

**NASHVILLE TOWN COUNCIL MEETING  
THURSDAY, DECEMBER 15, 2011**

**ATTENDANCE** – Council members present – President Robert Kirlin, Vice-President Charles B. King, Councilmember Sean Cassiday, Councilmember Jane Gore and Councilmember Arthur Omberg. Also in attendance –Town Superintendent Roger Bush, Chief Administrator Phyllis Carr, Town Marshal Stephanie Loerzel, Town Attorney James Roberts, Clerk-Treasurer Brenda Young and Deputy Clerk-Treasurer Debbie Ferry.

**REGULAR COUNCIL BUSINESS – 6:30PM**

1) **CALL TO ORDER** by President Kirlin at 6:30pm.

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.

4) **APPROVAL OF AGENDA**

President Kirlin asked to add under Old Business a discussion on a committee to review the noise ordinance of the Town of Nashville. Under New Business he asked to add a discussion on establishing an art and entertainment commission for the Town of Nashville. President Kirlin asked the Council if there were any other adjustments or additions and no further items were noted.

All were unanimously in favor of approving the agenda as amended and the agenda was approved.

5) **APPROVAL OF THE MINUTES – 11-17-11 MEETING**

President Kirlin advised the following minutes had been submitted for approval: November 17, 2011 Council meeting. Councilmember Omberg moved to approve the minutes as presented. Councilmember Gore seconded the motion. All were unanimously in favor. President Kirlin reminded the public that the approved Council meeting minutes are posted on the Town's website at [www.townofnashville.org](http://www.townofnashville.org).

6) **COMMUNICATIONS**

President Kirlin advised they have a couple of written communications before them.

**A. Written**

- **Bill Hastings – Adjustment Request**

Mr. Hastings presented the Council with exhibits and explained he wrote a request for a sewer adjustment. He reported he had an excessive increase in his water and sewer bill at a cost of \$230 and had the leak repaired at a cost of \$266 and presented the receipt for the repairs. Mr. Hastings explained his house was hooked onto the sewer in June and his bill increased every month after this bill. Mr. Hastings advised the leak was found near the pit and he suspected that during the construction of the sewer expansion he wondered if something was knocked loose causing the leak. He noted the water from the leak did not go down the sewer and he did get some credit from the billing department but he is asking for an additional adjustment of \$150 for the excess bills he paid over the last three months.

Clerk-Treasurer Young explained the second request for an adjustment did not qualify due to the number of gallons used. President Kirlin asked how much was adjusted off the first bill. Clerk-Treasurer Young reported they adjusted off \$149.42 for a water and sewer credit for two month usage.

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She explained according to the stipulations in the ordinance for the amount of water used, Mr. Hastings did not qualify for the second adjustment and that is why he is before the Council. Discussion.

President Kirlin asked the Council what they want to do with this request. Councilmember Omberg asked what Town Superintendent Bush thought about the request. Town Superintendent Bush noted the construction ended in early June and the leak didn't start happening until a while after that, typically if they happened in close proximity to one another Mr. Hastings would have a leg to stand on in regard to his suggestion that the cause of the leak was due to the construction in the area. Discussion.

Councilmember Cassidy moved they split the difference and give Mr. Hastings a \$75 credit for his water bill. Councilmember Omberg seconded the motion. All were unanimously in favor of the motion.

- **Tricia Bock – Adjustment Request**

Ms. Bock addressed the Council and explained her bill is over \$400 at this point since the issue started in October. She explained there was a leak in the tank that was trickling through and she was not able to detect the leak. Ms. Bock had a plumber find the leak in the toilet and repair it. She wrote the required letter asking for an adjustment but the number of gallons used was just shy of the required amount. Ms. Bock said the leak was fixed, then there was a water main break in her area of town and it required a plumber to come out and fix the toilet part once again as the part was full of small gravel stones. Discussion. Vice-President King asked how much credit she has received. Ms. Bock advised she has not received any credit on her water or sewer bill and presented the part that needed to be replaced for the Council to review.

President Kirlin asked to the best of Ms. Bock's knowledge the problem has been fixed. She advised that was correct. Councilmember Omberg summarized that Ms. Bock's bill normally runs approximately \$90 to \$100 a month and the last three months it has been around \$130 a month. Vice-President King moved they issue a credit for \$65 to Ms. Bock's account. Councilmember Gore seconded the motion. All were unanimously in favor.

