

NASHVILLE TOWN COUNCIL MEETING THURSDAY, SEPTEMBER 15, 2011

ATTENDANCE – Council members present – President Robert Kirlin, Vice-President Charles B. King (left at 9:49pm), Councilmember Jane Gore and Councilmember Arthur Omberg. Council members not in attendance - Councilmember Sean Cassiday. Also in attendance –Town Superintendent Roger Bush, Chief Administrator Phyllis Carr, Town Marshal Stephanie Loerzel, Town Attorney Jim Roberts and Deputy Clerk-Treasurer Debbie Ferry.

REGULAR COUNCIL BUSINESS – 7PM

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

2) **PLEDGE OF ALLEGIANCE**

President Kirlin asked all in attendance to rise and recite the Pledge of Allegiance.

3) **ROLL CALL** by Deputy Clerk-Treasurer Ferry.

4) **APPROVAL OF AGENDA**

President Kirlin asked if there were any changes to the agenda. Vice-President King asked that the Claims be moved up in the agenda. Councilmember Omberg asked where the Claims should be moved to. Vice-President King would like to put it under Regular Council Business. Discussion. The Council agreed to address the Claims at the end of Regular Council Business at each meeting.

Councilmember Omberg moved to approve the agenda as amended. Councilmember Gore seconded the motion. All were unanimously in favor.

5) **APPROVAL OF THE MINUTES**

President Kirlin advised the following minutes had been submitted for approval: August 4, 2011, August 11, 2011, August 18, 2011, August 23, 2011 and August 26, 2011 Council meetings.

Councilmember Omberg moved to approve the minutes as presented. Vice-President King seconded the motion. All were unanimously in favor. President Kirlin noted for public information that the approved Council meeting minutes are posted on the Town's website at www.townofnashville.org.

6) **COMMUNICATIONS**

A. Written

None presented.

B. Audience

An audience member asked what the status is of the change in the alleyway at Molly's Lane. President Kirlin advised this topic is on hold at this time and the Town Attorney has sent a letter to the petitioner's of the vacation that they need to furnish the name and mailing address of the adjacent landowners. Town Attorney Roberts noted he has advised the Council not to consider the petition until they receive all the required information.

Susanne Gaudin spoke on behalf of Bonnie Closely with the Solid Waste District about their written request for a letter of support of an IDEM grant. Kyle Lueken spoke on behalf of Designscape and explained Designscape is applying for the grant. He reported Designscape is applying for the grant to purchase equipment that will grind up brush and yard waste. With this equipment they will clear up debris not only for their business but also for Brown County and the Town of Nashville. He asked that the Town submit a letter of support so they can move forward with the grant. Councilmember Omberg

TOWN COUNCIL MEETING, SEPTEMBER 15, 2011

asked what their plans are. Mr. Lueken reported Designscape plans on purchasing a grinder and a screener to crush up yard waste into small pieces and the end product of the brush will be compost or mulch that people would have access to for a fee. Councilmember Gore asked if this is a portable piece of equipment. Mr. Lueken advised it is a portable piece of equipment but they would primarily use it at Designscape and if someone wanted to utilize the grinder service they would bring their discarded brush or yard waste to Designscape. Mr. Lueken explained there would be a nominal charge to those bringing in brush or yard waste perhaps around \$5 per pickup truck but they are still evaluating the charge.

Councilmember Omberg asked how they would prevent the emerald ash borer or other insects from spreading. Mr. Lueken advised if they receive wood that has the emerald ash borer or other type of destructive insect they will burn that wood and not grind it up for recycling. Councilmember Omberg asked about the grant. Mr. Lueken explained this is a state matching fund grant and the grant application is due on September 26, 2011. Ms. Closely added the Solid Waste Department has been working with Designscape for the past two to three years since they take excess leaves and perhaps the town would be able to utilize their services as well. Ms. Closely advised the Solid Waste Department has been fielding more questions from the public about what to do with their brush and yard waste and this would be a good opportunity for the town and county residents. Discussion.

Councilmember Omberg moved to have a letter created and signed by President Kirlin in support of this grant application. Vice- President King seconded the motion. All were unanimously in favor. President Kirlin reported a letter of support from Town Superintendent Bush has already been submitted.

