

**NASHVILLE TOWN COUNCIL MEETING  
THURSDAY, MARCH 15, 2007**

**ATTENDANCE** – Council members present - President Roger Kelso, Vice-President Robert Kirlin, Councilmember Dale Cassiday, Councilmember Charles B. King and Councilmember Arthur Omberg (arrived at 7:05pm). Also in attendance – Town Superintendent Roger Bush, Chief Administrator Phyllis Carr, Town Marshal Jack Dorsett, Town Attorney James Roberts, Clerk-Treasurer Brenda Young and Deputy Clerk-Treasurer Debbie Ferry.

**REGULAR COUNCIL BUSINESS**

**1) CALL TO ORDER** by President Kelso at 7:00pm

**2) PLEDGE OF ALLEGIANCE**

**3) ROLL CALL** – by Clerk-Treasurer Brenda Young

**4) APPROVAL OF AGENDA**

Councilmember King made a motion to approve the agenda as published. Councilmember Cassiday seconded the motion. All were unanimously in favor.

**5) APPROVAL OF THE MINUTES**

Vice President Kirlin made a motion to approve the minutes of the 2-15-07 meeting, and the sewer expansion meetings of 2-21-07, 2-26-07, 2-28-07 and 3-5-07 as presented. Councilmember King seconded the motion. All were unanimously in favor.

**6) COMMUNICATIONS**

**A. Water and Sewer Bill Adjustment Request – Michelle Kritzer**

Michelle Kritzer asked for a second adjustment to her water and sewer bill due to a massive underground leak in the kitchen area of her restaurant. She had to wait approximately 15 days to get a company from Indianapolis to come and search for the underground leak. The water went into the ground rather than into the sewer. Her first bill was for \$1,300.00 and the second bill for \$1,000.00. Town Superintendent Bush recommended they remove the sewer bill portion which is \$470.42. She had already received one adjustment for the first sewer bill of \$539.00 and she understands that unless Council approves it, she may only receive one adjustment per year. Discussion. Councilmember Cassiday made a motion to remove the second sewer bill. Councilmember Omberg seconded the motion. All were unanimously in favor. Subsequently Vice-President Kirlin made a motion to give her another \$10.00 standard deduction off of her water bill for the leak. Councilmember King seconded the motion. All were unanimously in favor.

**B. Great Scot – Sally Fay**

Sally Sanderson Fay, who owns the shop Great Scot, spoke about reopening their shop and having entertainment in the form of a bagpipe player. They are asking permission to have the bagpipe player perform outside their shop on select summer, fall and holiday weekends for two hours. This would draw attention to not only their shop but to others around them.

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President Kelso commented that he enjoys bagpipes, however, they tend to be loud and they have had several complaints before about the loudness of the bagpipes. Town Attorney Roberts read the noise ordinance. It is his opinion that if it would be on the sidewalk it would be in violation of the town ordinance. Discussion regarding the loudness of bagpipes. Vice-President Kirlin said before he makes his decision he would like to know the following: the location of the shop, how loud (in decibels) the sound would be and the consensus of the neighboring shop owners. Councilmember Omberg said he would be opposed to having this on the public right-of-way such as a sidewalk.

Town Attorney Roberts stated that the Town Council could grant relief from the noise ordinance by way of a special permit. That permit must be temporary and can be issued for no longer than one week and must be between 7am and 9pm per Section 92.20 of the Noise Ordinance. Councilmember Cassiday remarked that they need to have some relief from the length of time being played. Councilmember King agreed it should be conditional. President Kelso summarized the Council's position; the shop will have to comply with the decibel regulation, they have to have consensus of their adjacent neighbors and not be on a public right-of-way. Sally Fay will come back to the Council with a petition signed by the shop neighbors that says they are in agreement with this form of entertainment. Town Superintendent Bush asked that she have the bagpiper come to Town Hall so that he can measure the decibels.

### C. Tree Damage Complaint - Marge Grimm

Marge Grimm described that during an ice storm in February, a tree that is on town property fell onto her house, causing a hole in her roof and damaged her guttering. Chief Administrator Carr has contacted the Town's insurance company. Attorney Roberts said if she wants quick repair, she should contact her own insurance company and if the Town is liable, her insurance company will contact the Town's insurance company.

## 7) CITIZENS CONCERNS

Annabel Hopkins with the Art Alliance explained that they will put artists back on the street in celebration of the Art Colony Centennial. This will start in April through October and will have artists set-up throughout the town on Thursdays through Mondays from 11am to 4pm. She showed the signs that will be put up to point to where the artists are working and she is asking for permission to have these signs on public right-of-way. Council agreed to allow them to display these signs since they are temporary directional signage per Section 153.09E.

