

NASHVILLE TOWN COUNCIL MEETING THURSDAY, SEPTEMBER 16, 2010

ATTENDANCE – Council members present – Vice-President Robert Kirlin, Councilmember Sean Cassidy, Councilmember Charles B. King and Councilmember Arthur Omberg. Council member not present – President Roger Kelso. 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 7:00pm.

2) PLEDGE OF ALLEGIANCE

3) ROLL CALL by Clerk-Treasurer Young.

4) APPROVAL OF AGENDA

Councilmember Omberg would like to add Pam Gould under Communications. All were in agreement.

5) APPROVAL OF THE MINUTES

Vice-President Kirlin advised the following minutes had been submitted for approval: August 19, 2010 meeting, September 2, 2010 meeting, September 9, 2010 Executive Session and September 9, 2010 meeting. Councilmember Omberg made a motion to approve the minutes as presented. Councilmember Cassidy seconded the motion. All were unanimously in favor.

6) COMMUNICATIONS

- **Pam Gould Request**

Pam Gould, Bruce Gould and Andrew Tilton were present to discuss the southern boundary of the Village District. Mrs. Gould spoke about a recent newspaper article concerning improving gateways to Nashville. Part of the gateway into the Town is the parking lot which she is presently serving as trustee over entities that own the parking lot. Her son Andrew is one of the beneficiary's of the lot and therefore they have a personal interest in this part of town. She believes this area of town should be more appealing and eye catching and feels that this corridor is critical for making people say let's go into town.

Mrs. Gould would like to see the south end of the town improve, however; she believes there is a major hindrance in developing this part of town due to the parking requirements. She has done some research in this area and presented a map with the boundaries of the Village District as it now stands along with the areas that were exempted from parking requirements when the zoning laws were instituted in 1960. Mrs. Gould explained at some point in time the exempting of the parking requirements in the seven marked blocks were stricken. This problem was addressed in 2005 in Town Council meetings and at the same time the DRC was working on a Village District so that specific regulations could be applied to specific geographic areas of town, not necessarily relating to the business zonings.

Mrs. Gould explained in May 2006 at a Town Council meeting, Town Attorney Roberts was to present an ordinance regarding a parking ordinance and there was discussion as to whether this was appropriate in light of the Village District proposal. According to the tape of the meeting, it sounded to Mrs. Gould

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that the Council created the boundaries of the Village District. She said two councilmembers thought the southern boundary should be all the way to the creek and two councilmembers thought the southern boundary should be at Washington Street and all the other boundaries were agreed upon. Mrs. Gould reported the Council debated the southern boundary and decided to go with the Washington Street boundary. She explained how this effected the parking exemptions in the area and she requested the Town take a second look at this boundary.

Councilmember King advised he did not have an objection to create an ordinance that re-exempted the two areas but parts of the area don't look like a "Village" area to him. Mrs. Gould spoke about the parking requirements for the current buildings in the area. Councilmember Omberg asked Mrs. Gould what projects she might be interested in putting in their property in this area. Mrs. Gould reported back in 2003 she had made a presentation to the Design Review Board for a multi-purpose building that would have a theater, restaurant, retail space and possibly overnight accommodations. If they were to build this type of structure today, they would put the building closer to the highway with parking behind the building, however it would not be enough parking to fulfill the parking requirements. She believes this type of building would help with a corridor look and inviting in tourists and asked the Council to review the parking exemption requirements. Discussion. Vice-President Kirlin commented that he has no problem with taking Mrs. Gould's property and joining it to the Village District. He asked Town Attorney Roberts what the process would be to amend the Village District Area.

Town Attorney Roberts advised this would be a land use change and would require a public hearing to be conducted by the Area Plan Commission. If the Council wants to change the boundaries, Town Attorney Roberts suggested the Council make a motion to instruct him to prepare an amended ordinance and request a public hearing.

