

**NASHVILLE TOWN COUNCIL MEETING
THURSDAY, AUGUST 19, 2010**

ATTENDANCE – Council members present – Vice-President Robert Kirlin, Councilmember Sean Cassidy and Councilmember Charles B. King. Council members not present – President Roger Kelso and Councilmember Arthur Omberg. Also in attendance – Town Superintendent Roger Bush, Chief Administrator Phyllis Carr, Town Marshal Stephanie Loerzel, Town Attorney Jim Roberts and Deputy Clerk-Treasurer Debbie Ferry.

REGULAR COUNCIL BUSINESS

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

2) PLEDGE OF ALLEGIANCE

3) ROLL CALL by Deputy Clerk-Treasurer Ferry.

4) APPROVAL OF AGENDA

Vice-President Kirlin suggested they move the claims portion of the meeting that is under the Clerk-Treasurer heading to be done after the approval of the minutes.

Councilmember King made a motion to change the agenda as suggested. Councilmember Cassidy seconded the motion. All were unanimously in favor.

5) APPROVAL OF THE MINUTES

Vice-President Kirlin advised the following minutes had been submitted for approval: July 15, 2010 meeting, July 22, 2010 meeting and August 3, 2010 meeting. Councilmember King made a motion to approve the minutes as presented. Councilmember Cassidy seconded the motion. All were unanimously in favor.

6) DEPUTY CLERK-TREASURER – DEBBIE FERRY

A. Claims

Councilmember Cassidy made a motion to approve the Accounts Payable Voucher Registers for the period of 7-09-10 through 7-31-10 and for the period of 8-01-10 through 8-12-10. Councilmember King seconded the motion. All were unanimously in favor.

Deputy Clerk-Treasurer Ferry presented a claim for DLZ in the amount of \$3,333.75 for the Downtown Revitalization project and asked for a motion to approve the claim contingent upon the receipt of funds. Councilmember King made a motion to approve the claim for DLZ in the amount of \$3,333.75 contingent upon the receipt of funds. Councilmember Cassidy seconded the motion. All were unanimously in favor.

Deputy Clerk-Treasurer Ferry presented a claim for Dave O'Mara Contractors in the amount of \$29,789.86 for the Downtown Revitalization project and asked for a motion to approve the claim contingent upon the receipt of funds. Brad Dove of DLZ explained this claim is for the construction work Dave O'Mara Contractors has done up to this point. Councilmember King made a motion to approve the claim for Dave O'Mara Contractors in the amount of \$29,789.86 contingent upon the receipt of funds. Councilmember Cassidy seconded the motion. All were unanimously in favor.

TOWN COUNCIL MEETING, AUGUST 19, 2010

Deputy Clerk-Treasurer Ferry presented a claim for Dave O'Mara Contractors in the amount of \$43,853.93 for the Storm Water Drainage project and asked for a motion to approve the claim contingent upon the receipt of funds. Brad Dove of DLZ advised he reviews and approves the claims before they are sent to the Town. Councilmember King made a motion to approve the claim for Dave O'Mara Contractors in the amount of \$43,853.93 contingent upon the receipt of funds. Councilmember Cassiday seconded the motion. All were unanimously in favor.

7) TOWN MARSHAL PRESENTATION

Town Marshal Loerzel addressed the Council and audience and explained that Jack Dorsett retired from the police department last month after fifteen years of service to the Town of Nashville. She presented Mr. Dorsett with a retirement plaque for his service. The Council and audience members clapped in appreciation. Town Marshal Loerzel also presented Mr. Dorsett with his firearm that he carried while working for the Town.

Mr. Dorsett commented that it has been a long 38 years as a police officer and he appreciated working for the town and the Town Council. Vice-President Kirlin spoke on behalf of the Town Council and the citizens of the Town of Nashville, he thanked Mr. Dorsett for his dedication and the many hours he put in to protect the community.

8) COMMUNICATIONS

- **Salvation Army – Street Carnival Request**

Steve Marshal was present to represent the Salvation Army's request for the street closures for their Street Carnival to be held on Saturday, September 25, 2010. Mr. Marshal explained this is the same event as was held last year and the event will be held from 4-7pm in front of the Salvation Army on Jefferson Street. He is asking that they be allowed to block off Jefferson Street from Washington Street to Pittman House Lane for the whole day.

