

**NASHVILLE TOWN COUNCIL MEETING
THURSDAY, OCTOBER 21, 2010**

ATTENDANCE – Council members present –Vice-President Robert Kirlin, Councilmember Sean Cassiday, Councilmember Charles B. King (left at 9:40) and Councilmember Arthur Omberg. Also in attendance – Town Superintendent Roger Bush, Chief Administrator Phyllis Carr, Town Marshal Stephanie Loerzel, Town Attorney Jim Roberts, Clerk-Treasurer Brenda Young and Deputy Clerk-Treasurer Debbie Ferry.

REGULAR COUNCIL BUSINESS

1) CALL TO ORDER by Vice-President Kirlin at 7:03pm.

2) PLEDGE OF ALLEGIANCE

3) ROLL CALL by Clerk-Treasurer Young.

4) APPROVAL OF AGENDA

Vice-President Kirlin asked if there were any additions to the agenda. Town Superintendent Bush asked to move the WTH GIS discussion to the New Business. Councilmember King would like to move the claims under Regular Council business. Councilmember Omberg made a motion to approve the agenda as amended. Councilmember Cassiday seconded the motion. All were unanimously in favor.

5) APPROVAL OF THE MINUTES

Vice-President Kirlin advised the following minutes had been submitted for approval: September 16, 2010 meeting and October 4, 2010 meeting. Councilmember Omberg made a motion to approve the minutes as presented. Councilmember King seconded the motion. All were unanimously in favor.

6) COMMUNICATIONS

• **Jason Smith**

Chief Administrator Phyllis Carr reported there is a letter from a previous employee; Jason Smith. Mr. Smith has been hired by the Town on two occasions and would like to work for the Town again if there is an opening. Council advised if a position opens up he may apply just like any other applicant and they should hire the best person for the position.

7) CITIZEN CONCERNS

Business owner Mary Ann Thompson asked what the parking violations are about on the agenda. Chief Administrator Carr advised this has to do with the parking issues during the out house race.

8) TOWN MARSHAL – STEPHANIE LOERZEL

A. Council Inquiries

Town Marshal Loerzel reported the department was very busy in September with lots of arrests and Operation Pullover. She sent out an e-mail to Council regarding interviews that will be held on Tuesday, October 26th for a new deputy. Town Marshal Loerzel offered for the Council members to be a part of the interview process. She reported they had 19 applicants and will be interviewing seven candidates.

TOWN COUNCIL MEETING, OCTOBER 21, 2010

Town Marshal Loerzel spoke about Shop with a Cop. This is the third year for this project and they are off to a slow start as far as funds go. They are hoping to have at least 30 kids for this year's Shop with a Cop. Councilmember Omberg asked if the Council budgeted monies for this project. Town Marshal Loerzel reported the Council matched \$500 last year. Councilmember Omberg made a motion to give \$500 matching or not matching from the Riverboat Gambling Fund to go to the Shop with a Cop program. Councilmember King seconded the motion. All were unanimously in favor.

Vice-President Kirlin commented that he has reviewed the department's activity report and Officer Brown has written many citations. Town Marshal Loerzel explained Officer Brown worked an additional 24 hours in overtime for Operation Pullover and therefore his contacts were very high. Council said to keep up the good work.

Town Marshal Loerzel reported last week they had a person that stole three purses within a small amount of time and Officer Brown, Chief Deputy Robinson along with a member of the State Police Department located the suspect and Officer Brown apprehended the subject after a foot pursuit. The subject is now in jail and she said the officers did a very good job.

9) CLAIMS

Councilmember Omberg made a motion to approve the claims for the period of 9-10-10 through 9-30-10 and for the period of 10-01-10 through 10-14-10. Councilmember King seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented the following Main Street grant project claims for the Town Council to approve:

Clerk-Treasurer Young presented a claim for DLZ in the amount of \$7,310.00. Councilmember King made a motion to approve the claim for DLZ in the amount of \$7,310.00 contingent upon the receipt of funds. Councilmember Omberg seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented a claim for Dave O'Mara Contractors in the amount of \$149,357.28. Councilmember King made a motion to approve the claim for Dave O'Mara Contractors in the amount of \$149,357.28 contingent upon the receipt of funds. Councilmember Omberg seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented a claim for Dave O'Mara Contractors in the amount of \$3,106.80. Councilmember King made a motion to approve the claim for Dave O'Mara Contractors in the amount of \$3,106.80 contingent upon the receipt of funds. Councilmember Omberg seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented the following Storm Water Drainage grant project claims for the Town Council to approve:

Clerk-Treasurer Young presented a claim for DLZ in the amount of \$2,931.25. Councilmember Omberg made a motion to approve the claim for DLZ in the amount of \$2,931.25 contingent upon the receipt of funds. Councilmember King seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented a claim for Dave O'Mara Contractors in the amount of \$53,522.12. Councilmember King made a motion to approve the claim for Dave O'Mara Contractors in the amount

