

**NASHVILLE TOWN COUNCIL MEETING
THURSDAY, OCTOBER 16, 2008**

ATTENDANCE – Council members present – President Roger Kelso, Vice-President Robert Kirlin, Councilmember Dale Cassiday, Councilmember Charles B. King and Councilmember Arthur Omberg. Also in attendance – Town Marshal Jack Dorsett, Attorney Jason Salerno, Town Superintendent Roger Bush, Chief Administrator Phyllis Carr, 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 Young

4) **APPROVAL OF AGENDA**

Town Superintendent Bush asked to delete Blue Elk Development from the agenda and in its place add the Season's Water Connection. Vice-President Kirlin made a motion to accept the agenda as amended. Councilmember Omberg seconded the motion. All were unanimously in favor.

5) **APPROVAL OF THE MINUTES**

Councilmember Omberg made a motion to approve the minutes for the September 18, 2008 meeting, September 25, 2008 meeting and October 2, 2008 meeting as presented. Councilmember King seconded the motion. All were unanimously in favor.

6) **COMMUNICATIONS**

Nothing presented.

7) **CITIZEN CONCERNS**

Andy Szakaly approached the Council regarding the possibility of expanding the sanitary sewer system to the Abbey Inn on State Road 46 West. He is ready to have some engineering analysis done at his cost.

Town Superintendent Bush commented that this project is feasible as long as Mr. Szakaly gets all the engineering done and pays for it. He also advised that Mr. Szakaly would have to sign a waiver of annexation. Mr. Szakaly clarified that there is undeveloped ground out in this area that would benefit from having sewer available.

Councilmember Omberg noted that in the past, the Council has only extended sewers in non-annexed areas because their septic systems have failed. This would be a whole new territory if the town were going to build a sewer system outside of Town. Councilmember Cassiday advised he did not see a problem with this as long as the waivers are signed and the owners of the property are willing to pay for it. President Kelso would like to see some initial planning done, as to what properties would potentially be involved along the way, what impediments there might be, does it make sense to be thinking about annexation through this area, etcetera. Mr. Szakaly advised that based on what he is hearing from the Council, he is going to pay the engineers to take the next step so the Council has something to look at and they will all know if it is even feasible.

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David Martin commented on the press release from the Visitor's Bureau regarding tourism in Brown County and the positive reaction from different parts of the state as well as several newspaper clippings. Mr. Martin noted that this press release has helped a lot this fall and they should all be aware of the fact that the Visitor's Bureau is doing something helpful. President Kelso voiced his appreciation for the comment and noted this sentiment has been expressed several times by the Council in the last six months.

Tonya Harden of the Domestic Violence Task Force for Brown County addressed the Council. She noted that each year they recognize an officer as the Domestic Violence Officer of the Year, and the officer they chose this year has done an exceptional job of dealing with victims of domestic violence. Chief Deputy Stephanie Loerzel provided a cell phone for a victim of domestic violence so that after the next incidence of violence the victim could call 911 to report the crime. The victim did call 911 and the abuser was arrested and put in jail. At the court hearing, the victim said that Chief Deputy Loerzel saved her life and she would not have been able to break free from the cycle of violence without the help of Chief Deputy Stephanie Loerzel. Mrs. Harden then presented the Domestic Violence Officer of the Year award to Chief Deputy Stephanie Loerzel. All of those in the room applauded.

Vice-President Kirlin spoke about the resignation of Howard Hughes from the Brown County Economic Development Commission. Vice-President Kirlin would like a press release sent out about this vacancy and the Council can make a new appointment at the next council meeting.

8) TOWN MARSHAL – JACK DORSETT

• Council Inquiries

Town Marshal Dorsett congratulated Chief Deputy Loerzel and commented that he is very proud of the police department and they work very hard. He further commented that Chief Deputy Loerzel does go up and above the call of duty a lot of times.

Town Marshal Dorsett presented the police department's activity reports from August and September and noted that there have been a lot of arrests made, several parking tickets have been written as well as noise ordinance violation tickets have been written.