### **B. Audience**

Brown County Geoff Keller asked to address the Council concerning the motorcycle situation. President Kirlin explained there is nothing on the agenda because there is nothing the Town Council can do at this point in time. They will talk about appointing a committee to address the noise ordinance but allowed Mr. Keller three minutes to address the Council.

Mr. Keller reported in 1983 the EPA started inspecting all American made motorcycles as they left the factory floor to insure all motorcycles met EPA regulations. He noted all EPA approved motorcycle and muffler systems will bear two stickers with matching identification numbers that signify that the motorcycle is compliant with the EPA regulations. The regulations limit the noise level to a maximum of 80 decibels of sound. Mr. Keller reported roughly forty-five percent of all Harley Davison motorcycles on the street are non-compliant with EPA regulations. Mr. Keller provided the Council with facts and figures of the decibel ratings and spoke of the congressional 1972 Noise Control Act. He noted the Federal government has left it up to the States and Local governments to enforce the EPA regulations. Mr. Keller advised they need to formulate an effective and enforceable noise ordinance that addresses all forms of unnecessary noise in their community.

President Kirlin thanked Mr. Keller for his presentation and Councilmember Omberg asked Mr. Keller to be a part of the noise ordinance committee. Mr. Keller agreed to be a part of the committee.

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Councilmember Omberg noted he has sent a complaint to the governor's office so the noise issue can be addressed state wide but they refused to touch it and said it was a local issue. Mr. Keller noted he has contacted five cities in the United States with some of the toughest standards and is getting information from them to use in Nashville and Brown County. Discussion.

### 7) TOWN MARSHAL – STEPHANIE LOERZEL

#### A. Council Inquiries

Town Marshal Loerzel reported a person that lives in the County and breeds German Shepherd's has offered to donate one of their canines to their Department so that they can have their canine unit up and running again. She has talked with Clerk-Treasurer Young about the costs to have the dog certified and they do have the funds through the Law Enforcement Continuing Education Fund. Town Marshal Loerzel explained they have a SUV for transporting the canine and the training is affordable. At this time the ordinance states the handler is responsible for the vet bills but she would like to speak to the Council at some point about changing this part of the ordinance and Town Marshal Loerzel noted the handler will be Officer Tim True. The department has received letters of support for the canine program from the School District along with other county government entities.

Vice-President King commented that since she has all the proper things in place Town Marshal Loerzel should continue to move forward with the canine unit. President Kirlin commented that things seem to be going along well without a canine unit and do they really need this. Town Marshal Loerzel believes they do need the unit for the detection and deterrence of drugs throughout the schools, the Town and County. President Kirlin voiced concern about the training process and will they lose an officer to training rather than patrol time. Town Marshal Loerzel explained they have enough people to allow Officer True to go to the training and she will take Officer True's shift so that they will not have overtime costs. President Kirlin would like a very good policy as to how the canine unit is to be used as he is concerned the County will call all the time. Town Marshal Loerzel advised they will help out the County when requested but it will be at her discretion and to the handler's discretion. Discussion.

Council asked who will own the dog. Town Marshal Loerzel advised the dog is being donated to the Town so the Town owns the dog, however the dog will live with the handler, Officer True.

Councilmember Omberg asked what will happen to the dog if Officer True leaves the department.

Officer True explained the canine's certifications are good for a year at a time and if he should leave the force, the canine would not be allowed to be in service until it goes through training with a new handler because the certification is a team certification. Officer True noted he intends to stay with the department and being a canine handler is always something he has wanted to do. The canine will live with him and he has contacted Dr. Brester about the cost of the vet bill and was quoted \$355 for a year.

Councilmember Omberg noted the Council is more concerned about using the canine in the County and taking away from his work in the Town. Officer True explained he would not leave his house and go anywhere in the county for a traffic stop to search a car, however if he is on duty and close to the incident he will go and assist. Discussion. Town Marshal Loerzel advised she will not allow the department to be used but she wants the canine unit to benefit the Town, the residents and schools but if they are needed in the County they will do so with discretion. Discussion.