TOWN COUNCIL MEETING, OCTOBER 21, 2010

of \$53,522.12 contingent upon the receipt of funds. Councilmember Omberg seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented a claim for Dave O'Mara Contractors in the amount of \$42,259.94 for change order #8. Councilmember King made a motion to approve the claim for Dave O'Mara Contractors in the amount of \$42,259.94 contingent upon the receipt of funds. Councilmember Omberg seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented a claim for Dave O'Mara Contractors in the amount of \$3,460.00 for change order #9. Councilmember King made a motion to approve the claim for Dave O'Mara Contractors in the amount of \$3,460.00 contingent upon the receipt of funds. Councilmember Omberg seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented the following Disaster Recovery grant project claims for the Town Council to approve:

Clerk-Treasurer Young presented a claim for ARa in the amount of \$1,000.00. Councilmember King made a motion to approve the claim for ARa in the amount of \$1,000.00 contingent upon the receipt of funds. Councilmember Omberg seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented the following Wastewater Construction grant project claims for the Town Council to approve:

Clerk-Treasurer Young presented a claim for ARa in the amount of \$22,500.00. Councilmember Omberg made a motion to approve the claim for ARa in the amount of \$22,500.00 contingent upon the receipt of funds. Councilmember Cassiday seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented a claim for Central Engineering and Construction Associates, Inc. in the amount of \$9,262.50. Councilmember King made a motion to approve the claim for Central Engineering and Construction Associates, Inc. in the amount of \$9,262.50 contingent upon the receipt of funds. Councilmember Omberg seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented a claim for Mitchell and Stark Construction, Inc. in the amount of \$37,050.00. Councilmember Omberg made a motion to approve the claim for Mitchell and Stark Construction, Inc. in the amount of \$37,050.00 contingent upon the receipt of funds. Councilmember King seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented a claim for Strand and Associates, Inc. in the amount of \$8,388.00. Councilmember King made a motion to approve the claim for Strand and Associates, Inc. in the amount of \$8,388.00 contingent upon the receipt of funds. Councilmember Cassiday seconded the motion. All were unanimously in favor.

NEW BUSINESS

1) APPOINTMENT OF COUNCIL MEMBER – DISTRICT 3

Vice-President Kirlin explained the Council needs to appoint a district 3 candidate. He reported the Council has received letters of interest from two residents: Jane Gore and Jerry Roberson. He read letters of interest from Jane Gore and Jerry Roberson. Vice-President Kirlin asked if there were any other interested candidates. Councilmember Omberg advised that Sadie Crum is also an interested candidate for this council position. Vice-President Kirlin asked for nominations.

TOWN COUNCIL MEETING, OCTOBER 21, 2010

Councilmember King nominated Jane Gore. Councilmember Omberg nominated Sadie Crum. Councilmember Cassiday nominated Jerry Roberson. Councilmember King made a motion to close the nominations. Councilmember Omberg seconded the motion. All were unanimously in favor. Jane Gore and Sadie Crum spoke about their qualifications and interest in being a Town Council member. Jerry Roberson was not present to address the Council.

Ms. Gore spoke about her interest in what is going on in Town and she feels she could make good contributions. She has lived in Nashville for 35 years, lives in District 3 and currently works as a realtor and tax preparer. Ms. Gore noted she has treasurer experience in several different organizations as well as accounting experience.

Ms. Crum advised she is currently on the ballot for an at-large Council seat and this position became open after she put her name on the ballot. She does live in District 3 and is very interested in being a part of the Town Council. Ms. Crum reported she grew up in Brown County and has twin boys in elementary school here in Nashville and also has a nine month old boy. She works for Ms. Gore during the tax season so she too has tax experience. Ms. Crum noted she has wanted to be a part of the Town Council for several years and has been asked to run by several people.

Councilmember King asked Town Attorney Roberts what would happen if Ms. Crum were appointed to the open seat this evening and then won the election in the next couple of weeks. Town Attorney Roberts explained Ms. Crum could not hold two seats, therefore if she won the election they would have to reappoint someone for this District 3 seat.

Vice-President Kirlin commented that they have three candidates but only one will be appointed to the open Council seat. He encouraged the other two candidates who did not get the council seat to please sit on one of several committees the Town has and they need their service.

Vice-President Kirlin asked Clerk-Treasurer Young to take a roll call vote. Councilmember King voted for Jane Gore, Councilmember Cassiday voted for Jane Gore, Vice-President Kirlin voted for Jane Gore and Councilmember Omberg voted for Sadie Crum. Jane Gore won the Council seat with a vote of three to one. The Council and audience clapped their congratulations to Ms. Gore. Vice-President Kirlin asked if Ms. Gore could be seated this evening. Town Attorney Roberts understands her term begins upon her appointment and taking the oath. Clerk-Treasurer Young administered the oath of office to Ms. Gore. Clerk-Treasurer Young advised Ms. Gore's current term will end December 31, 2011. Councilmember Gore took her seat at the council table along with the other council members.

2) BROWN COUNTY LITERACY COALITION – JANICE CASSIDAY

Janice Cassiday spoke as a representative for the Brown County Literacy Coalition and explained the Coalition would like to have an all day Mardi Gras to promote literacy. They would like to hold the Mardi Gras on Saturday, March 5, 2011. She advised the other members of her committee working on the project include: Suzannah Zody, Marci DeBock and Andi Rogers Bartels.

Mrs. Cassiday advised they would begin early in the day with children doing face painting and decorating bicycles to be a part of the parade. They would like a parade to begin at 4pm with adults as the king and queen in the parade. They plan to involve high school students as being mimes and actors. They are also asking the high school jazz band to participate around town and in the parade. She will also ask the high school to do some of the floats. Mrs. Cassiday reported they will serve hors d'oeuvres around town beginning at 5pm and that evening a concert at the Brown County Inn.

