

**NASHVILLE TOWN COUNCIL  
AND  
NASHVILLE DEVELOPMENT REVIEW COMMISSION  
JOINT MEETING  
THURSDAY, NOVEMBER 11, 2010**

**ATTENDANCE:**

Council members present – Vice-President Robert Kirlin, Councilmember Sean Cassidy, Councilmember Jane Gore, Councilmember Charles B. King and Councilmember Arthur Omberg.

Development Review Commission members present – President Suzannah Zody, Vice-President Brenda Young and Member Rosemary Saurer.

Also in attendance – Town Attorney Jim Roberts, Town Superintendent Roger Bush and Chief Administrator Phyllis Carr.

**AGENDA**

1) **CALL TO ORDER** by Vice-President Kirlin at 6:37pm.

2) **ORDINANCE 2005-08 – AN ORDINANCE ESTABLISHING A DEMOLITION PERMIT PROCESS FOR HISTORICAL BUILDINGS**

DRC President Zody advised she had written a letter on behalf of the Development Review Commission to the Town Council requesting this meeting to discuss the demolition delay ordinance. The DRC has received a couple of demolition requests in the past and the Commission wondered if they really had any jurisdiction to comment or act on them and they concluded they did not based on the ordinance. DRC President Zody reported the Commission has discussed the 45 day waiting period after which a person may proceed with the demolition without intervention. The penalty for not complying with the ordinance is a maximum fine of \$2,500 per violation. DRC President Zody explained the DRC does not believe there are any teeth in the ordinance to allow the Commission to have jurisdiction in the event they want to prevent or approve demolition of a building.

Town Council Vice-President Kirlin asked Town Attorney Roberts where a person is to go for a demolition permit. Town Attorney Roberts advised the first step would be to go to the Planning Commission office and make an application and then a review would be done by the Planning Director. Commission Vice-President Young noted the Town's ordinance requires an applicant to come to the town and complete demolition application. Town Attorney Roberts noted the county would advise the applicant if they would have to go through the Town's demolition process with the Development Review Commission. Commission President Zody explained they could delay the demolition up to 45 days but the Commission doesn't have power to say no to the demolition. Discussion.

Council Vice President Kirlin commented the \$2,500 is a very low fine for a developer to come up with if they want to demolish a building before the 45 days. Town Attorney Roberts clarified the fine is \$2,500 per day of violation. Councilmember Omberg voiced that they should not be telling property owners how they should develop their property and he does not have a problem with the demolition ordinance as it is now written. Councilmember Cassidy is concerned that once a building is gone the history is gone with it. He felt there should be a way to stop the demolition process if necessary. Councilmember Gore advised she is in favor of keeping what historical value the Town has in buildings

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at this time. Councilmember King noted he feels that if you own a piece of property you should be able to do with it what you want but he voted in favor of the ordinance as he saw it as a compromise. Town Councilmember Omberg asked about covenants for properties. Town Attorney Roberts explained covenants are a way of privately controlling land use. Discussion.

Town Attorney Roberts asked Commission President Zody if anyone has come forward and wanted their property to be designated as an historic structure under this ordinance. Commission President Zody advised she is not aware of anyone asking for an historic designation.

Town Superintendent Bush asked if they knew that the HobNob building was on a National Registry and therefore the Town couldn't authorize a demolition permit to tear down the building. Commission Vice-President Young does not believe the historic designation could stop a demolition. Town Superintendent Bush suggested if they were able to get the property owners in town to designate their buildings to be historic in nature, it may be the answer to the demolition question. Council Vice-President Kirlin noted they could designate a historical district but to do so they would have to get 50% of the landlords to sign off on the designation. Discussion.

Commission Member Saurer commented that turning this historic designation process to the property owners would not be a strong enough position. She would like Town Council to put teeth into the demolition ordinance or they could lose Nashville. Commission Member Saurer suggested they look at what other towns and villages have done to preserve them.

An audience member suggested giving tax incentives to keeping the buildings historical rather than imposing penalties. Council Vice-President Kirlin voiced concern about the legalities of providing tax incentives and would have to investigate this option further. Discussion.

Commission President Zody advised she does agree that positive action with tax breaks could work. Regarding the comments that the town should tell people what to do with their private property, this is a conflict because the Development Review Commission does tell property owners that they can or cannot paint their building certain colors, etc. Commission President Zody believes the town has already defined historic designations through their ordinances. She then read aloud a letter from Laura Renwick with Indiana Landmarks regarding the demolition process.