A resident asked if there are any other implications of anything else being done on Molly's Lane at this point beside the permanent closure requests. The Council advised nothing more has been presented to them at this point. The resident reported to the Council on 8-27-11 at 4:54pm she did call the police at the recommendation of the Council when the music was playing outside. There was a person with an amplifier and a microphone singing in the alleyway. The police were called and nothing was done until a fight broke out in the area. The resident is concerned about the activities in this area. President Kirlin asked Town Marshal Loerzel if she knew of this incident. Town Marshal Loerzel reported there was a person in the alley playing music and a town resident was in the area and kicked at the musician's equipment. Officer Shrader advised he answered the call and the musician was leaving the area and he was set up on the sidewalk. The resident voiced concern about the music being played in the alley and the sound is very loud. Discussion. Town Attorney Roberts read aloud portions of the noise ordinance and advised there is a warning and appeals process for those violating the noise ordinance. Town Attorney Roberts reported he will work with Chief Administrator Carr to work out what the appropriate steps will be.

7) TOWN MARSHAL – STEPHANIE LOERZEL

A. Council Inquiries

Town Marshal Loerzel reported she sent out an e-mail to the Council with the department's August activity report. They had a very busy month last month and fielded about 350 calls between the merit officers and the reserve officers. Town Marshal Loerzel advised the department participated in Operation Pullover and this was very successful.

Town Marshal Loerzel commented about the vehicle they are attempting to purchase through the White River Township Fire Department. She has received the paperwork the Town Attorney will need to review and then will present it to the Council. Town Marshal Loerzel advised she was able to buy the

TOWN COUNCIL MEETING, SEPTEMBER 15, 2011

SUV for \$8,500 and she is hoping to get the vehicle within the next couple of weeks. She reported the vehicle has 49,000 miles on it and is in excellent condition.

8) CLAIMS

Councilmember Omberg moved to approve the claims for the period of 8-12-11 through 8-31-11 and for the period of 9-01-11 through 9-08-11. Vice-President King seconded the motion. All were unanimously in favor.

NEW BUSINESS

1) PROCLAMATION – ARBOR DAY 2011

President Kirlin reported the Council had before them an Arbor Day Proclamation that would allow them to continue their Tree City classification.

Councilmember Omberg moved to have a reading of the Arbor Day Proclamation. Vice-President King seconded the motion. All were unanimously in favor. Councilmember Omberg read aloud the Arbor Day Proclamation.

President Kirlin reported the Town has a pretty stern tree ordinance that was passed about six years ago. Many years ago someone cut down three trees in the town's right-of-way and the ordinance was created to prevent that from happening again. President Kirlin advised the ordinance prohibits anyone from cutting down trees in the town's right-of-way without first consulting the Tree Board and probably coming to the Town Council. President Kirlin noted there have recently been a couple of trees that have been removed without the Tree Boards blessing and the Town sent out letters to those landowners advising them of the ordinance violation.

2) SHIRL MALINA – SUPERANNUATED

Shirl Malina addressed the Council and audience regarding the term superannuated. Ms. Malina explained superannuated means super extra years and those that are in the second half of life have super extra years. She would like the term aged seniors to be changed to superannuated and is trying to make people aware of this. Ms. Malina would like to start something in this community like the Creative Age Center and she has already talked to the County Commissioners about this idea. Ms. Malina reported Bloomington has formed an active aging coalition and she would like to do something along these same lines. She asked that they have some sort of county wide festival celebrating superannuated people.

President Kirlin asked at what age does superannuated start. Ms. Malina advised it starts whenever you decide it. The Council thanked Ms. Malina for her presentation.

3) ORDINANCE 2011-09 – REDISTRICTING

President Kirlin advised they have before them the Ordinance 2011-09 regarding redistricting. He explained that due to the annexation the Town had to move the district lines to allow for each district to have roughly the same amount of population in each district. Town Attorney Roberts advised he and Town Superintendent Bush worked on this map and got them as close in population as reasonably possible. Councilmember Omberg asked if the new redistricting will move any of the non at-large council members out of their district. Town Superintendent Bush advised it will not and the district lines really don't vary that much.

Vice-President King moved to have the first reading of Ordinance 2011-09 by title only. Councilmember Omberg seconded the motion. All were unanimously in favor. President Kirlin read aloud Ordinance 2011-09 by title only. Vice-President King moved to suspend the rules and have a

TOWN COUNCIL MEETING, SEPTEMBER 15, 2011

second reading of Ordinance 2011-09 by title only. Councilmember Gore seconded the motion. President Kirlin asked if there were any comments from the Council or audience and there were no comments. All were unanimously in favor of the motion. President Kirlin read aloud Ordinance 2011-09 by title only. Vice-President King moved to adopt Ordinance 2011-09 An Ordinance Establishing Town Council Representative Districts. Councilmember Gore seconded the motion. All were unanimously in favor.