Town Marshal Dorsett talked about two previous deputies that attended the academy while working for the Town and then left the department to work for the Sheriff's department. Each officer that is hired by the Town signs a three year contract and these officers did not complete the three year contract. Town Marshal Dorsett advised that the Town Attorney supposedly has reached a settlement with the two officers but according to the Town Clerk, they have not received payment and it has been over a year or two and he would like to ask the Town Attorney to check into this. President Kelso commented that the Town Attorney could look into this and report the findings back to the Council.

Vice-President Kirlin asked if the Council had an updated work schedule for the police department. Town Marshal Dorsett said the Council should have the schedule in their Council packets. Councilmember Omberg said he did not have one but Councilmember Cassidy said that he had received the schedule in his packet. Town Marshal Dorsett will have the schedule sent out again.

Vice-President Kirlin asked how many officers work on the weekends. Town Marshal Dorsett advised that on Friday and Saturday there will be three and on Sunday there will be two officers on duty. Discussion of heavy traffic on the weekends.

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Councilmember King talked about the ordinance that keeps businesses and residences from filling the streets with debris, leaves and snow. He is seeing merchants sweeping leaves into the streets and he feels it makes the streets look terrible. Councilmember King would like to see the ordinance enforced in the future. Town Superintendent Bush noted that this ordinance is to be enforced by writing a ticket and only officers can write tickets. Discussion of the ordinances' intent. Councilmember Omberg suggested providing a hand-out of important issues they would like the shop owner's to know about next year. Vice-President Kirlin commented that as a former shop owner he would make sure the sidewalk in front of his business was clean and if some of the debris went in the street, it went in the street. He further noted that the leaves covering up the parking lines is no reason not to write a ticket. Discussion. President Kelso suggested that Council set this as a discussion topic for the November 5th, 2008 meeting.

NEW BUSINESS

1) JACKSON TOWNSHIP FIRE DEPARTMENT – BOOT DRIVE

Jim Kakavecos of the Jackson Township Fire Department discussed the letter that was sent to the Council asking for permission to have the boot drive in town. He noted that last year they did this drive at the four way corner in town and this year they would like to use that corner again as well as the corner by Ferrin's Ice Cream. Mr. Kakavecos advised they are doing the boot drive at the Brown County Drag Strip and a couple of shop owners would like to put boots in their shops. He explained that all the money raised goes towards sending children to the Children's Burn Camp at Happy Hollow in Van Buren, last year they were able to send ten kids to the camp. They would like to hold the boot drive on Saturday, October 18th, 2008.

Councilmember Cassiday commented he did not see a problem with this. Councilmember Omberg clarified that they would not be in the streets and advised that they stay off the Hob Nob corner as it is already a tight fit on that corner. Vice-President Kirlin commented that the court house has a lot more room. Councilmember Omberg noted they would rather have the boot drive on private property and suggested several options. President Kelso clarified that the boot drive could be held on the corner by the courthouse and the corner by Ferrin's Ice Cream. Council noted they had no objections to this plan.

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

Nothing presented.

OLD BUSINESS

1) HARRY BOND – REPORT ON THE SHRINERS CAR SHOW

Harry Bond was not present at the meeting.

2) CHAMBER OF COMMERCE FESTIVALS – SUZANNAH ZODY

The Chamber of Commerce was not present at the meeting.

3) PARKING AND PUBLIC FACILITIES UPDATE

Commission President Lamond Martin gave the minutes of the last meeting for the Council to review and highlighted the discussion regarding the parking spaces that were eliminated on North Johnson Street for a trial period. The Commission's opinion is that they would not like to set this as a precedent in this area. Councilmember King commented that several residents have recanted their previous decision on this matter. President Kelso refreshed the Council's memory of how the trial elimination of the parking spaces came about. Council will look into this and discuss the issue at next month's meeting.

Mr. Martin noted the Commission had some improvements done to the Washington Street parking lot. Mr. Martin advised the Commission discussed, in a preliminary manner, partnering up with the Historical Society during the design phase of their building to also design some public restrooms facilities in this area. Mr. Martin explained that the restrooms would be under the roof of the Historical Society, but the Commission would supply the infrastructure. He asked for Council's feedback on this idea.