TOWN COUNCIL MEETING, OCTOBER 21, 2010

Mrs. Cassidy asked the Council's permission to do the parade and permission to have mimes and actors perform around town. She also asked that some of the Council join her committee. The Council voiced their approval of the events as planned. Vice-President Kirlin asked if the Literacy Coalition had insurance as they would need this for the right-of-way permits. Mrs. Cassidy was not sure but will check into the matter. Discussion.

Mrs. Cassidy asked for a Councilmember to be a part of her committee. Councilmember Omberg and Councilmember Cassidy agreed that one of them would be a part of her committee for the Mardi Gras day.

3) BROWN COUNTY CONVENTION AND VISITORS BUREAU – JANE ELLIS

Jane Ellis, Director of the Brown County Convention and Visitors Bureau, passed out information to the Council for their review. She reported Barnyard Friends used to set up a petting zoo for the holidays. The owners of Barnyard Friends would like to come back to the area and do the petting zoo again down on the four corners. Ms. Ellis advised they have obtained permission from the County to use the four corners and she asked the Town Council's permission to block off a couple of parking spaces so the trailers could pull in. They are still working out the exact dates, but they will definitely have the petting zoo the weekends of October 29 -31st and November 26-28th. Ms. Ellis is asking for four parking spaces, two on West Main and two on Jefferson Street. The trailers will be stay in the parking spots overnight.

Councilmember Omberg asked what time would the petting zoo start. Ms. Ellis reported they would come in to Town by 9am on Saturday mornings to set up. Vice-President Kirlin asked if the trailers would be setting in the parking spaces all weekend and if the animals would be in the trailers overnight. Ms. Ellis is not sure but will check with the Barnyard Friends owners. Council does not want to have the animals in the trailers overnight. Discussion.

Councilmember Cassidy made a motion to allow the Barnyard Friends petting zoo to operate on October 29-31, 2010 and November 26-28, 2010 and possibly November 3-5, 2010 but no overnight animals and the trailers may have four parking spaces; two on West Main and two on Jefferson Street. Councilmember King seconded the motion. All were unanimously in favor. Chief Administrator Carr informed Ms. Ellis she needed to complete a right-of-way permit and submit a proof of insurance.

4) NASHVILLE FIRE DEPARTMENT – MARK IMHOFF

Donna Anderson, Certified Grant Administrator with Kenna Consulting, spoke on behalf of Mark Imhoff and the Nashville Volunteer Fire Department. Ms. Anderson advised Kenna Consulting is a grant administrator firm in Indianapolis that has been in business for thirty years and currently have seven people on staff. Kenna Consulting has worked in Brown County for a year and half now and are familiar with the area. Ms. Anderson advised the Nashville Fire Department is asking the Town Council's approval to apply for a community focus fund grant to construct a new fire station here in town. Ms. Anderson explained the grant is \$500,000 and the fire department would be putting in a match of \$100,000 to add onto their existing station. These funds are federal funds that would not count against any of the Town's current grants. Clerk-Treasurer Young advised the Town is applying for a planning grant and it is advertised in today's paper. Ms. Anderson reported the Town's planning grant would have to be under contract before the fire department could apply for their grant. Vice-President Kirlin asked if the fire department had already raised \$100,000. Ms. Anderson advised they have raised the necessary matching funds. She noted the fire department also has the real estate to build the building on the present location.

TOWN COUNCIL MEETING, OCTOBER 21, 2010

Vice-President Kirlin advised the Town currently has a contract with grant administrator's ARa. He would like to make sure which grant administrative contractor can apply for this grant. Ms. Anderson explained the Fire Department can't apply for the grant; the Town would have to be applicant with the Fire Department as a sub recipient. Discussion.

Council embraces the idea of the fire department building but they need to talk with ARa to see who will be the grant administrator. The Council will contact Ms. Anderson once they find out which company will be the grant administrator.

Mr. Mills of the Brown County School Board commented that the School Board was involved in the planning process and gave some of the school's property to the fire department in order for them to expand the fire station.

5) PARKING TICKET VIOLATIONS – ISSUED SEPTEMBER 18, 2010

Vice-President Kirlin advised the Council just received a letter regarding a parking ticket that was issued on September 18, 2010. Chief Administrator Carr reported the letter was just faxed to them today and the person that received the ticket was not present for the meeting. Discussion. Vice-President Kirlin asked to table this letter until Town Marshal Loerzel speaks with the officer that wrote the ticket and report back to the Council at the next meeting. Council will hold the fine for now.

Chief Administrator Carr reported the Town received several phone calls about people receiving parking tickets, but she has since found out the majority of those tickets were voided. Chief Administrator Carr advised the Town had put up barricades for an event and the barricades were moved by someone other than the Town employees. Town Marshal Loerzel reported five tickets were written for those parked in the area and four of those tickets were voided. Vice-President Kirlin commented that the person that needs the ticket is the person that moved the barricades. Discussion.

Vice-President Kirlin commented if the barricades continue to be moved in the future they will have to hire a full-time police officer to monitor the barricaded areas.