Town Attorney Roberts noted that Ordinance 2011-09 must be filed with the Clerk-Treasurer and with the Clerk of the Brown Circuit Court. President Kirlin noted the ordinance along with the map showing the districts will be on the Town's website.

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

President Kirlin asked the other Council members if they would have any interest in starting the Council meetings at 6:30pm rather than 7:00pm. The Council agreed to start the meetings at 6:30pm but asked President Kirlin to make sure that Councilmember Cassidy agrees with the time change and if he does agree the start time will change. Town Attorney and Town Superintendent Bush both approved the time change.

OLD BUSINESS

1) ANNEXATION OF THE PROPERTIES KNOWN AS: NAPA-2412 E. SR 46, CIRCLE "K"-2356 E. SR 46 AND TYK PROPERTY MANAGEMENT "HOLISTIC VET" – 1150 OLD SR 46 E

President Kirlin explained there has been a public hearing on this annexation and before the Council they have Ordinance 2011-03.

Vice-President King moved to have the first reading of Ordinance 2011-03 by title only. Councilmember Gore seconded the motion. Councilmember Omberg asked if these areas were in the redistricting ordinance. Town Superintendent Bush advised these areas are on the new redistricting map and ordinance that was approved this evening. Councilmember Omberg noted these newly annexed areas will be in District 3. President Kirlin asked if the areas were also zoned appropriately. Town Attorney Roberts advised these properties would be assumed into the Town zoning ordinance with a comparable zonings that they have. All were unanimously in favor of the motion. Councilmember Omberg read aloud Ordinance 2011-03 by title only. Vice-President King moved to suspend the rules and have a second reading of Ordinance 2011-03 by title only. Councilmember Gore seconded the motion. All were unanimously in favor of the motion. Councilmember Omberg read aloud Ordinance 2011-03 by title only. Vice-President King moved to adopt Ordinance 2011-03. Councilmember Gore seconded the motion. All were unanimously in favor.

2) UPDATE ON PROPERTY AT 212 W. MAIN STREET

A resident commented there was a letter written by Marge Grimm and he asked that the letter be read into the record. Councilmember Omberg read aloud a portion of the letter written by Ms. Grimm and was concerned that the letter was too personal. President Kirlin asked Town Attorney Roberts if the letter is too personal should they continue to read it aloud. Town Attorney Roberts advised if this was a letter written by a member of the community to the Town Council it would be a public record but it does not have to be read aloud. Councilmember Omberg commented that he would not like to read the letter aloud any further as the letter was becoming too personal.

TOWN COUNCIL MEETING, SEPTEMBER 15, 2011

President Kirlin asked Sarah Eads where she is at with her proposal to help Mr. Terrill. Ms. Eads asked that Mr. Terrill speak first. Mr. Terrill addressed the Council and reported he would like to renovate the place, he has been working on it and according to the meetings he has attended he understood as long as he is making progress on the house everything would be ok. Councilmember Omberg noted some goals were set several months ago such as having several sections of the home torn down that were not inhabitable and that the renovation process would have started long before now. Mr. Terrill commented that he intends to gut the back part of the house but wants to save as much of the house as possible and spoke of his plans for the house. Councilmember Omberg asked Mr. Terrill if he has worked with Ms. Eads on a financial solution to this issue. Mr. Terrill advised he is not sure where all the money is going to come from at this time but he has friends that are helping him as far as labor. Vice-President King noted there were several things Mr. Terrill could do to make the house and yard look better without lots of money. Mr. Terrill agrees there are parts of the yard that are overgrown but some areas that are overgrown are a money maker for him such as bittersweet. Discussion.

President Kirlin asked what progress was made. Mr. Terrill said he has cleaned up part of the yard, cut back the bushes along the sidewalk, in the vacant lot next door he has weed-eated and knocked down weeds. Only thing left is in the side yard and back behind the house.

John Bock introduced himself as a friend of Mr. Terrill and advised he is a licensed plumber in the State of Indiana. He believes the next plan to please the neighbors and the Town is to clean out the side yard. Mr. Bock reported they could build a lean to on the property in order to store the items he wishes to keep. Mr. Bock also advised he could repair the water lines and make sure the lines would not freeze in the winter. President Kirlin asked what kind of time frame they are looking at. Mr. Bock explained he would like to see the side yard and rock wall completed by the next Council meeting. Councilmember Omberg reported he spoke with Habitat for Humanity last week and they said they would not be able to help.