Councilmember King made a motion to instruct Town Attorney Roberts to prepare an amended ordinance to change the east side of Van Buren from Washington Street south to School Way Drive as deep as the drive to incorporate into the Village District as an overlay and request a public hearing by the Area Plan Commission. Councilmember Omberg seconded the motion. Discussion. All were unanimously in favor.

- **Main Street Bicycle Rack Design Winner – Jim Connor**

Vice-President Kirlin explained the Main Street Committee sent out a press release two months ago regarding a contest for bicycle rack design for the Town of Nashville with the winner receiving \$500. He reported the Committee met this week and picked the winning design created by Jim Connor. Mr. Connor was present to receive his \$500 check and a drawing of the bicycle rack design was passed around for all present to review. The audience and Council clapped in appreciation of Mr. Connor.

- **Right-of-Way Permit – Fire Prevention Festival**

Chief Administrator Carr presented the right-of way permit for the Fire Prevention Festival. Steve Shaner of the Nashville Fire Department was present to represent the request. He would like to have the Main Street blocked from Artist Drive to Commercial Street for their festival and this is the same area that was blocked last year for the festival. Mr. Shaner advised the festival will be Friday, October 8, 2010 from 6-10pm.

Councilmember Omberg made a motion to approve the street closing for the Fire Prevention Festival, Friday, October 8, 2010 from 6-10pm. Councilmember Cassidy seconded the motion. All were unanimously in favor.

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- **Larry Hawkins – Parking Space Removal**

Vice-President Kirlin reported the Nashville Express is asking the Town to remove the one parking space on the north side of Franklin where the train loads and unloads due to problems with the train making the turn onto Franklin from Old School Way. Councilmember King noted he suggested this be done four years ago.

Councilmember Omberg made a motion to remove the one parking space on the north side of Franklin. Councilmember Cassiday seconded the motion. All were unanimously in favor.

- **Brown County Habitat for Humanity Hike – September 25, 2010**

Chief Administrator Carr asked the Council if they received the letter regarding Brown County Habitat for Humanity's hike and noted they are requesting interested participants. She noted they are not asking to block any streets on Saturday, September 25, 2010. Chief Administrator Carr added the group with the most participants has the chance of winning the Golden Boot award.

Councilmember Omberg made a motion to accept the request from Habitat for Humanity. Councilmember King seconded the motion. All were unanimously in favor.

- **Right of Way Request – Van Buren Family Fun Center Clean Up**

Vice-President Kirlin reported he spoke with the people that want to do the clean up and told them they could not start this work in October. Chief Administrator Carr noted the company had told her they would be willing to move the start date until after October as well. Vice-President Kirlin would like the expiration of the right of way request to go to February 28, 2011 if the Council so approves of the request. He explained this is supposed to be a ten day project where they will clean up the underground where tanks have been leaking and contaminating the piece of property. They will also have to go before the DRC on Tuesday to get approval to do the work. Vice-President Kirlin wants the DRC to look at how the grounds would be restored after the work is done.

Councilmember King made a motion to permit the right of way request but not approving the plans. Councilmember Cassiday seconded the motion. All were unanimously in favor.

- **Resignation Letter – Roger Kelso**

Vice-President Kirlin read aloud President Kelso's resignation letter that will be effective September 30, 2010. President Kelso submitted his resignation with deep regret but did so due to business matters requiring him to work overseas. He offered to continue to be available as a private citizen for information and consultation.

Councilmember Omberg made a motion to not accept the resignation letter. Councilmember Cassiday seconded the motion. Town Attorney Roberts advised the Council can fill the vacancy by the remaining members of the Town Council but it must be done within thirty days of when the vacancy occurs. The next monthly Town Council meeting is scheduled for October 21, 2010 and Vice-President Kirlin asked that each Councilmember present the name of someone to fill the vacancy in District 3.

7) CITIZEN CONCERNS

- **Sidewalk Repair**

Vice-President Kirlin explained there is a problem with a sidewalk in town and the landowner says he is not going to repair it. Chief Administrator Carr advised the owner did not want to participate in the sidewalk program with the Town. Vice-President Kirlin asked Town Attorney Roberts to look into this

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issue and get back with the Council. Town Superintendent Bush is to report back to the Council what the cost would be to fix the sidewalk.

