilmember Cassidy moved to approve the claim for Strand Associates, Inc. in the amount of \$6,075.96 contingent upon the receipt of funds. Councilmember Gore seconded the motion. All were unanimously in favor.

Councilmember Gore spoke about the house on the end of Coffey Hill that still needs dirt put in where they installed the tank. Mr. Wells will contact Councilmember Gore and they will go look at what the site needs.

9) PARKING AND PUBLIC FACILITIES REPORT

Commission President Lamond Martin presented plans for the Pat Reilly Lot for the Council to review. He reported they did not have the trees picked out for the area as of yet. President Kirlin suggested they have the Tree Board decide what trees should be installed.

President Kirlin commented that he liked the flow of the lot. Commission President Martin explained the lot hasn't addressed RV parking yet but they will plan for that. President Kirlin asked if the percentages were correct regarding handicapped parking. Commission President Martin advised they are correct. Council commented that the plans look very good. Town Superintendent Bush reported they will install two "Main Street" type lights in the lot and a couple of additional lights in the lot as well. Discussion.

Commission President Martin reported they rejected the bids on the painting of the two buildings as they did not address all the issues. They will redo the bids. President Kirlin commented on the compliment in the paper regarding the cleanliness of the public restrooms. Commission Member Martin advised he hears this type of compliment from tourists on a regular basis.

10) CHAMBER OF COMMERCE REPORT

Chamber of Commerce Representative Bob Everman reported the Chamber now has sixty-seven members; they started out in March with only eighteen members. They now have about five percent of the businesses in Brown County as Chamber members. Chamber of Commerce Representative Everman explained they need Board Members desperately.

11) DEVELOPMENT REVIEW COMMISSION REPORT

Chief Administrator Carr spoke on behalf of the Development Review Board and reported four sign applications and one COA was approved. Additionally two sign applications and two COAs were approved in house.

President Kirlin asked if all the members were attending the monthly meetings. Chief Administrator Carr advised one member has not been in attendance for some time and the member was appointed by Councilmember Omberg. President Kirlin asked that they be kept updated on attendance as they may have to address this.

12) ECONOMIC DEVELOPMENT COMMISSION REPORT

President Kirlin noted Suzannah Zody was not in attendance for the meeting this evening and therefore no report was given.

13) TREE BOARD

President Kirlin reported he met with the Tree Board this morning. The Board is looking to plant twenty trees sometime in the fall. Councilmember Cassidy asked if all the trees were removed as planned. Chief Administrator Carr advised ten trees were removed for \$5,300.00. President Kirlin commented that the stumps were ground out but the material is still there so now what they have is a big hump of wood mulch. President Kirlin would like to see the wood mulch removed and bring in a load of top soil and plant grass seed. Town Superintendent Bush asked Chief Administrator Carr to write a work order to do ground repairs on each of the sites. President Kirlin asked the next time they bid this out they have the chips hauled away.

14) ANY OTHER UNFINISHED BUSINESS OR COMMENTS THAT MAY COME BEFORE THE COUNCIL

Nothing presented.

REPORTS FROM DEPARTMENT HEADS

**1) TOWN SUPERINTENDENT – ROGER BUSH
CHIEF ADMINISTRATOR – PHYLLIS CARR**

A. Task List

Councilmember Cassidy asked about the weight limit sign for Snyder Road. Clerk-Treasurer Young reported they will have an ordinance come before them this evening to be presented by the Town Attorney. Chief Administrator Carr advised the signs were delivered to her today. Town Superintendent Bush commented the sign read per axle not total weight therefore they will need to change the ordinance to read the same as the sign. President Kirlin asked that the ordinance be changed to reflect the sign verbiage and they will address the ordinance at their meeting on Tuesday.

Town Superintendent Bush reported he did not get a sample reflective street sign completed for the Council's review. He just received the reflective tape today and will have the sample sign for the next Council meeting.

President Kirlin reported someone hit the street sign on Artist Drive and Redbud and he would like this picked up and replaced. Councilmember Cassidy reported he saw a truck hit the sign. Chief Administrator Carr advised she already had a work order written to take care of the sign.

B. Quotes

Town Superintendent Bush advised he called the truck dealership about the pricing on the truck and the Town was given the governmental pricing in the quote. Council advised Town Superintendent can move forward with the purchase of the truck.

Councilmember Omberg reported he was at the treatment plant a couple of weeks ago and noticed some damage to the passenger side of one of the trucks. The damage was near the cab and doorway of the truck. Town Superintendent Bush will look into the condition of the truck.

Councilmember Omberg asked about the missing catalytic converter on the diesel truck. Town Superintendent Bush is not sure if the converter was stolen while it was parked at the treatment plant or

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while it was at the dealership being repaired. Councilmember Omberg asked if they didn't notice it was missing when they picked it up from the dealership. Town Superintendent Bush explained he picked up the truck and it did not sound horribly loud in the cab.

C. Service Agreements

Chief Administrator Carr reported letters went out for the extension of the current service agreements.

D. Utilities Report

Town Superintendent Bush advised he did not get the report out as he was out of the office ill two days this week and he is running horribly behind. He will get the report to the Council next week.