Ms. Eads reported she has collected about 80-90 cards from individuals that have worked to restore facilities such as this house. Once they have an architectural design she has one particular volunteer that will organize the sequencing of the different people that will make the changes to the property. Ms. Eads explained once they have the funds and volunteers it would take about 5-6 months to complete the project. She reported she has contacted several corporations, met with some grant writers and has the interest of four different architects.

President Kirlin advised that it is important that they all understand this is not about the person; this is about the house and the shape it is in. This issue was brought before the Town Council by the Health Department. The Health Department is asking for a recommendation from the Town to condemn the house or no action. President Kirlin commented the Council has done a lot of back bending and yet he is disappointed again that there is no solid plan. The property is still not cleaned up as previously promised and he would like to see the Council move on from this discussion. President Kirlin advised the Council can take no action on this issue and take it off the agenda or they can embrace the Health Department's request to condemn it if they so desire.

Councilmember Omberg explained this all started five months ago and he was the one that said they need to help a fellow citizen but it doesn't appear that things are moving forward. Ultimatums have been given and not followed through; there is still a lot of clutter throughout the yard. Councilmember Omberg does not see this moving forward and does not see financial support for the project.

TOWN COUNCIL MEETING, SEPTEMBER 15, 2011

Vice-President King noted they have had complaints that they have not acted on for years and the topic is getting old. He advised he appreciates Mr. Terrill but he does not want to see him live this way and they need to do something. Vice-President King commented that he does appreciate the efforts everyone has put into it.

Councilmember Gore agreed that she appreciates the efforts people have made however after reviewing the minutes from the last Council meeting Mr. Terrill has not followed through with what is to be done and this has been repeating over the last five months this topic has been on the agenda.

President Kirlin opened up the discussion to members of the audience. Peggy Thompson asked if they condemn the property what will happen next. President Kirlin advised that would be up to the Health Department to condemn the property. Mrs. Thompson asked if the structure is condemned would Mr. Terrill be allowed to live there. Town Attorney Roberts advised Mr. Terrill would not be allowed to live in the house if the Health Department condemned the property. Vice-President King noted he would still be allowed to fix up the property if it were condemned.

Lamond Martin commented in order to get the house back in habitable condition it would cost around \$250,000 and no one has the money or the ability to do that and they are just barking up a tree.

Billy Salmon commented that he has been a neighbor of Mr. Terrill for several years and the house has been cleaned up before and fallen back into disrepair. He noted it is time for something to be done in a professional manner.

Ms. Eads reported there is a person that is willing to put up Mr. Terrill in a residence for the winter and this would be a wise thing to encourage him to do and would show good faith that he does want to have the house fixed professionally and properly and is open to not patching it together anymore.

Councilmember Omberg commented this would be wonderful.

President Kirlin asked the Council how they would like to proceed. Councilmember Omberg said this sucks and there are no winners in this. He believes this process has gone on long enough and just because it's condemned doesn't mean that Mr. Terrill can't continue to work on it but he has someone that will put him up in a safe place with running water. Councilmember Omberg noted Mr. Terrill's own mother has said that it's scares her. Councilmember Omberg made a motion to go ahead and ask the Health Department to continue the condemnation process. Vice-President King reluctantly seconded the motion.

President Kirlin asked if there were any further comments from the Council. Councilmember Omberg said he was really sorry. President Kirlin asked if there were any comments from the audience. Mr. Bock asked what this recommendation means. President Kirlin advised this now goes back to the Health Department. Mr. Bock reported if they only need running water, he could have running water to the house within a week. President Kirlin commented that this is not the case. Vice-President King explained if they were able to get the house to a place where Mr. Terrill could move back in safely the Health Department would determine that and they could rescind the condemnation order but this is up to the Health Department. Discussion. President Kirlin advised there are three positive points: Mr. Terrill has a safe and warm place to live if he so chooses, he will get financial support and he can continue to work on the house. All were unanimously in favor of the motion.

3) ORDINANCE 2011-04 – OFF PREMISE SIGNAGE

President Kirlin advised a committee has been formed to review the ordinance but the committee has not yet met. He would like to keep this on the agenda and noted Town Attorney Roberts would like to take this ordinance along with Ordinance 2011-05 at the same time. President Kirlin asked for a motion to table Ordinances 2011-04 and 2011-05.