Councilmember Gore asked what the cost of the training will be. Town Marshal Loerzel reported the narcotics training will be \$1,100 and the police patrol training will cost \$1,000. If the dog goes through the training and is not able to be certified they will pay nothing. Yearly recertification will cost \$800. Clerk-Treasurer Young noted the Law Enforcement Continuing Education Fund is a fund where monies

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come in from court costs and other funds they collect. Council asked Town Marshal Loerzel to present them with a stringent policy on how the canine will be used.

Town Marshal Loerzel reported they have raised more money this year than any other year for the Shop with a Cop program. They raised over \$8,000 so they will be able to take 48 children this weekend. President Kirlin wondered if there was a way they could spend some of those funds in a store in Brown County rather than taking it outside of the county. Discussion. President Kirlin asked Town Marshal Loerzel to meet with business owner David Martin to see if there is a way they can spend some of the funds in Brown County.

Vice-President King voiced pleasure that they were able to raise the funds and thanked Town Marshal Loerzel and her department for all they do.

President Kirlin commented about kids smoking after school and it is becoming a problem once again in the area by the Circle K. Councilmember Cassiday commented he saw twenty kids in the street today and they eventually moved out of the street. President Kirlin asked about staffing. Town Marshal Loerzel explained she tries to have two officers on duty after school several times a week. She noted they have a lot of calls to take and they cannot schedule those calls around the time when school gets out. There will be days they cannot be on Washington Street to move the kids or write tobacco tickets. Town Marshal Loerzel advised she and the other officers are on Washington Street as often as they possibly can and tobacco tickets have been written and they go through the Prosecutor's office. Discussion.

President Kirlin asked Town Marshal Loerzel to be a part of the Noise Ordinance committee. She agreed to be a part of this committee.

### **8) CLAIMS**

Councilmember Omberg moved to approve the claims for the period of 11-11-11 through 11-30-11 and for the period of 12-01-11 through 12-08-11. Vice-President King seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young advised they have claims for the sewer expansion project; one to ARa for \$4,000, to Strand Engineers for \$6,021.81 and the Town of Nashville for \$1,605.58.

Councilmember Omberg moved to pay Administrative Resources association in the amount of \$4,000. Vice-President King seconded the motion. All were unanimously in favor.

Vice-President King moved to approve the claims for Strand Association, Inc. in the amount of \$6,021.81. Councilmember Cassiday seconded the motion. All were unanimously in favor.

Councilmember Omberg moved to approve the claims for the Town of Nashville for the reimbursement of the sewer expansion project expenses in the amount of \$1,605.58. Vice-President King seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young advised the last claim the Council pulled out of the stack is for the Brown County Volunteer Fire Department for \$2,250. She noted funds are in the budget for this year and if the Council does not approve the claim this year they will not have enough in the appropriations for next year. President Kirlin explained he personally pulled the claim because he wanted to talk to the Council. He advised they struggle getting a report from the department every year and he believes the

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Fire Department owes it to the tax payers to show them what kind of results they are getting from the department. Vice-President King noted that the fire department is staffed by volunteers and it's hard to get people to go a little bit extra. Clerk-Treasurer Young suggested in the next contract with the Fire Department they could put more directives about receiving a report. Discussion.

Councilmember Omberg made a motion to approve the claim for the Brown County Volunteer Fire Department for \$2,250. Vice-President King seconded the motion. All were unanimously in favor. Discussion.

### **NEW BUSINESS**

#### **1) TRAFFIC & PEDESTRIAN – OCRA PLANNING GRANT**

President Kirlin reported the Town has been working with INDOT out of the Seymour office for many years to see what they can do to get better sidewalks, curbs and traffic flow. They basically have not gotten anywhere with INDOT, however in the meantime the Town has developed a pretty good relationship with OCRA. OCRA asked if they gave the Town \$50,000 could they put a plan together that OCRA could take to the state and get the Town help with their issues. President Kirlin believes this would be a great idea for the Town and gave specifics to what the plan would address. The cost to the Town for the grant would be \$5,400 and would be a total traffic study. Councilmember Omberg summarized that this grant would help them come up with an overall comprehensive plan and then apply for grants to work the plan. He asked Clerk-Treasurer Young if the Town has the money to do this. Clerk-Treasurer Young advised they do have the money and added that because President Kirlin's persistence in talking with these agencies and explaining the problems the Town is having, the agencies came back to the Town and offered this grant.