- **Walter Jackson – Parking Ticket**

Walter Jackson addressed the Council and spoke of the letter he wrote requesting a parking ticket he received be voided. Vice-President Kirlin reported the Council discussed this issue at the last Council meeting and the request to void the ticket was denied. The Council explained this is a loading and unloading zone only. Discussion. Councilmember King suggested adding a 20 minute time limit sign to this loading and unloading area to make it more clear as to how long a vehicle can be in this spot.

8) TOWN MARSHAL – STEPHANIE LOERZEL

A. Council Inquiries

Town Marshal Loerzel advised they are short one police officer but just had their deadline for applications. She would like to move the current officer paid through the grant position into the full time position and hire a new officer through the grant. Town Marshal Loerzel explained they have about two and half years as far as the grant goes, then one year through the Town.

Councilmember King asked if a semi comes in and parks for an hour to unload what would happen. Town Marshal Loerzel explained the officers try to be lenient as they know the shop keepers need to get their product into the shops, but if it is an excessive amount of time they first give them a warning.

Vice-President Kirlin advised the Council had received a call of a company wanting to fingerprint the kids during the outhouse race events. Town Marshal Loerzel checked out the request and this is through Western Southern Financial Services and she has agreed to allow them to do this.

Vice-President Kirlin voiced concern of a lot of blockage in Molly's Lane. Councilmember Cassiday thought there was some work being done at Eden Outfitters which may have caused the blockage. Vice-President Kirlin asked the police to keep an eye out in this area.

Town Marshal Loerzel introduced Cheryl Shireman to speak to the Council. Ms. Shireman explained to the Council that there has been a serious illness in the family and therefore she has not been in town to provide carriage rides. She is asking to adjust the route to a shorter loop to allow the horses not to go up the steep hill and to cut the route in half. Ms. Shireman noted she would not begin the rides until November. Discussion. The route agreed upon by Council was the following: make a U-turn on Gould Street go east to Van Buren, south to Main Street, then west to Jefferson.

Councilmember Omberg made a motion to allow Town Marshal Loerzel to approve the new route for Ms. Shireman's horse carriage. Councilmember King seconded the motion. All were unanimously in favor.

NEW BUSINESS

1) 2011 BUDGET ADOPTION

Clerk-Treasurer Young presented Ordinance 2010-7 budget and noted a public hearing had already been held on this ordinance.

Councilmember Omberg made a motion to have the first reading of Ordinance 2010-7 by title only. Councilmember King seconded the motion. All were unanimously in favor. Councilmember Omberg read Ordinance 2010-7 by title only.

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Councilmember King made a motion to suspend the rules and have the second reading and adoption of Ordinance 2010-7 by title only. Councilmember Cassiday seconded the motion. All were unanimously in favor. Councilmember Omberg read Ordinance 2010-7 by title only.

2) ORDINANCE ESTABLISHING A REDEVELOPMENT COMMISSION

Vice-President Kirlin explained he is bringing the possibility of establishing a Redevelopment Commission before the Council. Vice-President Kirlin explained a Tax Increment Finance (TIF) area would have base taxes that remained the same and continue to go to the County but anything above it would come into the Town as additional funds. Those additional funds could be set aside to help the developer pay off the mortgage, to develop sidewalks or streets, etc.

Town Attorney Roberts introduced Dave Umpleby of Umpleby and Umpleby, PC of Paoli, Indiana. Vice-President Kirlin added that Mr. Umpleby was very involved in the French Lick, Indiana development. Vice-President Kirlin added that he himself has attended several seminars on how TIF's work.

Mr. Umpleby told the Council one of the best municipal economic development/redevelopment tools available is Tax Increment Finance. They would be taking a snapshot of the assessed value within a designated area. Any growth that would occur in this area over a period of time would be captured in the Redevelopment Commission to be used for a variety of capital uses. Mr. Umpleby detailed information to the Council as to what a TIF could do for the Town.