Vice-President King moved to table Ordinance 2011-04 and Ordinance 2011-05 until the committee has time to meet. Councilmember Gore seconded the motion. All were unanimously in favor. Vice-President King asked who is on the committee. President Kirlin reported he is on the committee along with Celeste Kirlin and Dave Woods from Planning and Zoning and Councilmember Gore.

4) ORDINANCE 2011-07 – CAPITAL IMPROVEMENT PLAN

President Kirlin advised the Council will need to put a capital improvement plan together with funds from the EDIT tax. They can work on the plan later but they need to approve the ordinance saying they will create the capital improvement plan.

Councilmember Omberg moved to have the first reading of Ordinance 2011-07 by title only. Vice-President King seconded the motion. All were unanimously in favor. Councilmember Omberg read aloud Ordinance 2011-07 by title only. Vice-President King moved to suspend the rules and have a second reading of Ordinance 2011-07 by title only. Councilmember Gore seconded the motion. All were unanimously in favor. Councilmember Omberg read aloud Ordinance 2011-07 by title only. Vice-President King moved to adopt Ordinance 2011-07. President Kirlin asked if they had to complete the last page before they approve this ordinance or could they do that at a later date. Vice-President King commented they could make the motion to approve the ordinance contingent upon completion of the plan. Town Attorney Roberts advised they can pass the ordinance but it does not become effective until the plan is filled out. Vice-President King moved to adopt Ordinance 2011-07 contingent upon completion of the plan. Councilmember Gore seconded the motion. All were unanimously in favor.

RECESS

A recess was called from 8:50pm to 8:55pm

5) SEWER EXPANSION PROJECT

Tony Akles of Strand Engineers updated the Council on the claim from Mitchell and Stark. He explained the claim is for \$482,188.39 and Carrie Riley with ARa would like the funds to come from Rural Development because there are not enough funds left in the OCRA grant to cover it. Mr. Akles recommended the Council approve the claim pending approval from the funding agency.

Councilmember Omberg moved to approve the claim for Mitchell and Stark Construction Company, Inc. in the amount of \$482,188.39 contingent upon the receipt of funds. Councilmember Gore seconded the motion. All were unanimously in favor.

Mr. Akles spoke about the collection side of the project and noted the pump basins are set to ship tomorrow. Central Engineering is bringing back Daystar Drilling to do the drilling which he believes is a good thing since they already know what they are getting into. Mr. Akles advised they will start the work next week to install the tanks for the last 15 homes and they hope to have them all done within two weeks.

TOWN COUNCIL MEETING, SEPTEMBER 15, 2011

Mr. Akles reported on the Wastewater Treatment Plant work and noted they are getting very close to completion. They are hoping to have water running through the rest of the plant by next Friday which is also the substantial completion date. However there are a few pieces of equipment that are still out, but the plant will operate without them. Brad Robertson of Mitchell and Stark was present to report the reason one of the parts has been difficult to obtain is due to the Buy America requirement. Mr. Robertson explained the switch gear had been a big holdup but it is on site now and they will energize this next Tuesday and put a few things on-line a little bit at a time. Town Superintendent Bush reported he met with the electrician and they have set September 23, 2011 as the meter change over date. Mr. Robertson noted they should have everything on-line and changed over by the final completion date of October 31, 2011. Discussion. Mr. Akles reminded the Council the next progress meeting is scheduled for September 27, 2011 at 10am at Town Hall.

President Kirlin asked if the 14 homes have paid their \$500 fees. Chief Administrator Carr reported they have two promissory notes that have been signed, eight of them are paid and four have not signed or paid. Chief Administrator Carr noted the customers had to notify the Town by today if they no longer wanted to be in the project or pay the fee. Town Superintendent Bush suggested they call the four customers and let them know they have until 4pm tomorrow or they will be off the list. Council directed Town Superintendent Bush to use his discretion.

President Kirlin asked Town Superintendent Bush to explain how Habitat for Humanity's sewer connection was cleared up. Town Superintendent Bush reported that Habitat purchased the holding tank which is in excess of \$500 and they also purchased the pumping pit and control panel which greatly outweighs the \$500. He was unaware that they had purchased all the equipment but once he found out the fees were waived.

Mr. Akles asked for all the purchase orders and invoices of the Town purchased equipment to be submitted to him at the progress meeting next week.