Vice-President King asked if they are doing traffic counts; don't let them do it on a Wednesday in February since that is not a real representation of the traffic in town. Discussion. Parking and Public Facilities Commission President Martin noted Betsy Lease and the committee she is working with is putting together some information on accessibility and will bring the report to his committee next month. President Kirlin advised he was aware of this report and will include the report with the grant application. President Kirlin asked if the Council approves, to adopt Resolution 2011-09 to apply for the planning grant.

Councilmember Omberg moved to adopt Resolution 2011-09 by title only. Vice-President King seconded the motion. All were unanimously in favor. Councilmember Omberg read Resolution 2011-09 by title only.

Clerk-Treasurer Young reminded everyone they will have to have a Public Hearing on this resolution. The Public Hearing is scheduled for January 19, 2012 at 6pm at Town Hall.

#### **2) 2012 BUDGET ADOPTION – WATER AND SEWER**

Town Superintendent Bush reported the water and sewer budgets follow the recommendations of the Town's accountant. President Kirlin noted there was no rate increase and he was very pleased with this. Town Superintendent Bush advised Brown County Water is close to finishing their new treatment plant and once completed he anticipates them receiving approval for their next rate increase. He has spoken with accountant Pat Callahan about getting a tracker ordinance put together for that so that once Brown County Water rates go up, our water rates will increase as well. Town Superintendent Bush and Clerk-Treasurer Young both agreed there was no way to avoid the increase.

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Councilmember Omberg moved to adopt the 2012 Water and Sewer budgets. Councilmember Cassiday seconded the motion. All were unanimously in favor.

### **3) 2012 SALARY ORDINANCE**

Clerk-Treasurer Young explained how the salary ordinance was created and noted they have changed the salary ranges. Councilmember Omberg moved to have the first reading by title only of Ordinance 2011-10. Councilmember Gore seconded the motion. All were unanimously in favor. Councilmember Omberg read Ordinance 2011-10 by title only. Vice-President King moved to have the second reading by title only of the Ordinance 2011-10. Councilmember Cassiday seconded the motion. All were unanimously in favor. Councilmember Omberg moved to suspend the rules in order for the second reading of Ordinance 2011-10. Councilmember Gore seconded the motion. All were unanimously in favor. Councilmember Omberg read Ordinance 2011-10 by title only. Vice-President King moved to adopt Ordinance 2011-10. Councilmember Cassiday seconded the motion. All were unanimously in favor.

### **4) ANY OTHER NEW BUSINESS THAT MAY COME BEFORE THE COUNCIL**

Nothing presented.

### **5) ESTABLISHING AN ARTS AND ENTERTAINMENT COMMISSION**

President Kirlin asked the Council if they were interested in forming a new committee to investigate the Town having an Arts and Entertainment Commission. President Kirlin gave the background on the Region 8 district. The Commission would be made up of 5-7 people that would meet on a monthly basis and would work with Ivy Tech on partnership on entertainment and art in Brown County. Discussion. Councilmember Cassiday and Vice-President King commented that President Kirlin should pursue forming a commission.

Clerk-Treasurer Young suggested the Council have Town Attorney Roberts draft up an ordinance creating the commission. President Kirlin agreed they will need an ordinance if they do decide to establish the commission.

### **OLD BUSINESS**

#### **1) ORDINANCE 2011-04 – OFF PREMISE SIGNAGE**

President Kirlin advised Ordinance 2011-04 has been presented and is out of committee. The committee has met three or four times and the ordinance before them is what has come out of the meetings. Discussion. Town Attorney Roberts noted Ordinance 2011-04 will be replaced with the completely different ordinance that he is in the process of drafting and will present this to the Council at their next meeting in January.

#### **2) SEWER EXPANSION PROJECT**

Town Superintendent Bush advised they were having a problem with leaves at the treatment plant. This issue has cleared itself at this time but he has directed the engineers to wait until spring to see how things are working out. Discussion.

Town Superintendent Bush reported substantial completion has been issued to the collection system contractor and the wastewater treatment plan contractors. Clerk-Treasurer Young reported they have one retainage left to release and will do so when they get the ok from the engineer. President Kirlin asked that the Town send out a press release regarding the completion of the project.

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President Kirlin asked if they are keeping the gates locked to the treatment plant. Chief Administrator Carr advised they are locked when she has checked on the gates.