6) RED BARN JAMBOREE – BUSINESS LICENSE

No one was present to represent the Red Barn Jamboree. Chief Administrator Carr advised there have been conversations between Town Attorney Roberts and the County Attorney. Vice-President Kirlin recapped the problem; there is a sign at the Red Barn Jamboree that has not been approved and is therefore illegal. Many letters have been written to the business owner and lots of conversation, the owner has chosen not to obey the Town ordinances. Vice-President Kirlin does not believe the Town wants to close a business at this point in time, but there may be a fine involved and maybe put a lien on the property until it comes into compliance.

Town Attorney Roberts reported technically this is a land use violation and enforcement should fall on the County rather than the Town. As a result of the land use violation they are not eligible for a business license. Town Attorney Roberts suggested the Town look at the requirements for a sign ordinance for an entertainment marquee to help with issues like this in the future. Discussion.

Town Attorney Roberts does not know what the County is going to do about the issue at this time. Vice-President Kirlin asked if they could fine the business owner for not having a business license. Town Attorney Roberts advised they could impose a fine of \$50 a day. Clerk-Treasurer Young reported the Red Barn Jamboree does have a current business license with the Town but if the Council chooses to pull the license there is a process they must follow. Town Attorney Roberts suggested

TOWN COUNCIL MEETING, OCTOBER 21, 2010

asking for confirmation from the Planning Director's office that the sign is in violation, if they find out the sign is in violation the Town should then rescind the business license until they comply. Vice-President Kirlin advised they have a folder of information that says the sign is in violation. Town Attorney Roberts advised they should make a decision if their license should be rescinded, give them notice of that rescission and a reasonable time to comply or the Town can bring action against them. Discussion.

Vice-President Kirlin asked what the Council would like to do with this matter. He would like to send the business owner a letter stating if they are not in compliance with their sign within 15 days the Town will revoke their license and if they continue to operate without a license a fine of \$50 per day will be imposed. Councilmember Gore commented this sounds like they have been playing a game with the Town. Councilmember Cassidy observed this business has been a great draw but there are rules they must follow.

Suzannah Zody of the Economic Development Commission and President of the Development Review Commission spoke. She reported they are basing the restrictions on this sign based on restrictions they have in Town and perhaps the Council would like to look at this issue. Perhaps a variance would be appropriate for this particular venue. Chief Administrator Carr reported the business was told on two separate occasions to file for a public hearing with Planning and Zoning and failed to do so both times. Ms. Zody believes there are avenues to work something out, but they can't do so if someone is being belligerent and not working through the process. Discussion.

Vice-President Kirlin asked if there were any comments from the audience. Mr. Mills thought the sign ordinance gave consideration to the Highway 46 corridor. Vice-President Kirlin advised that is true but this sign is still outside of what is allowed.

Council directed Town Superintendent Bush to start the process of business license revocation if the business owner does not come into compliance with their sign.

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

Nothing presented.

OLD BUSINESS

1) ORDINANCE ESTABLISHING A REDEVELOPMENT COMMISSION

Vice-President Kirlin advised the Council has before them Ordinance 2010-08 establishing a Redevelopment Commission. Council had the first reading of this Ordinance at last month's Council meeting. Clerk-Treasurer Young asked that the typos be addressed.

Vice-President Kirlin asked if there were any questions from the Council. Hearing none he offered to entertain a motion to have the second reading of the Ordinance. Councilmember King made a motion to have the second reading of Ordinance 2010-08 by title only. Councilmember Cassidy seconded the motion. Councilmember Omberg commented that he personally does not feel comfortable with the TIF and feels this is just another tax. Councilmember Cassidy, Councilmember Gore, Councilmember King and Vice-President Kirlin voted in favor of the motion. Councilmember Omberg voted against the motion. The motion carried 4-1. Vice-President Kirlin read Ordinance 2010-08 by title only.

Vice-President Kirlin asked if the Council could adopt the ordinance this evening. Town Attorney Roberts advised they could adopt the ordinance but they need to correct the typos in the document. Councilmember King made a motion to adopt Ordinance 2010-08 with corrections as stated.

TOWN COUNCIL MEETING, OCTOBER 21, 2010

Councilmember Cassiday seconded the motion. An audience member asked if the boundaries of the TIF had been decided. Vice-President Kirlin advised they have not, first they must pass the ordinance, and then designate a five person board, and they will then make those decisions. Discussion. Councilmember Cassiday, Councilmember Gore, Councilmember King and Vice-President Kirlin voted in favor of Ordinance 2010-08. Councilmember Omberg voted against the motion. The motion carried 4 to 1.

Vice-President Kirlin asked the Council if they would agree not to act on this ordinance until the January meeting after they have elected officers as the Council does not have a President at this time. The ordinance states the Council President is to appoint three members to the Redevelopment Commission and the Council is to appoint two.

2) WTH GIS

Paul Owens with WTH Technology introduced himself to the Council. He reported his company was before the Council about a year ago showing the GIS system the County has and showing the benefits to the Town by putting the utilities on the system. Mr. Owens explained a Geographical Information System is basically a digital map that any information can be put into to have a multiple layer map.

Councilmember Omberg asked if they could just use the County's system. Mr. Owens advised they could but it would not have the Town's information on it such as water and sewer lines. Councilmember Omberg asked what the cost would be for this program. Mr. Owens reported his company would do the initial set up and put the initial data in off the existing plans and then they would train the Town staff to work with the program and offer support based issues in the future. Mr. Owens passed out the cost proposal. Discussion.