Suzannah Zody approached the Council saying that she is receiving a lot of calls from people wanting to participate in bringing their classic cars to the Downtown Saturday Nights project. She is wondering what options there are if they have more than 50 cars show up when they are in the Coachlight area. Doug May does not want them to block off his parking lot or cause problems in allowing access to the theatre. She spoke with the officials of the Christian Church on Van Buren Street and they are willing to have the classic cars park in their parking lot and the band would also be in the corner of the lot. The winery gave them their parking lot of 10 spaces and Lee Waltman gave his permission to use his patio area. Suzannah is asking to revise her request of blocking off the streets; she would like to have W. Washington Street to Jefferson Street be blocked for those nights. Councilmember King is concerned that having things on both sides of the highway could be dangerous and they should consider hiring a police officer to make sure that people are safe at the intersection. President Kelso is concerned about the left turn lane there, and they would have to contact the State for a permit to block that turn lane.

Suzannah Zody will inspect on site with Chief Administrator Carr and will come back to the Council on April 19, 2007 to give their report on how things are going and if they really need the streets blocked. Chief Administrator Carr will work with them on the State permit for blocking the left hand turn on the State Highway.

## **NEW BUSINESS**

### **1) CENTENNIAL CELEBRATION MEDIA DAY**

Vice-President Kirlin spoke of the Centennial Celebration Media Day on Thursday, March 29, 2007. This is the kick-off of the Town/Convention Bureau 100 Year Celebration. They have sent out over 300 invitations to the media and dignitaries including Representatives Vi Simpson and Eric Koch. He would like to have the following for this event: the town put out all the flags for that day, have Old School Way Restroom parking lot blocked for press parking only, and to block off East Main Street from the Courthouse up to Locust Lane from 8:45am – 12pm, because all the dignitaries and media will be around the courthouse. Councilmember King made a motion to block the street as described. Councilmember Cassiday seconded the motion. All were unanimously in favor. Councilmember King made a motion to have the Town Administration contact the Fire Department, the School and local Law Enforcement and EMS. Vice-President Kirlin seconded the motion. All were unanimously in favor.

### **2) 2007 PROJECTS**

Paperless System – Councilmember Cassiday reported he has figures on the equipment but not the software yet. He still believes he can do this for his \$15,000.00 budget.

Storage – Councilmember King explained he is getting things together to put bids out in a week or two.

New Computer Equipment and Accounting/Billing Software – Clerk-Treasurer Young stated they have not been installed yet, but it is scheduled for March 27, 2007.

Dog Ordinance – Councilmember Omberg commented that he will be working on this next week.

Sound System – Suzannah Zody reported that Robbie Bowden is looking for one now and they will purchase it on Saturday. Attorney Roberts will write up an agreement as to the leasing of the equipment to the Brown County Chamber of Commerce.

### **3) ORDINANCE 2007-01 REPEALING SECTION 153.125 OF THE NASHVILLE LAND USAGE ZONING CODE**

Town Attorney Roberts had asked for this to be on the agenda of the Area Plan Commission's March meeting. The Plan Director asked for an additional change to the ordinance regarding the composition of Plan Commission members so that the County and Town ordinance are the same as to how the members are chosen. Discussion. President Kelso instructed Town Attorney Roberts to take this to hearing in April.

### **4) DRUG AND ALCOHOL POLICY**

Town Attorney Roberts redrafted this policy to address the concerns presented at the last Council meeting and suggested the Council review it and make a decision on it later.

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

Vice-President Kirlin reported that Municipal Government Week is coming up in May and he would like to see what the Council could do to get some kids involved. Council agreed this would be great to have kids involved and Vice-President Kirlin will work on this project.

**OLD BUSINESS**

**1) UPDATE ON SEWER EXPANSION PROJECT**

Chief Administrator Carr commented that she has had a lot of people coming in to have the paperwork signed. President Kelso said that the sewer meetings, especially Orchard Hill, were poorly attended. He would like to see the numbers as to who has signed up for annexation. At this time it does not seem that they are interested in this project. The Coffey Hill area has had at least 50% of its residents sign paperwork for annexation. President Kelso said they had a meeting with Rural Development and they are agreeable to work the financing, but there are lots of questions regarding the possibilities of grants. Town Superintendent Bush is to get with ARa and start the selection process on engineers and rate consultants. He will get a proposed schedule worked up.

**2) PARKING AND PUBLIC FACILITIES UPDATE**

Lamond Martin explained they are very concerned about the property damage happening at the Old School Way restrooms and area. The trash and damage is becoming worse and they would like to get the security cameras up as soon as possible. President Kelso said this is up for bid and they are to be receiving quotes on the cameras tonight.

