

**NASHVILLE TOWN COUNCIL MEETING
THURSDAY, APRIL 16, 2009**

ATTENDANCE – Council members present – President Roger Kelso, Vice-President Robert Kirlin, Councilmember Dale Cassiday and Councilmember Charles B. King. Council member not present – Councilmember Arthur Omberg. Also in attendance – Interim Town Marshal Stephanie Loerzel, Town Attorney James Roberts, Town Superintendent Roger Bush, Chief Administrator Phyllis Carr, Clerk-Treasurer Brenda Young and Deputy Clerk-Treasurer Debbie Ferry.

REGULAR COUNCIL BUSINESS

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

2) PLEDGE OF ALLEGIANCE

3) ROLL CALL – by Clerk-Treasurer Young

4) APPROVAL OF AGENDA

President Kelso asked if there were any additions or deletions to the agenda. Chief Administrator Carr noted she had several right-of-way permits for the Spring Blossom Parade. President Kelso advised they would take this up under Reports from Department Heads. Vice-President Kirlin asked to add under New Business a quick discussion on town maps and under Old Business to talk about the flowers for the Main Street project.

Councilmember Cassiday made a motion to accept the agenda as amended. Vice-President Kirlin seconded the motion. All were unanimously in favor.

5) APPROVAL OF THE MINUTES

Councilmember King made a motion to approve the minutes for the March 9th, 2009 meeting, March 11th, 2009 Committee meeting, March 19th, 2009 Safety Board Executive Session, March 19th, 2009 Safety Board meeting, March 19th, 2009 Public Hearing, March 19th, 2009 meeting and March 26th, 2009 meeting as presented. Vice-President Kirlin seconded the motion. All were unanimously in favor.

6) COMMUNICATIONS

• **Utility Adjustment Request**

Clerk-Treasurer Young read the request for a utility adjustment written by Mike Nickels. She explained that this request is coming before the Council because the leak has not been fixed therefore neither she or Town Superintendent Bush can approve the adjustment. According to the water leak adjustment policy the leak must be fixed to qualify for the adjustment.

Vice-President Kirlin made a motion to table the request until a receipt has been received. Discussion. Vice-President Kirlin withdrew his original motion and made a motion to table this request up to and not to exceed the next thirty days and if the thirty days expires their request will be denied.

Councilmember King seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young asked the Council for feedback regarding a customer who was late paying their water bill. The customer wants the late fees removed from their bill because the mail did not run on that day due to the snow and therefore the payment was late. Clerk-Treasurer Young advised they do

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not have anything in the ordinance that would give the billing department latitude to take the late fees off the bill. Discussion. Vice-President Kirlin made a motion to adjust the bill and remove the penalty. Councilmember Cassidy commented that to do that does not make any sense. Discussion. Councilmember King seconded the motion. All were unanimously in favor.

7) CITIZEN CONCERNS

None presented.

8) INTERIM TOWN MARSHAL – STEPHANIE LOERZEL

• Council Inquiries

Interim Town Marshal Loerzel explained she would send out the stats from the work the police department did in March and some information regarding the purchase of a new vehicle. She noted they did order the one vehicle the Council approved at the last meeting. They ended up getting a bid about \$1,500 cheaper than the one she presented at the last meeting.

Interim Town Marshal Loerzel advised she is still working on the camera radar systems and they have a couple of companies that are bidding back and forth. She is waiting on the lowest bid before they are ordered. President Kelso asked Interim Town Marshal Loerzel to check with Clerk-Treasurer Young on the proposal process to make sure they are following state statutes. Clerk-Treasurer Young advised they would need three bids and Interim Town Marshal Loerzel noted she did have three bids.

Interim Town Marshal Loerzel reported the vests have come in and they also have the COPS grant application completed, submitted and it has been accepted. The latest they will hear if they will receive the grant is September 30th, 2009. They asked for one officer through this grant.

Interim Town Marshal Loerzel noted they received a new grant to do another Operation Pullover blitz. They are one of twenty counties that were selected in the state and they have received \$2,000 to do this seatbelt enforcement blitz. Interim Town Marshal Loerzel advised they will do the blitz from April 24th – May 8th, 2009 and have another blitz over Memorial Day weekend which is a different grant. Vice-President Kirlin clarified that when the town police work on these blitzes they are not on Town time, but rather grant time and they are allowed to go anywhere within the county. Interim Town Marshal Loerzel confirmed this was correct.