Councilmember Omberg commented that this sounds like a neat idea but this might work better for a larger community with a dedicated person to work the program. Councilmember Cassiday asked if this was budgeted. Town Superintendent Bush advised this has not been budgeted for this year and he has not done the budget for next year yet, but if Council would like him to work this into the budget he could do so. Vice-President Kirlin asked why the Town couldn't use the County's system. Mr. Owens advised they could use the County's system but the County would have to pay for more seats/computers if they added the information to the Town's computers. If the Town simply used the County's computers, Mr. Owens company would not support the data as it does not belong to the County. Discussion.

Vice-President Kirlin commented that conceptually he loves the idea but there is no way the Town can come up with \$21,000 next year for this program. Discussion. Council would like Town Superintendent Bush to continue to look into this type of program and look to see if he could put this in his budget without raising anything. Councilmember Omberg would also like to have feedback from other towns the size of Nashville that may or may not use this type of system.

3) SKATE BOARD ORDINANCE

Chief Administrator Carr advised when Ordinance 2002-01 was amended it did not list any streets. A map was drawn and highlighted. She has seen kids ride skateboards on several streets in town and the officers are having trouble enforcing the ordinance. Chief Administrator Carr asked the Council to review the ordinance and put specific street locations in the ordinance to go along with the map. Councilmember Omberg commented this ordinance should be limited to the business district. Vice-President Kirlin suggested no skateboarding in the Village District. Discussion. Councilmember

TOWN COUNCIL MEETING, OCTOBER 21, 2010

Omberg asked Town Marshal Loerzel and Town Attorney Roberts to review the ordinance and bring it back to the Council for further discussion.

4) STORM WATER PROJECT

Brad Dove with DLZ reported the project is essentially completed at this time. Dave O'Mara Contractors has substantial completion and a walk-through has been done. The walk-through items were completed about a week and half ago. The claim that was approved earlier in the meeting was the final bill, not including the retainage items, next month they will receive the retainage bill along with a balancing change order.

Mr. Dove reported his company would like to submit the Storm Water Project at ACEC as an Engineering and Excellence award. He asked the Council to write a short letter of recommendation on this project. Council agreed to write the letter for DLZ.

5) DOWNTOWN REVITALIZATION PROJECT

Mr. Dove reported all construction is completed with the exception of the landscaping which will be underway next week with trees and plants. Irrigation is done and the contractor will do a start up and shut down of the system for winter. The Town will be responsible for the system next year. Discussion. Town Superintendent Bush advised the irrigation system is under a one year warranty. Councilmember Omberg asked Mr. Dove to make sure this warranty is for one year.

Clerk-Treasurer Young asked when the walk-through would be scheduled. Mr. Dove advised the walk-through is scheduled for Thursday, October 28, 2010 at 10am.

Vice-President Kirlin asked what is going on with the trees. Mr. Dove reported the trees are coming from a nursery and they have to wait for the trees to go dormant. In order for the trees to go dormant they have to go through a couple of good frosts. Mr. Dove read from the contract and the dates for planting can be from October 15, 2010 through December 1, 2010. There is also a one year warranty including one continuous growing season from date of substantial completion for all the plants. The engineer is required to come back in eleven months and determine acceptance of those plants. Any dead plants at that time would have to be replaced.

Business owner John Mills commented there is a lot of difference in the way the light is distributed and the intensity. The lights on Main Street are shielded differently than the ones on Jefferson Street. Town Superintendent Bush explained in the original design the shield was lowered, but in order for the light fixture to comply with the ordinance they raised the shield up. Town Superintendent Bush said they need to instruct the contractor to raise these shields up as well. Mr. Dove noted there is a bit of difference in the bulbs as well.

Mr. Dove reported he did a pre walk-through punch list and noted there is a manhole lid that needs to be raised. Vice-President Kirlin asked about the big water grate that sits in front of the Allison House. Mr. Dove explained the grate is a catch basin to drain the low spot in this area.

Vice-President Kirlin reported they would not put plants in the new baskets due to the weather turning colder. He asked Council if they should take down the hanging baskets. Councilmember King made a motion to take down the hanging baskets and store them until spring. Councilmember Omberg seconded the motion. All were unanimously in favor.

6) PARKING AND PUBLIC FACILITIES REPORT

Commission President Lamond Martin reported at their last meeting on Tuesday, they continued to discuss the Pat Reilly lot and how they are going to drain this area. The lot has been heavily utilized during this busy season. Commission President Martin advised they will continue to look into more parking options for the future.

Vice-President Kirlin asked when they will see a landscaping plan for the Carter parking lot. Commission President Martin reported the plan will be ready sometime in the spring and it will include paving. Vice-President Kirlin asked if Commission President Martin knew anything about Betsy Lease and some kids doing a survey on the availability of handicap parking. Commission President Martin did not but the Commission has reviewed the handicap parking requirements to make sure they are following the requirements.

Vice-President Kirlin advised they now have bicycle parking available in the four corners area. Councilmember Omberg asked about the gutter at Old School Way, it appears a truck backed into it. Chief Administrator Carr reported this has been repaired. Councilmember Omberg asked if all the water fountains are working. Commission President Martin advised they are all working but will be coming down shortly due to the cold weather.