President Kirlin asked Town Superintendent Bush what the standard procedure is for locking the gate at the treatment plant. Town Superintendent Bush reported prior to this project it was to be locked at the end of the day but because the contractor is there different hours that his employees are there, they have been leaving it unlocked. President Kirlin voiced concern over this practice because people can come down and steal things. Town Superintendent Bush said his employees could lock the gate and give the contractor a key. President Kirlin would like to see a written policy on this and it is to be enforced by Town Superintendent Bush.

President Kirin would also like to see a plan on cleaning up the treatment plant area once the upgrade project is completed. He would like to see the scrap taken away, weeds cut and buildings painted.

6) PARKING AND PUBLIC FACILITIES REPORT

Commission President Lamond Martin reported they received three bids back for the painting and sprucing up of the Old School Way and Mound Street restrooms. The Commission reviewed the bids and recommend to the Council they award the bid to Elmore Painting with a bid of \$2,885.00 and this was the lowest bid. Vice-President King moved to award the bid to Elmore Painting for \$2,885.00 and to take the funds out of the Food and Beverage fund. Councilmember Gore seconded the motion. All were unanimously in favor. Vice-President King asked who is on the committee.

Commission President Martin presented the new parking plan for the Pat Reilly parking lot for the Council's review and reported he and the architect have had some run ins because if they go to the

TOWN COUNCIL MEETING, SEPTEMBER 15, 2011

survey corner, the rocks from the CVS property are encroaching on the town's property by about twelve feet. Commission President Martin does not want to address this issue yet. He asked if the Council would like him to continue to work with the architect. President Kirlin asked what more do they need than the parking plan. Commission President Martin advised they don't need any more from the architect in his opinion and all they need to do now is write down the specifications for the paving and to lay the pipe in for the wiring and order the light poles. He advised this work will not be done until spring. Discussion. Vice-President King asked they get the asphalt work on the schedule with the contractor so they make sure it is done in the spring.

Councilmember Omberg made a motion to approve the Pat Reilly parking plan. Vice-President King seconded the motion. All were unanimously in favor.

Councilmember Omberg asked if all water fountains and toilets are working. Commission President Martin reported they are and they should be pulling out the fountains after Thanksgiving. Vice-President King asked about the length of the Antique Alley restroom contract with Mr. Rogers. Town Attorney Roberts reported the contract has not been signed. Vice-President King asked if they are formulating where they can build another restroom. Commission President Martin advised he is looking to use the Mound Street restroom plans, but cutting them in half and putting a restroom on the Old Pine Box Theater lot.

President Kirlin asked when they will be getting rid of the dumpster in the Pat Reilly parking lot. Town Superintendent Bush will have the dumpster removed before the work begins.

7) CHAMBER OF COMMERCE REPORT

Chamber of Commerce Representative Bob Everman reported the Chamber has been active and next Wednesday they will be cutting a grand opening ribbon at the Ethereal Day Spa for their new expansion. They are planning a block party for the event and invited all to attend.

President Kirlin noted on October 16, 2011 at 5pm there will be the dedication of the new pavilion and there will be food and music. This is a free event for the public.

8) DEVELOPMENT REVIEW COMMISSION REPORT

Chief Administrator Carr advised the next meeting will be on Tuesday therefore there is nothing to report at this time. President Kirlin noted there is a question on the lack of attendance by one member. Chief Administrator Carr reported this is Councilmember Omberg's appointment. President Kirlin asked Councilmember Omberg to work on this issue.

9) REDEVELOPMENT COMMISSION REPORT

President Kirlin reported he, Town Superintendent Bush and three Commission members attended a Redevelopment Commission meeting in Columbus earlier this week. He advised they spoke with Ed Curtain who does redevelopment consulting work and President Kirlin asked Mr. Curtain to put together a bid of what it would cost for him to attend Nashville's Redevelopment meetings.

10) ECONOMIC DEVELOPMENT COMMISSION REPORT

No one was present to give an update.

TOWN COUNCIL MEETING, SEPTEMBER 15, 2011

11) TREE BOARD REPORT

No one was present to give an update.

12) BROWN COUNTY VOLUNTEER FIRE DEPARTMENT REPORT

Steve Shaner of the Brown County Volunteer Fire Department reported he gave all the paperwork to Chief Administrator Carr requesting to block the road on Main Street from Commercial Street to Artist Drive on October 7, 2011 from 6pm-9pm for the county wide fire prevention festival. Vice-President King moved they allow the Fire Department to have their annual festival on October 7, 2011 from 6pm-9pm. Councilmember Omberg seconded the motion. All were unanimously in favor.