Interim Town Marshal Loerzel has revised the SOP's regarding vests and they are to be worn during all shifts. She also noted that the glass display case can be sold if Council allows and the monies from the sale would go to the Shop With a Cop program. The paraphernalia in the case will be destroyed. Vice-President Kirlin made a motion to allow the sale of the glass case. Councilmember King seconded the motion. All were unanimously in favor.

Interim Town Marshal Loerzel reported that the County's Emergency Management Director Mike Bruce has called her concerning the advisory board and they are short a member from the Town. Council advised that Councilmember Omberg is the Town's appointee to this board.

Clerk-Treasurer Young explained the Council had discussed a one-time stipend or stimulus for the police department. An ordinance regarding this stipend has been drafted for the Council to review. Vice-President Kirlin asked Interim Town Marshal Loerzel if she had any ideas on how to distribute the \$8,000 the Council has approved for the Police Department. Interim Town Marshal Loerzel commented that she has thought about splitting it between all the officers. Discussion. Council asked Interim Town Marshal Loerzel to come back to them with recommendations of values for different

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merit positions. Discussion. Council asked Town Attorney Roberts to work on the wording in the ordinance with Interim Town Marshal Loerzel.

Vice-President Kirlin asked how the foot patrol was coming along. Interim Town Marshal Loerzel advised there were a few bad days of weather in March so they took that into consideration. They could be doing more, but she was satisfied with what they did last month. They have had a lot of calls in the last month and trying to fit foot patrol in with the regular service calls can be difficult especially with only one officer on shift.

Vice-President Kirlin asked about an accident outside the town and one of the Town's officers went to the accident and the Town is now involved in a suit. Interim Town Marshal Loerzel reported she had been e-mailed by one of the attorneys and was asked for photos and they have been sent. Town Attorney Roberts explained they have been named in a tort claim but it doesn't necessarily mean the Town would be involved in the law suit.

NEW BUSINESS

1) BROKEN WHEEL WAGON COMPANY

Duane Terrill addressed the Council to obtain a license to run a wagon company in town to give tours with his wagon and a mule. He would like to run a route in town like the carriages do, but he would also like to pick up people from the hotels and bring them into town and bring them back to their hotels. Councilmember King asked if Mr. Terrill had preliminary agreements with the hotels. Mr. Terrill replied that he has not talked to the hotels yet as he was advised to speak with the Council first.

President Kelso asked if there were designated stand locations in town that are open. Town Superintendent Bush advised there were no open locations at this time. President Kelso clarified what they would need to do would be to open a new stand if they approve this request. Councilmember Cassiday commented that would require a brand new ordinance. Town Superintendent Bush mentioned they would also have to change some of the wording in the carriage ordinance but Town Attorney Roberts could do that. Discussion.

Vice-President Kirlin commented that conceptionally he likes the idea but he is afraid with the traffic in town that it would be difficult from a safety point of view to add another ride of this type. Mr. Terrill asked if it could be approved on a temporary basis and if it worked it works and if not they could review the proposal. Vice-President Kirlin asked if the mule has been around loud traffic. Mr. Terrill advised that the mule has been around loud traffic.

President Kelso asked Mr. Terrill where he would like to put a stand if they allowed for another stand in town. Mr. Terrill suggested across from the Big Foot or the old Family Fun Center on the corner by the Christian Church. Councilmember King commented at one time they did have three carriage stands in town but they reduced it to two a few years ago and it was in that location. Mr. Terrill commented that he is willing to adjust his route as necessary.

Town Attorney Roberts asked if this mule drawn wagon meets the same standards as the horse drawn carriage ordinance. Mr. Terrill said the only difference is that the wheels on the horse drawn carriages are to have spokes and his wheels are rubber wheels and tires without spokes. Town Attorney Roberts explained they would have to change the ordinance to increase the maximum number of licenses if they want to approve this proposal. They would also need to change the ordinance to more general terms.

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Interim Town Marshal Loerzel does not see a problem with this proposal and she has reviewed the route and does not see any safety issues.