Commission Vice-President Young noted the demolition question has come before the Commission several times in the last seven and a half years and they really don't know what the answer is, but there are stipulations in the law that limit what can be done. Just putting a building on the national historic registry does not keep someone from demolishing a building. Commission Vice-President Young noted there are state and federal statutes that will prohibit the town from saying you can never demolish a building. Town Attorney Roberts advised this information is correct but the alternatives are to condemn the building or buy the building from the property owner. Discussion.

Council Vice-President Kirlin summarized what has been discussed to this point: increasing the amount of time prior to demolition from 45 days after the application has been submitted, the fine should be changed to a minimum amount per day rather than a maximum amount and possibly use a tax abatement for property owners of historic buildings. Council Vice-President Kirlin asked Town Attorney Roberts to get back to the Council on the possibility of tax abatement. Council Vice-President Kirlin asked if the Council would like to redo the ordinance regarding increasing the demolition time frame and change the fine amount. Councilmember King cautioned that in changing the ordinance they need to close any loopholes that may arise. Discussion. Commission Vice-President Young advised

changing the ordinance will also have to go through Planning and Zoning as it is part of the land use ordinance.

Town Attorney Roberts read his things to do list: re-draft the waiting period provisions of Ordinance 2005-08 to extend that period from a minimum time of 45 days to a maximum of one year. Councilmember King asked what areas of town would be included in this ordinance. Discussion. Town Attorney Roberts noted the current ordinance is not clear as to what areas are included in the demolition process. Council asked Town Attorney Roberts to change the ordinance to reflect the Development Review Commission is to deal with historic building demolition requests in the business district and the residential and buffer zone requests would come before the Town Council. Town Attorney Roberts will also review if tax abatements would be legal to use.

### **3) DIRECTIONAL SIGNAGE**

Celeste Kirlin of Planning and Zoning addressed the Council and Commission requesting a more description definition of a directional sign. She has seen more signs pop up and as the Zoning Inspector she does not have any authority if there is not a definition or guidelines for her to go by. Commission President Zody believes the signs Zoning Inspector Kirlin is referring to are off premise signage. Zoning Inspector Kirlin noted the County ordinance defines directional signs and provides regulations about the signs. Discussion.

Commission President Zody commented there are a lot of shops that are not on Van Buren and Main Street and they are trying to get the flow of traffic down side streets to their shops. For some of these shops it is a matter of survival to get the tourists to their business. Councilmember King suggested putting directory signs on street corners to alleviate the off premise signage issues. Discussion. Commission Vice-President Young noted if the directional signs were installed, Town Administration would have to find time to change the signs out as shops changed and maintenance is needed. Commission Member Saurer noted they would also have to look at visibility issues with directional signage.

Commission President Zody likes the directional marquee idea; there are details to be worked out. This could also be an economic development bonus to the Town because they would be getting the word out of what is available in the village.

Council Vice-President Kirlin asked to form a three person committee to investigate the directory signs. He volunteered to be on the committee as did Councilmember King. Town Attorney Roberts advised he and Zoning Inspector Kirlin discussed making an amendment to the Town's sign ordinance that permits directional signs subject to strict limitations. Making this the only category of sign that could be placed off premises and subject to DRC approval and subject to the consent of the landowner upon whose land it's placed. Discussion. Council Vice-President Kirlin asked Zoning Inspector Kirlin to provide the Council with the County's definitions on directional signage.

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


Nothing presented.


### **ADJOURNMENT**

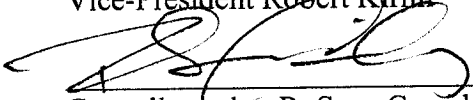
The meeting was adjourned by Vice-President Kirlin at 7:51pm.

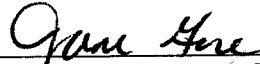
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*The audio recording made at the Town Council meeting on 11-11-10 is retained in the office of the Town Clerk-Treasurer.*

  
Clerk-Treasurer Brenda K. Young

  
Vice-President Robert Kirlin

  
Councilmember R. Sean Cassidy

  
Councilmember Jané Gore

  
Councilmember Charles B. King

  
Councilmember Arthur Omberg