Lamond Martin also spoke about the custodial contract and if she is required to have her own equipment or not. Town Attorney Roberts explained that we can provide soap, toilet paper, etc., but the independent contractor has to bring in the equipment necessary to do the work.

Lamond Martin reported that they will top coat and stripe the new parking lot. Discussion of naming the new parking area.

Councilmember Omberg said that he read the old jail will not be the site of an art school. Discussion of possible uses for this site.

**3) DEVELOPMENT REVIEW COMMISSION REPORT**

David Martin said he had nothing to report, as they did not have a meeting yet this month.

**4) 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**

• **Napa Sewer Project**

Town Superintendent Bush spoke with the Health Department about sending them a letter regarding getting this hooked up as soon as possible. He will provide Council with a copy of the letter once he receives it.

• **Reverse 911 System**

Town Superintendent Bush spoke with Mike Bruce of the Emergency Management Agency and he will be sending a request in writing to them to utilize their reverse 911 system for boil advisories. Cordry-Sweetwater also has a contract with them for this purpose.

• **Task List**

President Kelso said the Council members had copies of the task lists in their packets for review.

• **Quotes**

Chief Administrator Carr presented the bids for the security cameras at the Old School Way Restrooms. A spec sheet was given to these companies so they were all bidding with the same information. The three quotes were from: Multi-Guard for \$3074.00, CSC for \$3946.00 and ESCO for \$6865.00. Town Superintendent Bush said that he has not reviewed the quotes to make sure that they followed the spec sheets. Discussion regarding if they really want the cameras and if it would help reduce vandalism in the area.

Town Marshal Dorsett reported that kids congregate every evening in this general area. He has run them off and in a half-hour, they are back in the same area. He reports that he checks this area three times a day and only sees them smoking and some graffiti. Discussion of ticketing those people who are loitering and smoking.

Councilmember King made a motion to allow the Parking Commission to purchase the necessary camera and equipment service at Old School Way restrooms with the lowest bidder. Vice-President Kirlin seconded the motion to get it on the table. He then said that he can't vote for it because he does not think this is the right way to do it. He thinks the right way to do it is to get additional police patrol down there. Councilmember King acknowledges the cameras can't prosecute anybody but at least it will tell you who was there and when. Discussion. The vote on the motion is as follows: those in favor were Councilmember King and Councilmember Cassiday; those opposed were President Kelso, Vice-President Kirlin and Councilmember Omberg. Councilmember King made a motion to have Town Marshal Dorsett direct his officers to heighten the patrol in this area every half-hour from the hours of 3pm – 7pm and report the activity on the monthly logs. Councilmember Omberg seconded the motion. All were unanimously in favor.

Chief Administrator Carr then presented the bids for the meeting room. She only received two bids back: Eddie Hurm for \$500.00 and Lamond Martin for \$100.00. Vice-President Kirlin made a motion to award the bid to Lamond Martin for repair of Town Hall. Councilmember King seconded the motion. All were unanimously in favor.

- **Utilities Report**

President Kelso is concerned about the amount of INI because we are treating three times what we are selling. Councilmember Omberg clarified this is ground water that is leaking into our sewer pipe system and how do we rectify this? President Kelso would like to see what this is costing us to treat this much water. He is also concerned that we bought more water than they sold and we need to be efficient to our customers. Council would like to have a comparison of the new rates versus old rates as to the cost per unit.

Vice-President Kirlin asked where they are at regarding the water situation on 135 North. Town Superintendent Bush replied that he has not had the funds available to do the study and he hasn't contacted Brown County Water yet.

- **Council Inquiries**

Vice-President Kirlin then asked if the Council was comfortable with the State saying they will pay us to clean State Highway 135 two times a year? This contract has been going on for years. Discussion. Councilmember Omberg made a motion to accept the contract for street sweeping. Councilmember King seconded the motion. All in favor except for Vice-President Kirlin.

Chief Administrator Carr informed the Council that she and Facilities Manager Robin Willey have tentatively set a date of March 22, 2007 for grease trap inspections. She left a message for John Kennard of the Health Department to go out with them. As to the truck decals, Larry Webb will get back to her as to when they can schedule the decaling.

Councilmember Omberg asked if the sidewalk bid for the Courthouse would include the steps. Town Superintendent Bush said that before Council only asked for the sidewalk. President Kelso asked that he get it bid both with and without the steps. Town Superintendent Bush said it would slow up the process with the county if he included the steps, but he will go ahead and get a bid to include the steps.

## **2) TOWN MARSHAL – JACK DORSETT**

- **Council Inquiries**

Councilmember King asked about Law Enforcement Academy expenses because there is a lawsuit with a former officer to get monies paid back from his time at the Academy. Town Attorney Roberts said the lawsuit was settled for \$4,000.00; this was a compromise as the total loss was about \$6,000.00. He also reported that he would fix the contract issues.