President Kelso asked what kind of agreement terms they are proposing. Mr. Martin answered the terms would be until the building falls down and he added that the Historical Society is in agreement with this proposal. The Historical Society would build the restroom; the Town's cost would be installing the fixtures as well as running and maintaining the restrooms. Council commented that depending on the location and terms, it sounds like a good idea. President Kelso asked that Mr. Martin bring back something a bit firmer to Council as it seems like Council in general seems to think it sounds like a good idea.

Vice-President Kirlin commented that he liked the idea of flyers for the buses as discussed at the Commission meeting. Mr. Martin explained what the flyers would entail. Vice-President Kirlin advised that bus parking has become a big problem. President Kelso noted that bus parking has been a problem for a long time and the flyer is a good idea.

Vice-President Kirlin also talked about the parking along Van Buren by the Hob Knob. Mr. Martin advised that a citation can be written for parking on a highway. President Kelso noted that this issue would be brought up to the Town Marshal.

4) DEVELOPMENT REVIEW COMMISSION REPORT

Commission President David Martin reported that at the last Commission meeting, they approved one sign, one certificate of appropriateness and then the Commission listened to a presentation on the Blue Elk Development project regarding architectural styles.

5) SEASON'S WATER CONNECTION

Town Superintendent Bush informed the Council that he met with engineer Bill Riggert and Dak Kelp of the Nashville Fire Department, at the Season's Lodge yesterday regarding the water connection for the fire protection system. Town Superintendent Bush advised this is beyond his scope of authority to approve and there are some issues with it. Mr. Riggert showed that the line at the Season's had available flow to supply their fire suppression system. Mr. Kelp pointed out by the time they turned on the line there would not be adequate flow, which they already have seen at the last fire there. Given those factors, Town Superintendent Bush recommended that if they approve this connection, they make it contingent upon the Season's running a six inch line and putting up a hydrant at the east entrance along Snyder Road. Mr. Kelp had the same recommendation as well.

Mr. Riggert, Civil Engineer with Bledsoe, Riggert & Guerrettaz, advised the Council that his company was asked to look at the water supply for providing fire protection to the new addition of the Season's Lodge. The design includes a fire suppression system within the new addition, the system demands 231 gallons per minute at 85 psi to the building directly and a hose to handle an additional 100 gallons per minute. Indy Fire Protection, the company that is constructing the fire suppression system, has to prepare plans to submit to the State Fire Marshal for a permit. A flow pressure test was done at the hydrant by the Conference Center and they had static pressure of 133 psi, when running full flow at 545 gallons per minute they had a residual of 107 psi. Mr. Riggert advised he took this information and

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used a computer model to assess that they would receive adequate pressure. He is asking permission to connect the fire suppression system to the Town's water main.

Mr. Kelp explained that during the fire at the Season's in January 2007, they could not supply adequate water from the hydrant that was on site and utilized the hydrant at the bottom of the hill at Snyder Road and Old Hwy. 46. They did not have near the required flow rate to fight the fire, and they will still not have the needed flow if another fire should happen. Mr. Kelp advised that with what is currently there, it will supply the sprinkler system and allow them to boost the system but that is all. Mr. Kelp would love to have 3,000gpm, but if they could get 1,000gpm in addition to what the system will need, and possibly set up another hydrant that is closer. President Kelso advised that they could not even get 2,000gpm in this area and the best they would ever be able to do is 1,200gpm. Discussion.

President Kelso asked how soon the connection would need to be made for the fire suppression system. Mr. Riggert noted that the drywall is supposed to be put up this coming week, so they would like to get this connection done as soon as possible. President Kelso asked if the property owner was aware that this discussion is occurring. Mr. Riggert answered that he believes the property owner is aware by way of the project architect but he has not personally engaged in a discussion with the property owner.