President Kirlin asked if all the new equipment worked well at the Helmsburg sock factory fire. Mr. Shaner reported all the equipment worked well and their rescue truck is about ready to go in service. President Kirlin thanked Mr. Shaner for coming to the Council meetings and advised they may start rotating the order of reports for the meetings.

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

Ed Ryan made a request to have an Oktoberfest on October 22, 2011 in the alley of Molly's Lane. President Kirlin clarified this is a street blockage request and asked if he had filled out the paperwork with Chief Administrator Carr. Mr. Ryan advised he had not filled out the paperwork but wanted to talk to the Council first. He noted they would also have to get a permit from the State to serve alcohol in the alley and Town Marshal Loerzel would also have to sign off on that. Councilmember Gore asked what hours they are proposing. Mr. Ryan reported they would like the event to go from noon to 11pm. Town Superintendent Bush believes Mr. Ryan is looking for an event permit and that would allow him to have the event until 11pm if the Council approves. Discussion.

A resident asked what would be blocked off. Mr. Ryan advised he is requesting the whole alley to be blocked off. The resident noted she would have to walk through the alley with people drinking in order to get to her home and asked if there would be security involved. Mr. Ryan reported they don't plan on having security but they train their servers. President Kirlin advised as far as he is concerned security should be a requirement if they are selling alcohol. Discussion.

President Kirlin asked Town Attorney Roberts what he found out about the hours of operation. Town Attorney Roberts read from the code of ordinances where a temporary permit may be issued for the hours between 7am and 9pm. He noted there is a provision where the Town Council could authorize a civic permit that would allow activity from 7am to midnight; however he is not sure this would be a civic event. Town Attorney Roberts explained Mr. Ryan would have to make a written application and the hours could be from 7am to 9pm. Councilmember Gore asked if there would be an unloading zone left available on either end of the alley. Mr. Ryan said he would do whatever the Council thinks makes the most sense. Councilmember Omberg can't see a vehicle going in 5-10 feet and backing out, that would pose more of a hazard.

President Kirlin asked what Mr. Ryan would say if the Council approves the request but without the music. Mr. Ryan advised he would rather turn the music off at an hour that is acceptable to the Council. President Kirlin explained the problem they are having with this area is that it is also a residential area and they want to be fair to the merchants and respectful to the people that live there. Councilmember Omberg asked if the music needs to be amplified. Mr. Ryan said it would not need to be amplified. Discussion. President Kirlin noted this item was not on the agenda and those for and against the request could not express their opinion and the proper paperwork has not been completed.

TOWN COUNCIL MEETING, SEPTEMBER 15, 2011

If the Council waits until the October 20th Council meeting Mr. Ryan would not be able to promote the event. Discussion. The Council decided to put this on the agenda for the Council meeting to be held on October 6, 2011 at 7pm.

REPORTS FROM DEPARTMENT HEADS

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

A. Signage

Town Superintendent Bush presented a sample street sign for the Council's review with the reflective background as now required. He explained the reflective background only needs to go as far as the edge of the lettering and they could leave the wood exposed. Discussion. Councilmember Omberg suggested they look at metal signs versus wood signs and suggested looking around at what is available.

Town Attorney Roberts asked what happens if the Town does not comply with the sign regulations that go into effect in 2013. Town Superintendent Bush believes they may lose some of their highway funds. President Kirlin asked Town Superintendent Bush to work with Councilmember Omberg on the signs. He requested that Town Superintendent Bush take a present sign with the right color, right wood and right leaf and making a whole sign with the reflective background for the Council to review.

B. Council Inquiries

Town Superintendent Bush reported he looked at the grating at the intersection of Old Schoolway and Washington Street. He noted the grating that would cut across the road is only \$2,200 but that is just for the grating. But by the time they do all the work included it would cost around \$17,600. President Kirlin asked to table this discussion as it was not on the agenda and Jenny Johnson was not in attendance at this time. President Kirlin asked that this item be added to the October 20th Council meeting agenda.

Town Superintendent Bush reported he found out in order to do the financing for a water meter project the bank wants them to do the project all at once and not in little pieces. The money is still available with the bank and since the bank wants them to do the project all at once it would be around \$150,000. Town Superintendent Bush advised when they did the last water rate study they included enough money to pay the loan as if it were completely built out. He has not had a chance to speak with Rate Consultant Pat Callahan; Town Superintendent Bush would prefer to table this discussion until he can meet with Mr. Callahan. Councilmember Omberg asked if this would be done in-house. Town Superintendent Bush reported he planned on purchasing the meters and doing the work in-house with additional hired help from the temp agency.