Councilmember King made a motion to approve the Broken Wheel Wagon Company for a one year trial basis and assign Mr. Terrill a spot at the south end of the Christian Church parking lot on the street just west of the handicap spot facing west by the alley. Councilmember Cassiday seconded the motion subject to approval of the ordinance change by the Council. Town Superintendent Bush commented that a liquid such as white vinegar should be used to decrease the smell of the mule's manure. President Kelso asked if there are any further comments or questions regarding the motion. Vice-President Kirlin clarified the only place Mr. Terrill can pick up and drop off riders would be at the spot described in the motion. Mr. Terrill asked about picking up people from the hotels. Councilmember King advised that he will not be allowed to pick up or drop off riders from the hotels. Vice-President Kirlin asked how many riders can fit in the wagon. Mr. Terrill said his wagon can hold six passengers and has a safety chain in the back. Town Attorney Roberts advised that Mr. Terrill would have to meet the same standards as the horse carriage vehicles with the exception of the type of wheels. President Kelso asked for a vote on the motion. President Kelso, Councilmember Cassiday and Councilmember King voted in favor of the motion. Vice-President Kirlin opposed the motion. The motion passed 3-1.

Clerk-Treasurer Young asked when the amended ordinance would be in effect so she can issue the license. President Kelso advised they would have to get the amendments so they can approve the new ordinance at the next meeting. Town Attorney Roberts reported that he will have the amended ordinance at the next meeting. Clerk-Treasurer Young added that Mr. Terrill can start the process for applying for the license.

2) ENGINEERING AGREEMENT – SEWER EXPANSION PROJECT

Town Superintendent Bush reported that Strand Engineers has presented an Engineering Agreement for the Sewer Expansion project. The Town Attorney has reviewed the agreement and gave his o.k. to proceed. Town Superintendent Bush noted if the Council approves of the agreement, Rural Development will still need to approve of the agreement as well.

Jim West of Strand Engineers explained that Rural Development will try to lower the fees for the engineers. President Kelso noted Strand is proposing a fee of \$295,000 for the engineering and \$144,000 for the inspection work. President Kelso asked what the construction estimate would be. Reading from the Preliminary Engineering Report, Town Superintendent Bush reported the construction estimate is \$3,115,581.00 and this includes the contingency but not the non-construction costs. This includes the changes at the plant and the sewer expansion of Coffey Hill and Orchard Hill areas.

Vice-President Kirlin asked Mr. West to get the construction costs down to 8%. Mr. West said he could take it back to his office and see if this would be possible. Discussion. President Kelso commented that the bottom line is that they feel it is a little bit high and they would like some justification on the rate. Council asked that Mr. West have this information for their May 7th, 2009 meeting but to have the information to them a week before the meeting that would be helpful.

Town Superintendent Bush noted at the February Town Council meeting he was requested to get Freeman Ridge Water Main Extension in on the SRF application. This has been completed. One of the requests that came back from the application is that they need a PER. Town Superintendent Bush reminded the Council when they started the process they were just going to go with a bank loan and in doing so a PER was not required. The Town has been given until May 7th, 2009 to provide them with a

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list of information and it will also require a public hearing to review the PER and accept it. He asked Strand Engineers what the cost of the PER would be and he was told \$12,500.00. President Kelso asked what the project cost for the Freeman Ridge Water Main Extension would be. Town Superintendent Bush reported the cost has been reduced from the original estimate and the estimated construction cost is now \$268,260.00. The interest rate on a commercial loan is 4.5% and SRF is about 3%. Discussion.

Town Superintendent Bush asked when they could have this project ready for construction. Mr. West explained they would have to advertise for bids in the paper two times, ten days apart and fourteen days after the second advertisement they can open bids. Council scheduled opening of the bids to be held at the June 4th, 2009 Council meeting. Council would like the advertisement to be placed in additional newspapers beyond the Brown County Democrat as this is a sizeable project. Mr. West will contact SRF to let them know they will not be going through their process as they are using monies from the commercial loan they have already obtained.

Vice-President Kirlin asked if they could award the bid at the June 4th meeting. Mr. West noted they would need the IDEM permits in order to award the bid. Town Superintendent Bush noted typically they would let the engineer go through the bids and give the Town a matrix and then have another meeting to award the bid. President Kelso noted they could award the bid at the June 18th, 2009 Council meeting.

3) TOWN MAP

Vice-President Kirlin advised he has been working on a town map with Ball State for the last three years and he is not really getting anywhere with them. He has met with Steve Miller and Doug Harden and found out they have been aggressively working on a town map. Vice-President Kirlin explained Mr. Miller and Mr. Harden are willing to create a detailed map with overlays at a cost of around \$8,000. This map will be electronic and additionally a few printed maps. Councilmember Cassidy would like map copies for handouts for visitors.