Chief Administrator Carr explained they would block off all the parking spaces in this area and leave the barricades for the Salvation Army to put up when they start setting up for the event and remove them after the event.

Councilmember Cassiday made a motion to approve the street closing for the Salvation Army Street Carnival on September 25, 2010. Councilmember King seconded the motion. All were unanimously in favor.

- **We Care Gang – September 17 through September 18, 2010**

Vice-President Kirlin explained the We Care Gang is putting on the annual out house races September 18, 2010 and on Friday, September 17, 2010 they will hold big wheel races in the evening. Chief Administrator Carr explained on the evening of September 16th they will close off the street parking in this area and then the street will be blocked on September 17th – 18th.

Vice-President Kirlin asked if the Town would participate in the out house race this year. Chief Administrator Carr thought they may be able to have some employees participate.

Councilmember King made a motion to approve the street closing for the We Care Gang. Councilmember Cassiday seconded the motion. All were unanimously in favor.

9) CITIZEN CONCERNS

• **Walter Jackson – Parking Ticket**

Vice-President Kirlin reported the Council had received a letter from Walter Jackson regarding a parking ticket he received. Chief Administrator Carr reported Mr. Jackson was unable to attend this meeting. Town Marshal Loerzel asked that Officer Seastrom explain the reason why Mr. Jackson received this ticket and several other tickets. Officer Seastrom reported that Mr. Jackson is parking in the loading zone for the carriages on West Franklin, which is also next to his business. Officer Seastrom advised this parking ticket was written because Mr. Jackson parked behind the construction barricades on Franklin Street. He was parked there all day and Officer Seastrom wrote several parking tickets for other cars also parked in this area. Mr. Jackson wrote in his letter to the Council that he loads and unloads items for his business from his vehicle and he has no other places to park.

Vice-President Kirlin asked if other tickets have been written to Mr. Jackson and if he has paid them. Town Marshal Loerzel advised Mr. Jackson has been issued two other parking tickets and they have voided those, but she was unwilling to void this ticket as he has had fair warning. Councilmember Cassiday asked how long the vehicle was parked in the area. Officer Seastrom advised the vehicle was parked here for several hours. Vice-President Kirlin noted this is a loading/unloading zone and he cannot park in this spot all day. Discussion. Vice-President Kirlin asked Town Attorney Roberts if the Council chose not to act on the ticket, the ticket would be enforced. Town Attorney Roberts answered this is correct. The Council chose not to act on the ticket.

NEW BUSINESS

1) SEWAGE WORKS REVENUE BONDS, SERIES 2010A

SEWAGE WORKS REVENUE BONDS, SERIES 2010B

• **INTRODUCE BOND ORDINANCE 2010-05**

Kim Blanchet with Barnes and Thornburg presented Bond Ordinance 2010-05 which authorizes both series of bonds. The reason behind doing two bond series is because Rural Development is having two different funding sources for the loan and the grant and was asked to split them off but they can be authorized in one document.

Vice-President Kirlin asked Town Attorney Roberts if he had reviewed the documents and approves of them. Town Attorney Roberts reported the documents have been prepared by skilled Counsel and he has reviewed the formalities of the execution and they meet the standards they usually follow. Ms. Blanchet clarified this would be the introduction of the ordinance and the final reading will be during the September 2, 2010 meeting.

Councilmember King made a motion to have the first reading of Ordinance 2010-05 by title only. Councilmember Cassiday seconded the motion. All were unanimously in favor. Vice-President Kirlin read Ordinance 2010-05 by title only.

• **INTRODUCE RATE ORDINANCE 2010-06**

Town Attorney Roberts advised he has reviewed the rate ordinance and it appears to be satisfactory.

Councilmember Cassiday made a motion to have the first reading of Ordinance 2010-06 by title only. Councilmember King seconded the motion. All were unanimously in favor. Councilmember Cassiday read Ordinance 2010-06 by title only.