### **3) BROWN COUNTY VOLUNTEER FIRE DEPARTMENT REPORT**

No one was present to give a report.

### **4) PARKING AND PUBLIC FACILITIES REPORT**

Parking and Public Facilities Commission President Lamond Martin advised there are two sets of minutes for the Council to review. The commission has discussed the bridge between the Town's parking facility and the school bus parking lot which is deteriorating. Commission President Martin explained the Town does not own the bridge and he believes the school's Building Trades Department built the bridge. Town Superintendent Bush and President Kirlin reported the Town built the bridge. Discussion. President Kirlin suggested they write the School Board and ask them to repair the bridge since it is on their property. President Kirlin asked Town Attorney Roberts to write this letter to the school.

Commission President Martin reported Town Superintendent Bush will start working on the Pat Reilly lot once things calm down a bit. Town Superintendent Bush reported he spoke with Wagler's Excavating and due to its position weather will not be a factor.

President Kirlin asked that the split rail fence in this area be repaired. Commission President Martin commented that the fence is not necessary. Town Superintendent Bush will remove the fence.

### **5) CHAMBER OF COMMERCE REPORT**

No one was present to give a report.

### **6) DEVELOPMENT REVIEW COMMISSION REPORT**

Commission President Suzannah Zody reported the Commission has held one special meeting to look further at the COA for the House of Thunder. The application has again been tabled to the December 20<sup>th</sup> meeting as they had a lot of discussion and the applicant has made a number of concessions to reduce parking and increase the green space. The Commission asked to review the new drawings prior to approval. Commission President Zody noted the lighting plan was not up to code and they are to talk to Town Superintendent Bush prior to the meeting on December 20<sup>th</sup>. Discussion.

President Kirlin asked if there were any comments from the audience. Brown County resident Nina Leggett asked about the site plans and when they are available for review. Chief Administrator Carr reported the plans were available the Friday before the meeting and the next set of plans should be available tomorrow. Ms. Leggett asked to see the plans when they are delivered to the town.

### **7) ECONOMIC DEVELOPMENT COMMISSION REPORT**

Suzannah Zody reported this past week the commission heard a presentation from a potential new business. The EDC's new website has been repeatedly delayed and they are considering changing to a new company.

Ms. Zody advised there will be a Broadband Committee meeting in January and asked that the Council send a representative. Town Superintendent Bush is to contact Joan Wright with the EDC regarding the date and time of the meeting.

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Ms. Zody advised the EDC has designated funds for the new BETA After-School program. The goal of the program is to develop a Junior Achievement style program which they believe will be very good for economic development. Ms. Zody asked if the Town would be willing to match the \$750 the county's pledging toward the BETA program. President Kirlin noted he did not have a problem with giving \$750 to this program but would like to know how the money will be used. Ms. Zody did not have documentation as to where the funds would go exactly and the Council tabled a decision on this until the January meeting.

### **8) REDEVELOPMENT COMMISSION REPORT**

No one was present to give an update.

### **9) TREE BOARD REPORT**

No one was present to give a report.

### **10) GREEN COMMUNITY COMMITTEE REPORT**

Councilmember Gore reported they met a couple of weeks ago and have a plan sketched out. They will meet with the State in January. She explained they are working to become the first Town Green Community in the State of Indiana.

Town Superintendent Bush spoke about several energy saving plans the Town could potentially adopt. He asked the Council to schedule a meeting in February to come to Council and discuss the possibilities. Council scheduled the meeting for February 2<sup>nd</sup>, 2012 at 6pm.

### **11) NOISE ORDINANCE COMMITTEE**

Vice-President King explained at the last Council meeting they talked about making a committee to review the noise ordinance. He reported Larry and Connie Percifield have requested to be a part of the committee and they now have Geoff Keller and Town Marshal Loerzel on the committee as well. Councilmember Omberg offered to be a part of the committee if the meetings are in the evenings. Councilmember Gore noted resident Diane Davern would also like to be a part of the committee. Vice-President King set the first meeting for January 11, 2012 at 6pm.