- **Grant Agreement – Indiana Homeland Security Foundation**

Clerk-Treasurer Young drafted Resolution 2007-02 to go with Town Marshal Dorsett's request to apply for a \$4,000.00 grant from Indiana Homeland Security Foundation to purchase two automated external defibrillators. Councilmember Omberg made a motion to accept Resolution 2007-02 by title only. Councilmember King seconded the motion. All were unanimously in favor. Vice-President Kirlin made a motion to adopt Resolution 2007-02. Councilmember King seconded the motion. All were unanimously in favor.

Town Marshal Dorsett then said he would like permission to purchase three police cars from the Bedford Police Department at \$3,000.00 each and he has the grant monies to do so. The last time they purchased cars was in 2003. Councilmember Omberg made a motion to authorize Town Marshal

Dorsett to purchase the vehicles as presented. Councilmember King seconded the motion. All were unanimously in favor.

**3) TOWN ATTORNEY – JIM ROBERTS**

• **Council Inquiries**

Town Attorney Roberts said he was asked by Vice-President Kirlin to check into the enforceability of our snow removal ordinance. He brought a draft of an amended ordinance regarding this issue for Council to review.

Town Attorney Roberts informed the Council that he received a signed copy from the Plan Commission's Attorney for the sign complaint against Wild & Wonderful Western Wear and it will be filed within the next couple of days.

Councilmember King asked what they are going to do with the people that ignore their letters regarding violating the lighting ordinance and leave their lights on. Town Attorney Roberts replied that they could sue them, but the purpose was to forbid garish lighting and maybe they should review the ordinance once again.

Vice-President Kirlin reported that the county may come up with some sort of a mechanism to collect innkeeper's tax in the form of a license. He would like to see the town piggy back this if Council so chooses. Discussion. The general consensus is that this is not a town issue.

**4) CLERK-TREASURER – BRENDA YOUNG**

Councilmember Omberg made a motion to accept the claims for the period of 2-9-07 through 2-28-07 and for the period of 3-1-07 through 3-8-07. Councilmember King seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young informed the Council of the quote from Jericho Metals to repair the new railing on Main Street that was hit by a car. The quote is for \$2,790.00 and Chief Administrator Carr has prepared a letter to our insurance company to advise them of this claim. The request is for the insured motorist's insurance to pay for the damages.

Clerk-Treasurer Young then spoke about the 2006 Budget. They will be getting preliminary budget orders from the State next week. She estimated a cut in the general fund of approximately \$46,000.00. Our assessed value went down another three million dollars according to the paperwork from the Department of Local Government Finance. Due to all of these issues, we will have to borrow more funds and therefore we will owe more interest.

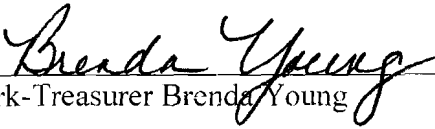
Clerk-Treasurer Young lastly presented the USDA Reports for 2006. Councilmember Omberg made a motion to accept the USDA Statement of Budget, Income and Equity for the Town of Nashville Wastewater Utility and also for the Town of Nashville Water Utility for the year of 2006. Councilmember King seconded the motion. All were unanimously in favor.

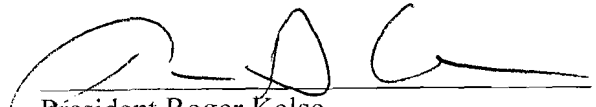
**ADJOURNMENT**

President Kelso made a motion to adjourn the meeting. The meeting was adjourned at 10:03pm.

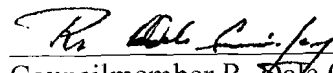
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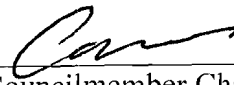
*The audio tape recording made at the Town Council meeting on 3-15-07 is retained in the office of the Town Clerk-Treasurer.*

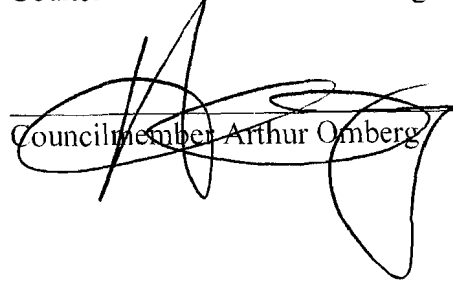
  
Clerk-Treasurer Brenda Young

  
President Roger Kelso

  
Vice-President Robert Kirlin

  
Councilmember R. Dale Cassidy

  
Councilmember Charles B. King

  
Councilmember Arthur Omberg