TOWN COUNCIL MEETING, AUGUST 19, 2010

• **ADOPT LOAN RESOLUTIONS 2010-04 and 2010-05**

Kim Blanchet advised this is a Rural Development document that is required and the reason for two resolutions is that they are doing two separate series for the two different funding sources. Ms. Blanchet asked that each resolution be adopted separately and signed.

Councilmember King made a motion to approve Resolution 2010-04 for \$2,545,000.00.
Councilmember Cassiday seconded the motion. All were unanimously in favor.

Councilmember King made a motion to approve Resolution 2010-05 for \$1,060,000.00.
Councilmember Cassiday seconded the motion. All were unanimously in favor.

The Council scheduled a public hearing regarding the rate increase to be held September 2, 2010 at 7pm. At the same meeting they will adopt the rate and bond ordinances. Vice-President Kirlin asked if there is a firm date on closing on the loans. Ms. Blanchet advised the date is set for September 28th, 2010 at 10am here at Town Hall. Vice-President Kirlin asked Town Attorney Roberts to be in attendance and she will need an authorized representative from the Council to sign the loan paperwork.

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

Nothing presented.

OLD BUSINESS

1) ROAD CLASSIFICATION CLARIFICATION

Vice-President Kirlin explained he made a motion at a previous meeting that was supposedly incorrect. The motion should have read that the town is reclassifying East Main Street from Greasy Creek Road to Van Buren Street. He is asking for a motion to change the classification in order to obtain grant money to pave this road. Town Superintendent Bush noted this is a classification of a thoroughfare.

Councilmember King made a motion to change the classification of East Main Street from Greasy Creek to Van Buren Street to conform with the appropriate classification. Councilmember Cassiday seconded the motion. All were unanimously in favor.

2) STORM WATER PROJECT

Brad Dove with DLZ updated the Council on the project and reported the pavers started today down by Washington Street. The milling will begin next week and the pavement to be installed the beginning of September and this will put them well ahead of the schedule. Town Superintendent Bush explained there was an updated project schedule sent out that shows the milling to be on August 25th, then surface paving and the week of September 6, 2010 will be the striping and the seeding for the storm water project area.

Mr. Dove noted they were showing paving on September 3rd, which is the Friday before Labor Day but they had discussions earlier about not working on that Friday. Mr. Dove asked the Council if they wanted the work done on this day. Council agreed to have the work done during the day and to have the road open at night.

Councilmember King asked Mr. Dove to talk to the construction company to make sure the roads are blocked while they are working as people have been driving in the construction areas. Councilmember King asked when the backfill areas are to be graded, seeded and strawed. Mr. Dove advised this is scheduled to be done the week of September 6th.

3) DOWNTOWN REVITALIZATION PROJECT

Vice-President Kirlin spoke of the letter the Council received requesting an extension of the contract. The contract is scheduled to end on October 11, 2010 but the contractor is asking for an additional thirteen days which would extend the contract to October 26, 2010. Vice-President Kirlin reported he met with the contractors the other day and told them he would not support this extension. The Council could let the contractors off the hook as they had a street blocked for 70 days and the contract read 50 days and the penalty for that is \$500 a day. Vice-President Kirlin would like the contractors to get the work done by the original date and maybe complete the punch later. He noted that Duke Energy caused the problem in not completing their portion of the project in a timely manner which caused the contractor to get started three weeks late.

Councilmember King agreed with Vice-President Kirlin and added that it is frustrating to stop a whole project because they are waiting on one small section to be completed first. He agreed that they should not give the extension to the contractors. Councilmember Cassiday agreed and noted the sooner they have completed the project the better. Vice-President Kirlin suggested they allow the contractors to complete the punch list in November or December. Mr. Dove reported it is the estimator's job to request the additional days but they really don't think they will be in there that long. According to the foreman they should be able to pave the street by the middle to end of September.

Mr. Dove reported he is working with the contractor on the light poles to get shop drawings so they can start installing the light poles. Vice-President Kirlin commented this issue was addressed six months ago and it should not be an issue at this point. Town Superintendent Bush explained this has to do with putting the conduit in the pole. Discussion. Mr. Dove explained once they get the approval of how the electrical and water will be run in the poles they will start putting up the poles.