### **12) 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. Right of Way Request – Boy Scouts**

Chief Administrator Carr reported the Boy Scouts have requested to have the streets blocked for the Spring Blossom Parade on May 5, 2012. They would like the streets closed on May 5<sup>th</sup> from 12:01am to 6pm for their annual Boy Scout auction that they do every year. Councilmember Cassiday made a motion to approve the Boy Scout's right of way request for May 5, 2012. Councilmember Gore seconded the motion. Vice-President King asked the location of the closed streets. Chief Administrator Carr explained the four corners and the alleys will be closed to allow for foot traffic. All were unanimously in favor.

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### **B. Street Sign Maintenance Plan**

Town Superintendent Bush presented the final version of his plan before the Council for their review. He reported this past spring they did a sign inventory and the plan revolves around the form before them. Discussion. Town Superintendent Bush explained the Council must approve the plan so they can verify they have a plan in place per a Federal Government mandate. President Kirlin asked if they are to appropriate xx amount of dollars per year to get this up to standard? Town Superintendent Bush advised once they adopt the plan, they have to start replacing the signs by the deadline of 2018. President Kirlin would like it spelled out as to how much money they will spend each year replacing signs.

Councilmember Omberg moved to accept the plan with amendments about the paying for signs in the documented form. Vice-President King seconded the motion. All were unanimously in favor.

### **C. Task List**

Town Superintendent Bush reported one thing on his list from the last meeting that got changed was the jetter. During the last financial meeting with Rural Development, they advised they could not be involved in allowing the Town to put money towards something he was going to have to finance. Town Superintendent Bush has received bids for the jetter and the highest bid was around \$70,000. He noted the camera costs alone were approximately \$20,000 and he was able to separate out the camera and could buy that for around \$10,000. Town Superintendent Bush will now use the left over Rural Development funds from the project for the purchase of the camera equipment.

Town Superintendent Bush advised the remainder of the jetter equipment will cost around \$50,000. He will work on the financing to get the jetter next year and asked the Council for authorization to solicit quotes. Town Superintendent Bush reported their current jetter keeps breaking down and he spent over \$5,000 for repairs this year alone. Discussion. President Kirlin didn't believe they needed to authorize Town Superintendent Bush to solicit quotes, but the Council may approve of a proposed quote.

### **D. Quotes**

None presented.

### **E.**

None presented.

### **F. Utilities Report**

Town Superintendent Bush asked Council to congratulate Chief Administrator Carr for passing the DSS Test. In the fall Town Superintendent Bush held water class for three individuals and two of them were close to passing and will be eligible to take the test again this spring.

Town Superintendent Bush reported they did not get the Wells Drive lift station installed yet. They have purchased the lift station and rented a piece of equipment and started the north digester valve repair but then they had a torrential rain that caused them considerable setback. He noted they will install the station as soon as weather permits.

Councilmember Omberg asked if the Wells Station was secure yet. Town Superintendent Bush advised it is secure, they barred the hatch and it is no longer an issue.

Town Superintendent Bush asked that beginning next year they go back to having their utility committee meetings, perhaps every other month on a regular basis.

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Town Superintendent Bush spoke about installing a sidewalk along the north edge of the Family Fun Center property on the Washington Street side. He noted Council's feelings in the past have been that parking is a premium in the business district and shared this information with the DRC at the last meeting. President Kirlin suggested they could get the new building owners to put in a sidewalk with a curb on the north side of the building. Discussion.

President Kirlin asked Town Attorney Roberts how much teeth can they give the Development Review Commission to be able to tell a new owner of a property that they need to put in sidewalks and curbing. Town Attorney Roberts does not believe the DRC and the ordinance upon which it is based is directed to address more than landscaping, esthetics and colors. He believes this particular existing building that is too close to the street to permit a sidewalk. Town Superintendent Bush advised they could put a sidewalk in this area but they would then lose the parking spaces. President Kirlin would like to add sidewalks and curbing to the guidelines if legally possible. Discussion. President Kirlin asked Town Attorney Roberts to investigate adding these requirements to the current guidelines and to get back to the Council with his findings.

Nina Leggett commented they not only have a change in ownership of the building they are discussing but a change in usage as well. She noted they will have parking in the back of this lot but they will not have a sidewalk or access to safely get from the parking lot to the main street of town. Discussion. Councilmember Cassiday proposed they blanket this into a drainage issue and read from the DRC guidelines. Discussion.