Town Superintendent Bush spoke with Guy Fish who was representing the property owner at the beginning of this, and that is how he directed them to get on the stick and get this taken care of because they wanted this water. President Kelso commented that they can get them the water they are wanting, the secondary issue is the hydrant reworking. Town Superintendent Bush agreed that these two items are not tied together.

Councilmember Cassiday commented that they could go ahead with the suppression system. Mr. Kelp advised this whole discussion regarding the suppression system came about because of where they are going to locate their fire department connection. This will depend on if there is going to be a new hydrant on the east end or if they would be relying on the other hydrant as to where the fire department connections will be. Discussion regarding where a new fire hydrant would be placed if one were added. Mr. Riggert reviewed the site plan map with the Council.

Councilmember Cassiday asked about the cost of a new hydrant and if the Town would bear the entire cost. President Kelso asked what the rationale would be for changing the hydrant just because the fire department said so. Councilmember Omberg suggested they charge the fire department. Mr. Kelp noted that the cost of the fire hydrant came up during the meeting yesterday. Discussion of funds and Clerk-Treasurer Young is to let Mr. Kelp know what is in the cumulative fund for the Fire Department. Mr. Kelp will talk to the fire department and see if they will allow a portion of it to assist with upgrading the hydrant. President Kelso is not sure they can give them the money for that. Clerk-Treasurer Young explained that it is specified in the ordinance and the law as to how the funds can be used.

President Kelso advised that Town Superintendent Bush should have talked with the property owner about this issue before bringing it to the Council. Vice-President Kirlin asked if this improvement will help the insurance of this property. Mr. Kelp noted that just the fact that they have sprinklers will help and an additional hydrant might help, but don't quote him on that.

Council advised that the fire suppression system should go ahead and be hooked up and not hold-up the project.

6) UPDATE ON SEWER EXPANSION PROJECT

Town Superintendent Bush reported he received an e-mail from Tony Akers from Strand stating that all the paperwork has been submitted to Rural Development and they are waiting for their review. Vice-President Kirlin advised he spoke with Michael Strahl of Rural Development today and they are still reviewing the engineering report. Rural Development is waiting for more money in their budget so they can move forward.

7) SALT CREEK GOLF COURSE ANNEXATION

Vice-President Kirlin noted there is nothing to report on this item.

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

Nothing presented.

RECESS

A recess was called from 8:20pm to 8:25pm.

REPORTS FROM DEPARTMENT HEADS

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

A. Kelley Hill Water Main Extension

Town Superintendent Bush put together some numbers and sent out a report to the Council and advised that he spoke with President Kelso prior to the meeting. President Kelso asked Town Superintendent Bush to redo the numbers regarding the distribution of plots. Town Superintendent Bush reviewed the map of the Kelley Hill area with the Council and explained where the proposed three inch main extension would connect. Discussion. Town Superintendent Bush approximates that the cost of this proposed plan would be around \$23,142 for the initial bore and piping. Discussion of the materials to be used and what those costs would be. President Kelso suggested that Town Superintendent Bush look at the City of Bloomington's formulary system for costing out this type of project.

President Kelso asked Town Superintendent Bush to address the pressure issues in this area. Town Superintendent Bush had the engineers look at the pressure in this area and their report suggested that they update the Schooner Station at a cost of \$31,000. President Kelso summarized, this project at a minimum would cost around \$50,000 to fix something that was done probably in 1968. President Kelso asked Town Superintendent Bush how they will get adequate pressure to this area. He explained that they would have to bore and lay line. President Kelso calculated this would cost approximately \$5,000 in addition to updating Schooner Station.

Dan Miller, a resident of this area, asked the Council to consider his expenses to date for what he has already done regarding this project. Discussion. Councilmember Omberg made a motion to upgrade the pump station and bore underneath the road, hook up the new line to the existing two inch line and that satisfies their legal requirement to existing customers, all subject to financing. Councilmember King seconded the motion. Vice-President Kirlin asked what it might cost the residents who want water. Town Superintendent Bush can get these estimates. Discussion. All in favor of the motion.