Town Superintendent Bush advised he would like to reorganize his department somewhat. He asked to meet with Councilmember Omberg to talk to him about this before he brings this to the Council as a whole. They agreed to look at their schedules and set a date to meet.

Town Superintendent Bush reported he and John Kennard have been discussing the overlap of funds that the County and Town spend for insurance on the four corners. Town Superintendent Bush would like to see a line of ownership that is clear cut so only one entity is responsible. President Kirlin asked why the Town is paying insurance on the four corners. Town Superintendent Bush explained according to the town plat the four corners are in the Town's road right-of-way. It has been suggested if there was an incident and the County decided to bail the finger could be pointed at the Town therefore putting them in a position of liability. Discussion. Town Attorney Roberts advised the Town's insurance

TOWN COUNCIL MEETING, SEPTEMBER 15, 2011

covers them for everything that happens on the Town's right-of-ways and he does not believe the Town pays any extra for the property.

President Kirlin asked the Council if they were interested in directing Town Attorney Roberts to draft a letter to the County to see if they are interested in deeding the property over to the Town. President Kirlin believes Mr. Kennard would be willing to turn the property over to the Town, but he is only one member of the County board. President Kirlin noted if they were to take over the four corners the Town would control what goes there and it would be additional paperwork and there would be additional maintenance for the area. Council agreed to direct Town Attorney Roberts to write the letter to the County regarding the four corners.

President Kirlin told Town Superintendent Bush that he did not like seeing three utility reports on one piece of paper.

Chief Administrator Carr reported the right-of-way permit for the Outhouse Race has been approved by the state.

President Kirlin reported the Town recently applied for an OCRA grant in the amount of \$50,000 and ARa has sent him the application. One of the questions on the application asked if Nashville is a Green Community. President Kirlin advised they are not and asked IDEM to send him the information on becoming a Green Community. He now has heard from Bonnie Closely of the Solid Waste Department that they are forming a Green Committee to become a Green Community and need a representative from the Town. Their first meeting is September 20th at 9:30am at the Veterans Building. Councilmember Gore agreed to be the Town's representative. Town Superintendent Bush asked that he too attend the meeting.

2) TOWN ATTORNEY – JIM ROBERTS

A. Council Inquiries

Town Attorney Roberts advised he has addressed the items that were on his things to do list with the exception of reviewing the hold harmless agreement for the Humane Society's Chocolate walk. He explained he has been in touch with the insurance company and the Humane Society and they have assured him they will get the agreement to him so it can be approved.

Town Attorney Roberts reported the following items were on his things to do list from this meeting: type a letter to Town Marshal Loerzel and Chief Administrator Carr regarding the warning procedure for the noise ordinance, contact the Health Department about the Terrill property and write a letter to the County Commissioners regarding the Village Green. President Kirlin asked to review the letter regarding the four corners before it is sent.

Town Attorney Roberts advised he will not be at the next Council meeting but Attorney Jason Salerno will be attendance in his place.

3) CLERK-TREASURER – CLERK-TREASURER BRENDA YOUNG

A. Council Inquiries

Nothing presented.

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

Nothing presented.

TOWN COUNCIL MEETING, SEPTEMBER 15, 2011

ADJOURNMENT

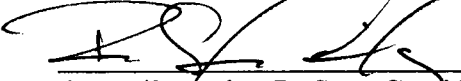
Councilmember Omberg moved to adjourn the meeting. Councilmember Gore seconded the motion. The meeting was adjourned by President Kirlin at 10:05pm.

The audio recording made at the Town Council meeting on 9-15-11 is retained in the office of the Town Clerk-Treasurer.

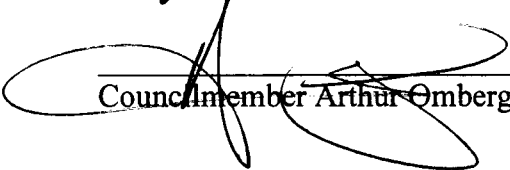

Clerk-Treasurer Brenda K. Young


President Robert Kirlin


Vice-President Charles B. King


Councilmember R. Sean Cassidy


Councilmember Jane Gore


Councilmember Arthur Omberg