Vice-President Kirlin asked who is installing the light poles. Mr. Dove is not sure who will be doing this work. Vice-President Kirlin would like the same contractor that installed the other light poles as they did an excellent job. Vice-President Kirlin asked Mr. Dove to let them know who is doing the irrigation system.

4) PARKING AND PUBLIC FACILITIES REPORT

Commission President Lamond Martin was not present for the meeting to make a report.

Chief Administrator Carr reported the Commission has been discussing the Carter lot and did a walk through of the lot. Vice-President Kirlin commented that there is plenty of money in this fund and if they need someone professional to make plans for this area he would entertain that.

5) CHAMBER OF COMMERCE REPORT

Suzannah Zody was not present for the meeting to make a report.

6) DEVELOPMENT REVIEW COMMISSION REPORT

Commission President Suzannah Zody was not present for the meeting to make a report.

Chief Administrator Carr reported the Commission approved quite a few signs and tabled one. The Commission approved the Harold Stanley project to add a porch. One COA was approved in-house for an Eagle Scout project to build a wooden trash receptacle for the fire department so the animals could not get into the trash.

7) ECONOMIC DEVELOPMENT COMMISSION REPORT

Suzannah Zody was not present for the meeting to make a report.

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

None presented.

REPORTS FROM DEPARTMENT HEADS

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

A. Employee Leave of Absence Approval

Town Superintendent Bush reported he gave employee Steve Williams verbal approval for a leave of absence before it was brought to his attention that according to policy the Council must give approval. Vice-President Kirlin commented that according to the resignation letter he was leaving for another job so what has changed. Town Superintendent Bush advised there were other personal issues involved in offering this leave of absence to Mr. Williams. Vice-President Kirlin voiced concern that if Mr. Williams does not come back in 90 days they will be out an employee for that time and could put them further behind in their work. Discussion. Town Attorney Roberts advised he trusted Town Superintendent Bush's judgment in this matter.

Councilmember King made a motion to approve the leave of absence of ninety days for Steve Williams with an ending date of October 1, 2010. Councilmember Cassiday seconded the motion. All were unanimously in favor.

B. Parkview Church Sewer Availability Approval

Town Superintendent Bush advised he could not approve this request as it is not inside town or within the corporate limits therefore it requires Town Council approval. The Parkview Church is requesting to hook up two properties into the church's existing lift station. This would not impact the Town's sewer system. Town Superintendent Bush showed a map of the area to the Council for their review. Discussion. Town Superintendent Bush advised the church would have to sign a waiver of annexation for this area if they are approved to hook into the sewer.

Councilmember King made a motion to allow Parkview Nazarene Church hook up to the town's sewer the two properties they presently own and the town will receive a waiver of annexation for this area. Councilmember Cassiday seconded the motion. All were unanimously in favor.

C. 2010 Street Resurfacing Program

Vice-President Kirlin reported the Council has received a well done write up of research that Town Superintendent Bush has done on the resurfacing program. It appears that half of the paving will be done by the town and the other half done by professionals. Town Superintendent Bush asked Council's permission to send out requests for bids for the resurfacing project. He has tentatively set the bid opening at 6:30pm on September 2, 2010. Town Superintendent Bush advised the bid packet is set up so that they will get a quote for the work and a quote for preparing the road surface prior.

Town Superintendent Bush presented photographs of a microsurfacing project that was done just north of Madison, Indiana. Councilmember King asked what the timeline is for doing the surfacing work. Town Superintendent Bush advised it is not to be done during the bulk of October and may be pushed back into November.

Councilmember King made a motion to approve the paving plan presented by Town Superintendent Bush. Councilmember Cassiday seconded the motion. All were unanimously in favor.

D. Sewer Expansion Project

Town Superintendent Bush advised there are currently two types of pumps that are spec'd for the project; ½ horse and 1 horse pump. It may be in the Town's best interest to spec 1 horse pump as the difference in the two pumps for the whole project would only be about \$6,300.00. Councilmember King asked about the electricity usage difference. Town Superintendent Bush reported the 1 horse pumps would be more efficient as they use a 220 volt versus a 110 volt. Council agreed to go with the 1 horse pump as advised by Town Superintendent Bush.