Town Attorney Roberts reported Town Superintendent Bush read from the Town's ordinances which states "for safety reasons and to limit liability in the event of accidents, construction of sidewalks and or curb lines at existing building sites maybe required at the request of the Town Board". Discussion. The Council advised they want a sidewalk on Washington Street from Jefferson to Van Buren. A straw vote was taken and all but Councilmember Cassiday wanted Town Attorney Roberts to write a letter to current building owner that the Town is requiring a sidewalk be installed in this area. Town Attorney Roberts asked about the parking spaces if the sidewalk is installed. Town Superintendent Bush advised the parking spaces would have to be removed from this area as there is not enough space for a sidewalk and parking. Town Attorney Roberts commented that the building owners should be notified that those parking spaces would be removed. Discussion. Town Attorney Roberts asked if the Town would be willing to split the cost of the sidewalk. Town Superintendent Bush advised he has committed the sidewalk funds to the school until sometime in March. Councilmember Omberg asked if there was a time frame to have the sidewalk installed. Town Attorney Roberts advised the sidewalk should be installed as the property is being developed.

### **G. Council Inquiries**

Councilmember Cassiday asked if they ran out of wreaths as they don't have any on the street signs. Town Superintendent Bush explained they put the wreaths on the light poles downtown and since they have added new light poles they didn't purchase more wreaths to put on the street signs. Councilmember Cassiday asked that they purchase more wreaths to put on the street signs next year.

Vice-President King reminded Town Superintendent Bush to schedule installing street lights in the newly annexed areas. Clerk-Treasurer Young commented that they still need to install some lighting in Parkview. Vice-President King commented that several months ago he reported the light at Artist Drive and Main Street as being out and it is still out. He reminded everyone if the lights go out they still pay the bill as if it was on and asked that they make the power company do their thing.

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President Kirlin noted the resurfacing program was budgeted at \$17,700 and they only spent \$11,800 leaving \$6,000 on the table. Town Superintendent Bush advised the monies carry over next year. Clerk-Treasurer Young explained they can't put it in the budget to increase the appropriations to increase it next year. President Kirlin asked why all the funds were not used. Town Superintendent Bush explained he spent \$10,000 on Snyder Hill which did not leave him enough to put together a paving project and it would have been a waste of taxpayers dollars to try to do a project with only \$6,000.

President Kirlin commented that in Tree Maintenance they budgeted \$3,000 and they are leaving \$2,500 on the table. Town Superintendent Bush advised he should have spent those funds.

### **2) TOWN ATTORNEY – JIM ROBERTS**

#### **A. Council Inquiries**

Town Attorney Roberts reported he put in Council packets the proposed no parking ordinance on Mound Street labeled Ordinance 2011-11. He advised this ordinance has been discussed a length at prior meetings and he believes it accomplishes the intentions of the Council.

Town Attorney Roberts noted he has been working with Clerk-Treasurer Young to streamline the Town Business License ordinance and he is close to a draft of the ordinance. He asked this be on the agenda at the next Council meeting. Town Attorney Roberts will also present the off premises sign ordinance at the next Council meeting.

Councilmember Omberg moved to have the first reading of Ordinance 2011-11 by title only. Councilmember Cassiday seconded the motion. All were unanimously in favor. Councilmember Omberg read Ordinance 2011-11 by title only. Vice-President King moved to suspend the rules and have the second reading by title only of the Ordinance 2011-11. Councilmember Cassiday seconded the motion. All were unanimously in favor. Councilmember Omberg read Ordinance 2011-11 by title only. Vice-President King moved to adopt Ordinance 2011-11. Councilmember Cassiday seconded the motion. All were unanimously in favor. Town Attorney Roberts advised this ordinance requires a one time publication in the Brown County Democrat.

President Kirlin asked where they are at with the request to mark a handicapped parking space in front of the Hills of Brown building that is still not marked. Chief Administrator Carr reported she would have to check on this.

Town Attorney Roberts advised he has a couple of letters to do on his things to do list: one to the school board regarding the bridge and one to the Salin Bank and the applicants for the permit regarding a sidewalk and curb.

### **3) CLERK-TREASURER – CLERK-TREASURER BRENDA YOUNG**

#### **A. 2012 Meeting Schedules**

Clerk-Treasurer Young presented the proposed 2012 Council meeting schedules with a start time of 6:30pm, as well as the 2012 Council Committee meeting schedules with a start time of 6:30pm. President Kirlin asked that they remove Sewer Expansion Committee from the schedule. Clerk-Treasurer Young asked that if the Council will be holding a committee meeting to please let her know so the meeting can be posted.