President Kelso advised that what they have done tonight will allow for expansion and it takes care of the regulatory issue. The pumping station design took the expansion into account as far as demand. The part that will have to be divvied out is from where they fixed things. At this point it looks like it

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will be a three way split. President Kelso instructed Town Superintendent Bush to get a notice of intent out to IDEM about this project. Mr. Miller asked about a time frame. Councilmember Omberg commented that they must find the money first but they will work on this right away. President Kelso asked Town Superintendent Bush if they gave him the money tonight, how long would it take to get this work done. Town Superintendent Bush advised he could have it out to bid by the end of November. Discussion of using the line of credit for this project.

Vice-President Kirlin made a motion to use the line of credit from People's State Bank in the amount of \$37,000 to finance this project. Councilmember King seconded the motion. President Kelso, Vice-President Kirlin, Councilmember Cassiday and Councilmember King voted in favor of the motion. Councilmember Omberg voted against the motion as he is uncomfortable with the financing. Motion was carried. Town Superintendent Bush will submit a projected cost per lot to tap into this water main extension.

B. Freeman Ridge Water Main Extension

Town Superintendent Bush reported he has not made any progress on this project because he has been very busy. He is waiting on a letter from the County on the road right-of-way and a letter from Brown County Water. Council advised this should be his top priority.

Vice-President Kirlin asked how many times Kirt's Garage pumping station went off-line last week. Town Superintendent Bush reported it only went out once but the pressure dropped four times. Vice-President Kirlin advised he is getting hammered by the residents in this area, to the point where someone said that someone forgot to flip a switch. President Kelso summarized that they have the financing and the engineering on the way, only two letters are keeping them from progressing. Chief Administrator Carr advised they call the residents back when they call with a pressure problem. Vice-President Kirlin commented that we have to do a better job of communicating with our customers.

President Kelso directed Town Superintendent Bush to get the letters out and get a time line from the engineers of when this will be built and useable by the next monthly meeting.

C. Water Tank Painting Project

Town Superintendent Bush reported that he instructed the engineer to tell the painter they wanted the painting done in November, unless weather prohibited and they would put it off until spring. Given the current weather pattern, it looks like this work will be done in the spring.

D. Update Touch Pad System

Nothing presented. Councilmember Cassiday asked if they were putting in touchpad meters as old ones were replaced. Town Superintendent Bush confirmed that they are doing this.

E. Task List

Nothing presented.

F. Quotes

Nothing presented.

G. Service Agreements

None presented.

H. Utilities Report

Town Superintendent Bush pointed out they had their IDEM inspection this month and got a minor write up in the Sewer Department. The write up was for excessive build up of grease in both primary clarifiers and a pass through of large solids due to ineffective primary treatment. Town Superintendent Bush has spoken with the treatment plant operator to get with the Health Department and schedule inspections of grease traps by the end of November at the very latest. Regarding the pass through of solids, the plastic products are getting through in strips and they are floating around in the clarifier and get passed through the plant. The inspector would like to see them have a screener at the primary and they cost approximately \$5,000. Town Superintendent Bush has not received a letter from IDEM yet, and will wait until he receives it to respond. President Kelso commented that this is a minor violation and they are not violating their permit. Discussion of screening.

I. Council Inquiries

Town Superintendent Bush advised he sent out a report from Strand regarding an individual that would like a water allocation at Schooner Valley Village (Ski World). In the report, Town Superintendent Bush covered what they would require and that they would have to do significant improvements at that site to make it happen.

Burt Perdue, Architect and Developer, approached the Council with his proposed plans for the area. He is proposing a sustainable green walk-able community with a significant amount of residential and mixed use as a buffer between Hwy 46 and the residential uses. Mr. Perdue advised they are hoping to have an assisted living center, hotel conference center and talked about having an arts/cultural/visitor center at this site. He further noted it would have on-site sewage treatment.