Town Superintendent Bush reported the sewer expansion project has been designed and the deadline for receiving sewer hook on applicants has passed; he has had two additional customers express a desire to be included in the project. The bid was set up so that there was an itemized cost for each customer, however a change order would be possible to add the additional customers but he would need Council's approval to do so. Discussion. Council asked for more information, especially on what a change order would cost. Town Superintendent Bush will look into the cost for the change orders.

E. Quotes

None presented.

F. Service Agreements

Chief Administrator Carr explained that Council had asked to have the service agreement with Flashlight Termite for pest control redone. They have now received a bill for the termite treatment and they have bid \$50 per pest control treatment with six treatments per year. Also the annual termite inspection is \$75 which has already been done. Councilmember King commented that he saw ants walking in the meeting room today and he believes they need this service. Council agreed to go with Flashlight Termite for pest control as bid.

G. Utilities Report

Vice-President Kirlin announced the reports were before the Councilmembers and noted someone put the wrong chemical in something at the plant and it cost them money. Town Superintendent Bush explained it did not cost them money but it did give them a violation. He noted this is a problem every time they start training somebody new and maybe they should look into hiring another part-time operator as they are already licensed and should know what they are doing. Discussion.

H. Council Inquiries

Vice-President Kirlin asked where they are at on the Red Barn Jamboree regarding unapproved signs. Chief Administrator Carr reported the last she heard from Planning and Zoning was that the Red Barn Jamboree owner was applying for a variance. However, she was missing some paperwork with her application and was sent a letter advising her of what else was needed. Discussion. Town Superintendent Bush explained there is a portion of the ordinance that allows him to deal with these types of violations but he must have a public hearing in order to pull a business license. He told Planning and Zoning that he must allow the business owner to fulfill their obligation before he moves forward.

Vice-President Kirlin asked about the status of the communication regarding the sidewalk in front of Carmel Corn Cottage. Chief Administrator Carr advised she has not heard back from the building owner, however they are in the process of getting the measurements of the sidewalk so they can submit bids if he requests to participate in the sidewalk program. Vice-President Kirlin would like another letter sent to the building's owner regarding the repair of the sidewalk. Discussion.

TOWN COUNCIL MEETING, AUGUST 19, 2010

Vice-President Kirlin commented that there is a major trash problem on North Jefferson Street as someone has a dumpster with trash strewn all about. Since they have already sent the owners a letter could they start fining them? Town Attorney Roberts said they could file a suit to enforce the ordinance and ask for a fine on a daily basis. Vice-President Kirlin asked Town Attorney Roberts to work on this issue and keep them posted.

Vice-President Kirlin advised the Town is applying for a \$50,000 OCRA grant and will work with the Main Street Committee and the Economic Development Committee for this project. The cost to the Town will be \$5,000 for this study grant on vacant properties they would like to see developed, tourism and a feasibility study on the arts and cultural center that has been discussed.

Vice-President Kirlin reported the Convention and Visitor's Bureau does the Christmas lightings around town and they have found a person to maintain and install the lights this year for \$1,000.00. Vice-President Kirlin suggested the Town pay the \$1,000.00 for the maintenance of the lights.

Councilmember Cassidy made a motion to pay the \$1,000 to the Visitor's and Convention Bureau to pay a maintenance man to maintain the Christmas lighting and he would install lights at Town Hall as well but the Town will pay for their own lighting. Councilmember King seconded the motion. All were unanimously in favor.

Vice-President Kirlin talked about nine new lamp poles going up in the Downtown Revitalization project area. This means they will need to purchase 18 new hanging baskets and he suggested this money come out of the Riverboat Gambling fund. Council agreed to have Vice-President Kirlin pursue the purchase of the 18 hanging baskets.

2) TOWN MARSHAL – STEPHANIE LOERZEL

A. Council Inquires

Town Marshal Loerzel explained that this year Halloween falls on Sunday and they have received calls asking if they will have trick or treating on Saturday or Sunday. She asked for the Council's opinion or preference. Council asked Town Marshal Loerzel to make this decision.