7) CHAMBER OF COMMERCE REPORT

Suzannah Zody did not have a report for the Council as she is no longer on the Chamber of Commerce Board.

8) DEVELOPMENT REVIEW COMMISSION REPORT

Commission President Suzannah Zody introduced Mike Thompson, County Resource Manager. The County has submitted an application for the demolition of the old jail. Commission President Zody has reviewed the demolition ordinance, and the Development Review Commission has no power or jurisdiction about demolition. After a 45 day waiting period anyone may demolish a property. The Development Review Commission made a motion requesting the County consider not knocking down the front of the jail that is a 1900's structure, that being the house. Commission President Zody noted a second motion was made that if the County does demolish the whole structure they document and photograph the buildings prior to demolition so the Historical Society may have records of the buildings.

Councilmember Cassiday asked what the area will look like after demolition. Mr. Thompson explained it will be just a flat spot and will be seeded next spring with grass as well as tapered for drainage. Mr. Thompson noted they may replace part of the brick wall on Van Buren Street that is breaking away.

Vice-President Kirlin asked if the Council needs to make a motion to allow the jail to be demolished. Clerk-Treasurer Young advised after reviewing the ordinance, the Town Council would need to make a motion because the proposed demolition date is less than 45 days from the demolition application. Mr. Thompson reported the demolition date is scheduled for November 7, 2010.

Councilmember Omberg made a motion to allow the demolition of the old jail on November 7, 2010. Councilmember King seconded the motion. All were unanimously in favor. Mr. Thompson assured the Council they would document the buildings prior to demolition.

Commission President Zody spoke of the letter she wrote to the Council about a request to schedule a meeting with the Development Review Commission to discuss revision of Ordinance 2005-08 an

TOWN COUNCIL MEETING, OCTOBER 21, 2010

Ordinance Establishing a Demolition Permit for Historical Buildings. She read aloud her letter to the Council. Discussion. Council scheduled a meeting with the Development Review Commission to be held on November 11, 2010 at 6:30pm at Town Hall.

Commission President Zody reported her letter also asked the Council to approve the new guidelines for awnings and canopies as well as changes to the staff approval guidelines. Commission Vice-President Young noted they have not had guidelines on awnings and canopies therefore this would be an addition. Commission President Zody explained the changes to the staff approval guidelines involves in-house approval of a sign being moved. Discussion.

Councilmember Cassiday made a motion to approve the awnings and canopies guidelines. Councilmember Omberg seconded the motion. All were unanimously in favor.

Commission President Zody gave a general overview of this month's commission meetings. She chaired a Technical Review Committee meeting for a new pavilion to replace the gazebo on the four corners. The Commission also had a hearing to approve the new emergency management base next to the Law Enforcement Center. They also had a hearing on the addition of Brown County Health and Living and toured the proposed Blue Elk Development. The Commission had a site visit at the Family Fun Center with the environmental cleanup company.

Councilmember Cassiday asked how the site visit at the Family Fun Center went. Commission President Zody found the visit very informative. The Commission's concern is how the area will look after the environmental cleanup and before a potential developer may move in and starts building things. A public hearing on this project will be scheduled for November. Discussion. Vice-President Kirilin summarized the Council's consensus is they would like topsoil with grass after the environmental cleanup.

Councilmember King made a motion to approve the changes to the staff approval guidelines. Councilmember Cassiday seconded the motion. All were unanimously in favor.

9) ECONOMIC DEVELOPMENT COMMISSION REPORT

Suzannah Zody reported the Eiteljorg Museum brought their staff from Indianapolis to Helmsburg via train a couple of weeks ago. This has led to discussion with partnerships with the Indiana Railroad and Indiana University. Ms. Zody said this is one step closer to bringing the train to Helmsburg for tourism.

Ms. Zody reported Joan Wright has put together a group with IDEM, County Commissioners and Brown County Health Department to explore grants and opportunities to expand county wide sewer. The County has given Economic Development a large budget increase this year and a chunk of the increase will go towards the work of this group. Ms. Zody advised another chunk of money will go towards exploring high speed internet in the county. Councilmember Omberg commented he would like to see the Town go wireless and promote free wi-fi to draw some younger tourists. Ms. Zody acknowledged they would look into this as well. They plan on starting research at the beginning of the year.

Ms. Zody advised she is serving on the County Comprehensive Plan Committee. She is also serving on the Planning Grant Committee that they are doing for the Town. Ms. Zody hopefully is keeping communications open between the Town and County in this capacity.

TOWN COUNCIL MEETING, OCTOBER 21, 2010

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

Tony Akles with Strand Engineers reported Rural Development has requested to hold the Pay Meeting for the Sewer Expansion Project on Monday, October 25, 2010 at 10am at Town Hall.

RECESS

A recess was called from 9:40pm to 9:50pm.

REPORTS FROM DEPARTMENT HEADS

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

A. Right-of-Way Permits

Chief Administrator Carr presented a right-of-way permit for a Chili Cook-Off Festival put on by the Brown County Foundation as a fundraiser. The date of the event is Saturday, December 11, 2010 from 8:30am to 6pm. The streets will be blocked off and barricaded after 10pm on Friday and the turn lane on Van Buren Street will be blocked off at 7am Saturday. Chief Administrator Carr noted they will also block off West Main from Van Buren to Jefferson. She will also have to block off Old Hickory and Molly's Lane as well. Discussion.