Chief Administrator Carr advised that the Food and Beverage Committee now starts their meetings at 6pm rather than 7pm.

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**B. Council Inquiries**

Clerk-Treasurer Young reported quotes for the Town's insurance for next year have just come in today. She explained they received a quote from their current insurance company, Downey Insurance, for \$33,353 for the year. They also received a quote from Burnham and Flower Insurance Group for \$29,165 for the year. Clerk-Treasurer Young asked the Town's insurance agent if he had a preference over one company or the other and he said the Town of New Whiteland and the county has used Burnham and Flower for years. Since the Burnham and Flower saves the taxpayers \$4,188 her recommendation is to go with Burnham and Flower.

Vice-President King moved that they accept the bid from Burnham and Flower with a quote of \$29,165. Councilmember Gore seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young reported she received a letter from the Indianapolis Motor Speedway requesting city or towns throughout Indiana to promote back home in Indiana. The best decorated city or town will win \$20,000 and \$2,500 to second and third place. Clerk-Treasurer Young presented this letter to Councilmember Omberg and he suggested schools arts programs could participate. Clerk-Treasurer Young noted the application process will begin in January. President Kirlin commented that last year the CVB and Chamber were contacted about this with no interest.

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

President Kirlin reminded the Council that they will have appointments to make in January. Clerk-Treasurer Young added there are some absentees and openings on the DRC that will need to be addressed.

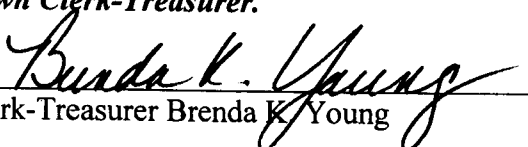
President Kirlin reminded everyone about the Town Employee Christmas party tomorrow evening. Vice-President King commented it would be wonderful to have the Christmas party off site next year.

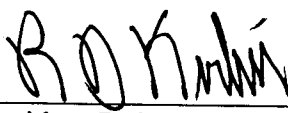
Town Superintendent Bush advised one of his staff members that currently works for the Town through a temporary agency lives in Columbus, forty minutes away. However, the Town's current ordinance only allows him to hire people that live inside the county or to move in the county within one year. Town Superintendent Bush explained the employee has been having difficulty finding a place to live in the county and he fears that if he hires him and he is unable to move here he will have to be discharged. Councilmember Omberg asked if he is that good of an employee. Town Superintendent Bush stated he is a very good employee. Discussion. President Kirlin asked Town Attorney Roberts his thoughts. Town Attorney Roberts commented they could repeal that part of the ordinance and he is not sure in today's economy whether hiring within boundaries is realistic or not. Councilmember Omberg suggested he and Town Superintendent Bush meet to discuss the issue further. President Kirlin asked to table the discussion at this time and they will put it on the agenda at the January meeting.

**ADJOURNMENT**

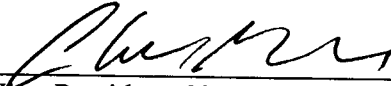
Councilmember Omberg moved to adjourn the meeting. Councilmember Gore seconded the motion. The meeting was adjourned by President Kirlin at 9:33pm.

*The audio recording made at the Town Council meeting on 12-15-11 is retained in the office of the Town Clerk-Treasurer.*

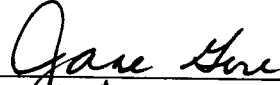
  
Clerk-Treasurer Brenda K. Young

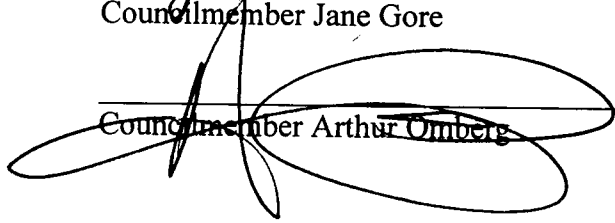
  
President Robert Kirlin

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Vice-President Charles B. King

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Councilmember R. Sean Cassidy

  
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Councilmember Jane Gore

  
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Councilmember Arthur Omberg