Councilmember Omberg asked how long a TIF lasts. Mr. Umpleby reported a TIF lasts 25 years from the day the bonds are issued. The Redevelopment Commission would decide how the money is used. Vice-President Kirlin explained there is a Redevelopment Commission ordinance in front of the Council this evening and he would like to pursue creating this Commission. As he understands, the Commission would be comprised of three appointees by the President of the Town Council, two appointees by the remaining Councilmembers and the last appointee would be by a non-voting School Board member. Discussion.

Councilmember Omberg asked what the downsides to a TIF are. Mr. Umpleby advised in his view the biggest downside is that if it is not used correctly. The second downside is that TIF's are poorly understood or misinterpreted.

Vice-President Kirlin asked what the procedure is for claiming an area as TIF. Mr. Umpleby explained the procedure as follows; the Council appoints the Redevelopment Commission members who will sit for one year but can be removed from the commission for any or no reason at any time, the commission will come with a resolution that establishes the TIF area boundaries and develops a redevelopment plan. Discussion.

Councilmember Omberg asked Town Attorney Roberts for his opinion on the Town claiming TIF areas. Town Attorney Roberts advised he had the Indiana Statutes in front of him, he has discussed this with Mr. Umpleby, and his view if he was sitting in the Councilmembers position would be to get the Redevelopment Commission in place and put people on the Commission who's judgment he trusted and who communicate with the Town Council. He would also think long and hard about those areas that would be appropriate for TIFs. Vice-President Kirlin noted that the ordinance in front of the Council tonight is not to establish TIF areas but rather a Redevelopment Commission which is step one. Discussion.

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Vice-President Kirlin reviewed the proposed Ordinance 2010-08 establishing a Redevelopment Commission. Councilmember King asked if they would need a public hearing to establish this Commission. Mr. Umpleby advised they would need a public hearing prior to finalizing a TIF but not the Redevelopment Commission. Clerk-Treasurer Young pointed out three typos in the proposed ordinance.

Councilmember King made a motion to have the first reading of Ordinance 2010-08 establishing a Redevelopment Commission by title only. Councilmember Cassiday seconded the motion. Councilmember Omberg only wants one reading of the ordinance at this meeting as he would like more time to digest the material as he has not had an opportunity to read through the material. Councilmember Cassiday, Vice-President Kirlin and Councilmember King voted in favor of the first reading of Ordinance 2010-08. Councilmember Omberg voted against the motion. The motion carried 3-1. Vice-President Kirlin read Ordinance 2010-08 by title only. He also asked Town Attorney Roberts to give them a list of steps that follow if this ordinance passes at the next council meeting.

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

Nothing presented.

OLD BUSINESS

1) STORM WATER PROJECT

Brad Dove with DLZ updated the Council on the project and reported the project is pretty much done. Councilmember King reported the lines still need to be painted in part of the work area. Mr. Dove explained the only other thing left is to install the sod behind the curb on Washington Street which should be done tomorrow.

Mr. Dove reported they are also adding the repaving of three alleys; Bittersweet, Pittman House and Sycamore Lane. Vice-President Kirlin noted they are also to take down one tree. Mr. Dove confirmed they are adding to the to-do list the removal of one tree and cutting down one branch.

Vice-President Kirlin commented that the sod is being laid and asked how many times they can get it watered and for how long. Mr. Dove advised the contractor is under contract to water the sod for thirty days.

2) DOWNTOWN REVITALIZATION PROJECT

Mr. Dove reported the only things left on this project to complete are the light poles and pavers. The contractor actually started the light poles yesterday and they have six of the seven foundations completed and will start on the bases tomorrow. Mr. Dove explained the plan is to pave the week of the 24th or the last week of September which would leave the only activity going on in October that of striping. Councilmember King asked why the yellow painting was not completed on the east end of Jefferson Street. Mr. Dove did not believe this was in the plans, but he will meet with Councilmember King at the site to discuss the painting.