Vice-President Kirlin advised he will not vote on this permit as he submitted the application. Councilmember Cassiday made a motion to approve the right-of-way permit for the Chili Cook-Off. Councilmember Omberg seconded the motion. All were unanimously in favor of the motion.

Chief Administrator Carr reported the Welcome to Nashville signage state right-of-way permit was mailed out today. She took photographs of the proposed locations, Town Superintendent Bush added a map of the new town limits and noted where the current welcome signs are located.

Chief Administrator Carr advised the water utility received a letter from Homeland Security regarding the countywide water shortage. Town Superintendent Bush completed the requested form and it has been mailed to Homeland Security. Chief Administrator Carr noted there will be a meeting at the Bloomington Utilities tomorrow at 11am and she and Town Superintendent Bush will be attending. Chief Administrator Carr explained the Town of Nashville Utilities and Brown County Water are not affected by the water shortage at this time.

B. Sewer Expansion Additional Connections

Town Superintendent Bush advised he spoke with Tony Akles of Strand Engineers about this issue and if they add additional sewer customers it would be as a per item extension of the contract. Currently the intent is to utilize any of the contingency project funds for these additional connections. Town Superintendent Bush reported at this time there are six additional sewer hook-on requests with a cost of about \$7,000 each. Mr. Akles reported Rural Development is not against the idea but they will not be giving the Town any more money for these hook-ons. Mr. Akles suggested they wait until the end of the project to see if funds are available to do the additional hook-ons.

Vice-President Kirlin spoke about the Habitat property that signed up to hook-on the sewer but according to the grants and loans rules they cannot use those funds to hook-on a vacant lot. The Town did not tell Habitat this information when they went through the easement process. The other additional sewer hook-on requests are asking to hook on after the fact. Vice-President Kirlin would like to come up with a way to decide who should get to hook-on in what order if funds are available.

TOWN COUNCIL MEETING, OCTOBER 21, 2010

Councilmember Omberg said those that were late in signing up should have to pay for the hook-on on their own. Discussion. Councilmember Omberg advised any extra funds should go toward the plant first. If there is money left that can't be used toward the plant, they can divide the funds evenly among the additional hook-on requests. Vice-President Kirlin suggested the Council talk about this again later in the project when they know what, if any, funds will be available.

C. Task List

Nothing presented.

D. Quotes

Nothing presented.

E. Service Agreements

Nothing presented.

F. Utilities Report

Town Superintendent Bush advised he completed the report this afternoon and passed out the report to Council. He explained he has been dealing with a lot of issues down at the plant. Town Superintendent Bush reviewed the sewer report with the Council and noted the east RAS pump #2 broke at the plant and they had to have parts overnighted which was \$1,200. He added these repairs at the treatment plant are at the bare minimum but they are still very expensive.

Town Superintendent Bush advised at this time the Washington Street lift station and Brown County Inn lift station are only running on one pump. These are working at this time, but if something goes wrong he will have to have a septic hauler pump the stations and haul the sewage to the plant until they are in running condition. Town Superintendent Bush advised he could fix the pumps but both lift stations will be overhauled in the sewer project. He would rather hold off and have the sewage pumped if necessary but asked the Council for their direction. Vice-President Kirlin commented that Town Superintendent Bush should be the judge of this situation.

Vice-President Kirlin read from an August inspection report that states the clarifiers were not being cleaned weekly and he asked why. Town Superintendent Bush explained there has been a transition in the staffing and what duties they are to perform due to sampling procedures and staffing. Town Superintendent Bush noted this is actually a fairly good IDEM report and things overall have been improving.

Clerk-Treasurer Young commented that the Washington Street lift station has had two back-ups into the street recently and could they watch this more and do more pumping. Town Superintendent Bush advised in one incident there was a new employee on duty who was not sure how to handle the situation. He suggested they may want to go ahead and replace the pump at the Washington Street station with a rebuilt pump he has at the plant. Vice-President Kirlin wants the Town to be careful on this as they still have service to run and make it safe for the public. Council directed Town Superintendent Bush to fix the Washington Street lift station with a new pump if the rebuilt pump does not work. Councilmember Omberg asked once the station is overhauled could they reuse the pump some place else down the road. Town Superintendent Bush reported the pump could not be used currently in the system but who knows in the future.

Vice-President Kirlin asked about the water main break by McDonalds if the lines were not marked correctly. Town Superintendent Bush advised the Town marks all their line locates and in this instance

TOWN COUNCIL MEETING, OCTOBER 21, 2010

the sewer and water lines run side by side and the water line was accidentally hit. Councilmember Omberg asked if there has been an usually high amount of breakages and boil orders this year. Town Superintendent Bush advised they have had a higher number due to the drought causing the ground to contract and putting pipes under considerable amount of stress and breakages. Vice-President Kirlin asked how much a water break costs the Town. Town Superintendent Bush estimated a water break from start to finish could cost approximately \$1,500 or more. Vice-President Kirlin asked Town Superintendent Bush to bring to the next meeting, the costs of water breakages in 2009 including labor.