E. Council Inquiries

Town Superintendent Bush commented that he will be going on vacation next Friday and if the Council has anything they need done before he leaves please come in and let him know. He advised he will be on vacation for ten days. President Kirlin asked when Town Superintendent Bush will start the work on the Camelot building water issue. Town Superintendent Bush reported he would start gathering the information for the cost of the grates. President Kirlin suggested he also talk to Bob Everman about the water issue before going on vacation.

Councilmember Omberg asked Town Superintendent Bush to have a wonderful vacation and shut off his phone. President Kirlin asked if all the employees were doing alright. Town Superintendent Bush advised he has one employee looking at a job with Brown County Water because they have some job openings. He does not want to see this employee go, but it may be an excellent opportunity for his career. Town Superintendent Bush told the employee that Council was looking at giving the employee a substantial raise but the employee said it is not about the money it is about the career.

2) TOWN ATTORNEY – JIM ROBERTS

A. Council Inquiries

Town Attorney Roberts asked to revisit the weight limit for Snyder Road. Town Attorney Roberts has looked at the sign and the ordinance. The ordinance is drafted with a limit on the gross weight and all they need to do is strike the words "a gross" to add the words "an axle". He would suggest they go forward in adopting the ordinance with the understanding that the verbiage would be changed.

Councilmember Omberg moved to have the first reading of Ordinance 2011-08 by title only. Councilmember Gore seconded the motion. All were unanimously in favor. Councilmember Omberg read aloud Ordinance 2011-08 by title only. Councilmember Omberg moved to suspend the rules and have a second reading of Ordinance 2011-08 by title only. Councilmember Cassidy seconded the motion. All were unanimously in favor. Councilmember Omberg read aloud Ordinance 2011-08 by title only. Councilmember Cassidy moved to adopt Ordinance 2011-08. Councilmember Omberg seconded the motion. All were unanimously in favor.

Town Attorney Roberts reported the Council passed Ordinance 2011-03 which was the ordinance to amend Ordinance 2010-8A. There was an error in the designation of this ordinance since there was already an ordinance introduced to the Council as Ordinance 2011-03 and he asked this ordinance be re-designated as 2011-03A. Councilmember Cassidy moved that Ordinance 2011-03 An Ordinance to Amend Ordinance 2010-8A be re-designated as 2011-03A. Councilmember Gore seconded the motion. All were unanimously in favor.

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Town Attorney Roberts reported he and Town Superintendent Bush have been working diligently on the redistricting issue. He looked at the ordinance they passed in 2002 and they designated the districts with streets names. Town Attorney Roberts reported he spoke with the County Clerk's office and they would also like to see a map of the districts. He noted they may have to come up with a way to describe any lines that do not follow along a street. President Kirlin noted the elections are in November and asked what time frame this must be done in accordance with Indiana Code. Town Attorney Roberts advised they would be ok if they get it done by the end of September. President Kirlin noted they will adopt the redistricting ordinance at the September council meeting.

President Kirlin voiced concern that they have had two trees cut down that were in the Town's right-of-way. The Town has a very stringent ordinance against this and a fine is involved for those that violate the ordinance. President Kirlin asked if the Council would like to enforce the ordinance and reported one of the trees cut down was in front of Muddy Boots and the other tree was in front of the Glass Blower shop on Van Buren. Discussion. Town Attorney Roberts read the ordinance concerning trees and noted a permit from the Town Administration must first be obtained before removing or substantially altering any tree within a public right of way or in a park. President Kirlin added the trees must be replaced with a tree no less than fifty percent of the stump diameter or be fined \$500. Discussion.

Councilmember Omberg commented that they should educate people as they may not be aware of the ordinance. Town Superintendent Bush suggested they have the people replace the trees. President Kirlin asked Town Attorney Roberts to write a letter to the two businesses that had the trees cut in front of their properties explaining they will need to replace the trees or there will be fines involved. Town Attorney Roberts asked that Town Administration provide him with names and addresses to send the letters. President Kirlin asked who they should send the letters to. Town Superintendent Bush commented they should send the letter to the property owner.

3) CLERK-TREASURER – CLERK-TREASURER BRENDA YOUNG

A. Council Inquiries

Nothing presented.

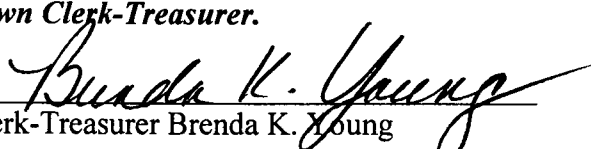
4) ANY OTHER UNFINISHED BUSINESS OR COMMENTS THAT MAY COME BEFORE THE COUNCIL

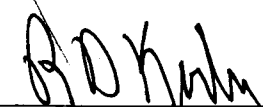
Nothing presented.

ADJOURNMENT

Councilmember Omberg moved to adjourn the meeting. Councilmember Cassiday seconded the motion. The meeting was adjourned by President Kirlin at 10:47pm.

The audio recording made at the Town Council meeting on 8-18-11 is retained in the office of the Town Clerk-Treasurer.


Clerk-Treasurer Brenda K. Young


President Robert Kirlin


Vice-President Charles B. King

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Councilmember R. Sean Cassidy

Jane Gore

Councilmember Jane Gore

Arthur Orberg

Councilmember Arthur Orberg