Vice-President Kirlin asked who is installing the irrigation systems. Mr. Dove reported Earth Images is doing the work. Vice-President Kirlin asked once the new irrigation system has been installed and works, he would like that company to check out the Main Street irrigation system.

3) PARKING AND PUBLIC FACILITIES REPORT

Commission President Lamond Martin reported at their last meeting they discussed proposed plans for the Pat Reilly lot but they do not have a plan to present to the Council at this time. Vice-President

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Kirlin asked why they didn't have a professional come up with a proposal for the parking lot. Commission President Lamond doesn't want to bring in someone until the Commission has a chance to have a list of proposed ideas.

Councilmember King asked that the concrete slab at the Washington Street parking lot be removed. He also asked that someone go around and check the restrooms and parking lots to see if repairs are needed and to have those issues addressed in a timely manner. Chief Administrator Carr explained they have tried to locate replacement latches for the bathroom stalls and are not having any luck. Councilmember King suggested changing out the latches entirely. Chief Administrator Carr noted the hand dryers have been replaced in all the restrooms as requested.

Vice-President Kirlin addressed Mr. Dove about some issues in the Downtown Revitalization project. He asked that the electrical work done at the pump corner be seeded and leveled out. Vice-President Kirlin asked to have the trash can replaced that was thrown into a corner and broken. These cans cost \$1,000 a piece and the contractor should have insurance for this type of issue.

4) DEVELOPMENT REVIEW COMMISSION REPORT

Commission Vice-President Brenda Young reported the Commission will meet next Tuesday evening.

5) CHAMBER OF COMMERCE REPORT

Suzannah Zody was not present for the meeting to make a report.

6) ECONOMIC DEVELOPMENT COMMISSION REPORT

Suzannah Zody was not present for the meeting to make a report.

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

None presented.

REPORTS FROM DEPARTMENT HEADS

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

A. Task List

Town Superintendent Bush reported there is a grant the town may apply for replacement of road signs. The Town will soon be required to meet reflectivity standards on all their road signs. The grant is a 10-90% match. Council approved Town Superintendent Bush moving forward in applying for this grant.

B. Utility Report

Town Superintendent Bush advised he did not get this report done until just prior to the meeting and he passed it out at the beginning of the meeting. Town Superintendent Bush explained there were five items on the IDEM inspection list. Three of the items will be easy to fix and two items will require a bit more time and he will need to send the inspector a letter that it will take more than thirty days to fix those two issues.

C. Council Inquiries

Vice-President Kirlin asked Town Superintendent Bush to move up the painting of the cross walk by the Shell Station to be done before October. Councilmember King would like all the cross walks

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repainted by October. Town Superintendent Bush will put this on the schedule right after meter reading is done this month.

Chief Administrator Carr advised she sent out a letter to Council regarding position locations for the welcome to Nashville signs that will be moved due to the recent annexation. Discussion. Town Superintendent Bush suggested one sign be placed by the apartments near Napa on the east side of Town and the other sign be placed by the Orchard Hill motel. Council agreed with Town Superintendent Bush's recommendations for sign placements.

Chief Administrator Carr talked about the last Shriner's Cruise-in where merchants were removing the barricades, telling one officer the barricades were not right and they pay the officer's salary. Chief Administrator Carr added that two Public Works employees put out cones and they were moved by merchants as well. She noted the police department wrote 15 parking tickets for this event. Vice-President Kirlin reported he was also told by a merchant that he was a taxpayer and he was going to use the street to park on. Vice-President Kirlin would like for the cones to read By Police Order. Discussion. Vice-President Kirlin summarized the discussion and noted they need to buy more cones with a sign on each that says By Town of Nashville Police Order.

2) TOWN ATTORNEY – JIM ROBERTS

A. Council Inquiries

Town Attorney Roberts advised he had nothing further to contribute to the meeting.