Vice-President Kirlin commented that he is not happy with the job the street sweeper is doing and asked what is going on with it. He is getting all kinds of calls about dust and dirty streets. He wants Town Superintendent Bush to look at the sweeper and perhaps in the next couple of years they should look at buying a new one. Councilmember Cassidy asked for a ballpark figure on a new sweeper. Town Superintendent Bush estimated a new street sweeper would run around \$80,000. Clerk-Treasurer Young commented a new sweeper would have to come out of the MVH fund.

Councilmember Omberg made a motion to allow the meeting to go past 10pm. Councilmember Cassidy seconded the motion. All were unanimously in favor.

G. Council Inquiries

Councilmember Omberg noted two employees were present for the meeting this evening. If they were required to be present for the meeting he asked their time card is marked for those hours.

2) TOWN ATTORNEY – JIM ROBERTS

A. Council Inquiries

Town Attorney Roberts read from his things to do list: Red Barn issue, the skateboard ordinance, speed limit and stop sign ordinances need to be reviewed to cover the newly annexed areas. He advised Clerk-Treasurer Young called to his attention that there appears to be an issue between the administration of the Plan Commission and the Town's ordinance as to the absence of a definition for directional signs. Town Attorney Roberts will meet with the representatives of the Plan Commission and their attorney to see how they should address this problem and then present a proposal to the Council.

Vice-President Kirlin asked about the amendment to the Village District as was discussed at the last meeting. Town Attorney Roberts reported this is not completed yet. Vice-President Kirlin noted Town Attorney Roberts was to do something about the sidewalk outside of the popcorn business. Town Attorney Roberts reported he has not addressed this either.

Vice-President Kirlin asked if there was a problem with the annexation of Coffey Hill and Orchard Hill that there was no definition of zoning. Town Attorney Roberts will review the ordinance but believed the annexation does address zoning. Town Superintendent Bush commented he spoke with Dave Woods of Planning and Zoning regarding Blue Elk. The ordinance on Blue Elk did not state the zoning but in the developer agreement it was zoned B3. Clerk-Treasurer Young asked if the ordinance has been finalized as there were some typos or issues with that annexation. Town Superintendent Bush spoke with the surveyor and he is to prepare a correct description of the property.

3) CLERK-TREASURER – BRENDA YOUNG

A. Council Inquiries

Clerk-Treasurer Young asked for a motion to allow Vice-President Kirlin to sign the authorization cards for all the Town's grants through OCRA now that President Kelso has resigned. Councilmember

TOWN COUNCIL MEETING, OCTOBER 21, 2010

Omberg made a motion to allow Vice-President Kirlin to sign the cards. Councilmember Cassidy seconded the motion. All were unanimously in favor of the motion.

Clerk-Treasurer Young asked for a motion to allow Vice-President Kirlin to sign paperwork for the Town. Councilmember Omberg made a motion from today until the Council elects new officers that Vice-President Kirlin be allowed to sign all papers that would be normally signed by the President. Councilmember Cassidy seconded the motion. All were unanimously in favor of the motion.

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

Councilmember Cassidy reported he spoke with the Technology Director at the high school about the speed limit box and the director is going to make it work on solar power. Town Superintendent Bush will get the box to Councilmember Cassidy.

Vice-President Kirlin commented that they have an open house for the newly annexed areas or send them a letter welcoming them into town and talk about some of the Town ordinances that are different than the county's ordinances. Councilmember Omberg would like to send a letter and have an open house. Council would like to have the open house after the holidays but send out a welcome letter in the next three or four weeks.

Clerk-Treasurer Young asked if the Council would like to make any changes to the business license application as they will be printing them in the next month or so. Vice-President Kirlin reported he was going to meet with Town Attorney Roberts on this issue but he ran out of time. He asked Town Attorney Roberts to discuss the form, especially the section regarding whom to contact in case of an emergency. Clerk-Treasurer Young advised the form would be going to the printer in two weeks.

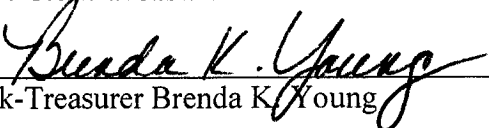
Town Attorney Roberts spoke about the annexation ordinances for Orchard Hill and Coffey Hill and both ordinances refer to the zoning and he read aloud this portion of the ordinance to the Council. Vice-President Kirlin advised he would follow up with the Plan Commission.

Vice-President Kirlin addressed the issue of possibly changing engineers in the middle of the sewer expansion project. According to the grant administrators it can be done but it was suggested they not change engineers at this late point. Council agreed to take the advice of the grant administrators.

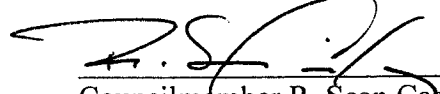
ADJOURNMENT

Councilmember Omberg made a motion to adjourn the meeting. Councilmember Gore seconded the motion. All were unanimously in favor of the motion. The meeting was adjourned by Vice-President Kirlin at 10:35pm.

The audio recording made at the Town Council meeting on 10-21-10 is retained in the office of the Town Clerk-Treasurer.


Clerk-Treasurer Brenda K. Young



Vice-President Robert Kirlin


Councilmember R. Sean Cassidy

TOWN COUNCIL MEETING, OCTOBER 21, 2010



Councilmember Jane Gore



Councilmember Charles B. King

Councilmember Arthur Omberg