Mr. Perdue is preparing to submit the application for the outline plan review next Wednesday and he needs a letter from the Council stating it will serve the site with water. President Kelso asked how much water they will need. Town Superintendent Bush answered they would need 90,340 gallons at peak per day and it would come from the Monroe water line. Mr. Perdue reported that the engineers told him they would need to put in a water storage tank and pumping station for the upper hillside. President Kelso asked where the Town will meter at or are they proposing that the Town maintain all the water lines in the new proposed community. Town Superintendent Bush thought they would meter each lot, that way they would not become a water utility because they are looking at a large system with storage tank and pump. The tank would need to be at least 100,000 gallons. Discussion.

Councilmember Omberg made a motion that Council President Kelso signs the letter of availability. Councilmember King seconded the motion. All were unanimously in favor.

Vice-President Kirlin asked how many streets signs are left to put up. Town Superintendent Bush answered there are two signs left and he can have them installed by the next Council meeting.

Vice-President Kirlin asked about the status of the clean up of the Cox property. Town Superintendent Bush advised he had someone working on it this afternoon.

Councilmember Omberg spoke about a dead pine tree at the north corner of Wells Drive and Artist Drive. He is not sure if this is the property owner's responsibility or the Town. Council asked to turn this over to the Tree Board.

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2) ATTORNEY – JASON SALERNO

A. Council Inquiries

Attorney Salerno was going to ask about the progress of the Cox property. Chief Administrator Carr advised that she spoke with Mr. Hicks who is doing the clean up at the property and most of the wood has been removed except for a small amount of brush, the weed eating is almost completed and he still has to pick up trash. Chief Administrator Carr reported a port-a-john has been put in as of Tuesday afternoon. Vice-President Kirlin said there are still a lot of dead trees down there as of this evening. Chief Administrator Carr reported that they will use a back hoe to get the rest of this wood removed.

Vice-President Kirlin asked what they do with the bill once this is all cleaned up. Attorney Salerno answered that there is a statute that permits the Town to enforce that taxes are collected. Town Superintendent Bush commented that this is what he had been told by Town Attorney Roberts and that a lien will be put against the property until the bill is paid.

Councilmember Omberg reminded Attorney Salerno to check on the repayment by the deputies according to the settlement.

3) CLERK-TREASURER – BRENDA YOUNG

A. Claims

Councilmember Omberg made a motion to approve the claims for the period of 9-12-08 through 9-30-08 and for the period of 10-01-08 through 10-09-08. Councilmember King seconded the motion. All were unanimously in favor.

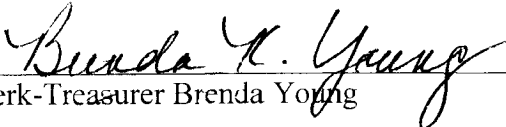
B. Humane Society Request

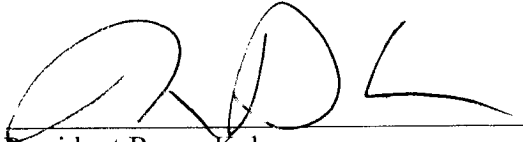
Clerk-Treasurer Young advised that they had issued a license to the Humane Society for them to walk around town with dogs selling tickets for the Chocolate Walk. They were not able to go out four or five days that they had asked for because not everything was in place at all of their locations. They are asking to add a day to their license on the 14th of November to sell tickets the day before the event. Council approved this additional day.

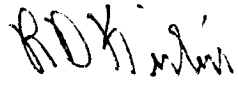
ADJOURNMENT

Councilmember Omberg made a motion to adjourn the meeting. Councilmember King seconded the motion. The meeting was adjourned by President Kelso at 9:43pm.

The audio tape recording made at the Town Council meeting on 10-16-08 is retained in the office of the Town Clerk-Treasurer.

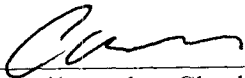

Clerk-Treasurer Brenda Young


President Roger Kelso

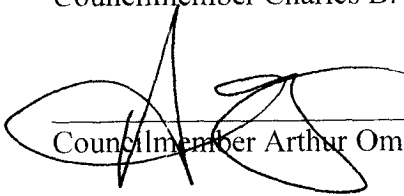

Vice-President Robert Kirlin


Councilmember R. Dale Cassidy

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Councilmember Charles B. King



Councilmember Arthur Omberg