3) CLERK-TREASURER – BRENDA YOUNG

A. Council Inquiries

Clerk-Treasurer Young presented a request to the State for a release in grant funds. Councilmember Omberg made a motion to approve the request for money from the State. Councilmember Cassiday seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented notes for the People's State Bank to roll over the Freeman Ridge water main extension loan and the Kelley Hill pump station loan. These temporary loans will roll over into a 40 year loan with a loan amount of \$248,650.52 for Freeman Ridge and \$57,910.28 Kelley Hill and she needs Council's permission to do so. Councilmember Omberg made a motion to agree to roll the temporary Kelley Hill and Freeman Ridge notes into permanent 40 year notes and give Clerk-Treasurer Young the opportunity to sign the note. Councilmember King seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young reported she received a call to attend the Comprehensive Plan Commission meeting. Councilmember Cassiday advised he was unable to attend the meetings and suggested Clerk-Treasurer Young may be able to attend. Clerk-Treasurer Young advised she would not be able to attend the meetings either. Councilmember King agreed to be the representative for the town on this commission.

Clerk-Treasurer Young presented a claim for DLZ in the amount of \$4,360.00. Councilmember King made a motion to approve the claim for DLZ in the amount of \$4,360.00 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 \$69,831.86. Councilmember King made a motion to approve the claim for Dave O'Mara Contractors in the amount

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of \$69,831.86 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 \$210.00. Councilmember King made a motion to approve the claim for Dave O'Mara Contractors in the amount of \$210.00 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 \$122,231.84. Councilmember King made a motion to approve the claim for Dave O'Mara Contractors in the amount of \$122,231.84 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 \$8,103.00. Councilmember King made a motion to approve the claim for Dave O'Mara Contractors in the amount of \$8,103.00 contingent upon the receipt of funds. Councilmember Cassidy seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young presented a claim for James E. Connor in the amount of \$500.00 for the Bicycle Rack Design award. She noted the money was given to the Town from Economic Development for this project. Councilmember Omberg made a motion to approve the claim for James E. Connor in the amount of \$500.00. Councilmember Cassidy seconded the motion. All were unanimously in favor.

B. Claims

Councilmember Omberg made a motion to approve the claims for the period of 8-10-10 through 8-31-10 and for the period of 9-01-10 through 9-09-10. Councilmember King seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young spoke about the 2011 budget request from the Tree Board for \$10,000.00. The current budget allows for \$3,000.00. Vice-President Kirlin asked Clerk-Treasurer Young to write the Tree Board a letter informing them of the \$3,000.00 budget and asking them to come before the Council with other project fund requests as needed.

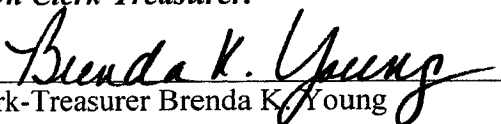
4) ANY OTHER UNFINISHED BUSINESS OR COMMENTS THAT MAY COME BEFORE THE COUNCIL

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

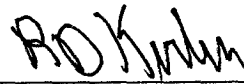
Councilmember Omberg made a motion to adjourn the meeting. Councilmember King seconded the motion. All were unanimously in favor of the motion. The meeting was adjourned by Vice-President Kirlin at 9:26pm.

The audio recording made at the Town Council meeting on 9-16-10 is retained in the office of the Town Clerk-Treasurer.

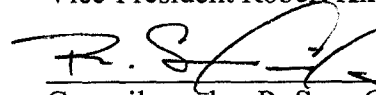

Clerk-Treasurer Brenda K. Young

President Roger Kelso

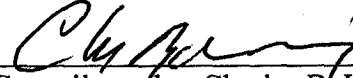
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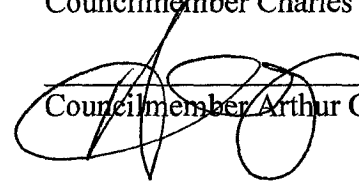
Vice-President Robert Kirlin



Councilmember R. Sean Cassidy



Councilmember Charles B. King



Councilmember Arthur Omberg