Town Marshal Loerzel asked Town Attorney Roberts to write up some sort of an agreement about the video grant that they are going in with the Sheriff's Department. She would like it to address that when administration changes the Town will still have access and rights to the equipment that is being installed at the Sheriff's Department. Town Attorney Roberts asked Town Marshal Loerzel to write him a letter as to what her understanding of the agreement should be. He will then prepare the agreement and send it to the County Attorney.

Town Marshal Loerzel advised the Council that Operation Pullover will begin August 20, 2010 and goes through September 12, 2010.

Town Marshal Loerzel advised the speed sensor sign has been moved to Artist Drive. Councilmember Cassidy reported the sensor is not working. Chief Administrator Carr advised a new battery was just installed but it doesn't seem to make a difference. Councilmember Cassidy thought there was a solar sensor on the market, but Vice-President Kirlin advised this sensor was given to the Town for free from Purdue. Town Superintendent Bush suggested they program the speed sensor to only work during the day to extend the life of the batteries.

TOWN COUNCIL MEETING, AUGUST 19, 2010

Town Marshal Loerzel noted that some of the officers were in attendance at the meeting and commented on the excellent job they are doing. Officer Seastrom and Officer Shrader have been working long hours on a big case that came in a couple of weeks ago. Officer Brown also worked a very difficult death scene about a month ago and the family came in and brought him a thank you card and complimented him on the way he handled the situation.

Vice-President Kirlin asked if the police cars had working laptops. Town Marshal Loerzel advised they do have laptops in the police cars and have some problems with them now and then. Sometime in the future she would like to upgrade the laptops as they have had them for four years through a grant with EMA.

3) TOWN ATTORNEY – JIM ROBERTS

A. Council Inquiries

Vice-President Kirlin asked for an update on the trailer. Town Attorney Roberts reported that he and John Kennard of the Health Department visited with the owners at the trailer. The owners had already removed the weeds in the area so it looked much better. The owners promised to organize and clean up some building materials in the area as well. Town Attorney Roberts advised the next step would be to replace the windows so that the trailer could be used for storage and not human habitation. Mr. Kennard seemed to be satisfied with the progress.

Town Superintendent Bush spoke about obtaining additional funding for the Sewer Expansion project and noted Town Attorney Roberts sent out a letter on this issue. Council scheduled an Executive Session on this matter for September 9, 2010 at 6:30pm pertaining to legal contracts and potential litigations.

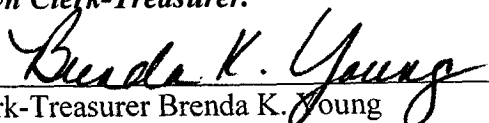
4) ANY OTHER UNFINISHED BUSINESS OR COMMENTS THAT MAY COME BEFORE THE COUNCIL

Councilmember Cassiday spoke about a parking issue at Antique Alley area. There is a concrete pad next to the restrooms in this area and this is to be used by the Town's cleaning personnel to clean the restrooms. Town Superintendent Bush's opinion is that this concrete pad belongs to the Town as they are leasing the restrooms. Town Attorney Roberts suggested they look at the lease and see if it is in effect. If the pad does not belong to the Town then it is private property and other's can park there.

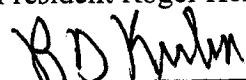
ADJOURNMENT

Councilmember Cassiday made a motion to adjourn the meeting. Councilmember King seconded the motion. All were unanimously in favor of the motion. The meeting was adjourned by Vice-President Kirlin at 8:55pm.

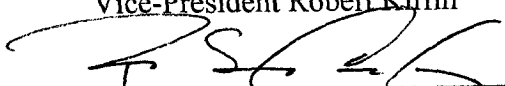
The audio recording made at the Town Council meeting on 8-19-10 is retained in the office of the Town Clerk-Treasurer.


Clerk-Treasurer Brenda K. Young

President Roger Kelso



Vice-President Robert Kirlin



Councilmember R. Sean Cassiday

TOWN COUNCIL MEETING, AUGUST 19, 2010



Councilmember Charles B. King



Councilmember Arthur Onberg