President Kelso commented this is a good start for the map, but he would like Mr. Miller and/or Mr. Harden to attend the next Council meeting on May 7th, 2009 to discuss this further. Clerk-Treasurer Young asked that Vice-President Kirlin also get a cost for the updates.

Vice-President Kirlin spoke about the downtown area. In his opinion there are about six properties that could be developed and he believes when the economy turns around in the next two to three years potentially there could be some developers wanting to develop these areas. Vice-President Kirlin expressed his opinion that the Council should come up with a game plan on what the Town would like to see in these areas. He would like to form an eleven person committee to begin working on this.

Vice-President Kirlin reported they had a great meeting with OCRA and they think they have a pretty good shot that in December or January they could get a \$50,000 grant to assist the Town in planning this project. They may perhaps add an Arts and Culture Center that everyone has been talking about for the last two to three years. Vice-President Kirlin summarized what he would like the Town to do: pursue the Town map, come up with who should be on the eleven person committee to analyze the six or seven areas that could be developed and in January pursue the \$50,000 grant. Discussion.

Vice-President Kirlin commented his intent is to be more proactive with economic development in the downtown than they are right now. President Kelso explained he really likes the idea of identifying needs but urged caution as they go about it and how they word it. Vice-President Kirlin would like the

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Councilmembers to come up with a list of people to serve on this committee. President Kelso suggested a broad mixture of different groups, somewhat similar to what they have on the Development Review Commission. Vice-President Kirlin suggested this might be a part of the Main Street committee but not necessarily made up of the current committee members.

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

Nothing presented.

OLD BUSINESS

1) PARKING AND PUBLIC FACILITIES UPDATE

Commission President Lamond Martin informed the Council they are currently taking bids on the seal coating and stripping of the Washington Street Lot. They are also including Pittman House Lane to make it a beautiful looking walkway. At some point they would like to put some lighting in this area with maybe three lamp posts no more than 10 feet high. Town Superintendent Bush noted the Town has a lighting ordinance and they will need to make sure they follow the guidelines if they move forward with the lights.

Commission President Martin asked for Council's permission to approach Jay Carter on the purchase of his surplus property as Mr. Carter no longer needs this property for the purpose he had originally intended. Councilmember King made a motion to have Commission President Martin speak to Mr. Carter regarding the purchase of property. Vice-President Kirlin commented there is something else brewing in this area and it is not ready to be discussed. He would like for this not to be pursued at this time. President Kelso disagreed with Vice-President Kirlin and suggested Commission President Martin talk to Mr. Carter and see what he is interested in doing.

Commission President Martin reported the Commission is working on specifications for rebid of the restroom cleaning contract. They will take several months to put together the specifications since they have been with the existing contract for fourteen years.

Commission President Martin noted they also need to extend the service contracts on mowing and he was not sure if Town Administration was working on this. Town Superintendent Bush replied if the contracts were to be extended Council will have to approve it. Councilmember King asked if there was a program in place for graffiti removal. Commission President Martin said he and another person do the graffiti removal but they do not have an official removal program. Discussion.

2) DEVELOPMENT REVIEW COMMISSION REPORT

Commission President David Martin reported that they have not met yet this month so he did not have anything to report. He did ask the Council if they had done anything with the DRC Member Handbook he presented to them. Vice-President Kirlin commented he has reviewed the handbook and he is ready to make a motion to approve it if the rest of the Council is ready to approve it. Councilmember King seconded the motion. All were unanimously in favor. Vice-President Kirlin asked as they update the handbook to let the Council know of the changes. Commission President Martin acknowledged he would keep the Council informed.

Vice-President Kirlin asked if the DRC has approved the sign about the new art thing that is by the Historical Society. Commission President Martin advised they have not addressed this sign. Vice-President Kirlin asked that someone needs to look into this sign. Chief Administrator Carr noted she would inform Celeste at Planning and Zoning about the sign and Celeste will check on the sign, e-mail Chief Administrator Carr and she will then write a letter to the owner of the sign.

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Councilmember King asked about the yellow painted building in Town and if that color was approved by the Development Review Commission. Commission President Martin reported they approved of the color, but they were only looking at the color chips. The owners had already purchased the paint and were asked to have the paint toned down and the owners agreed to do this before painting the building. Vice-President Kirlin asked if someone comes to the DRC and would like to repaint their building, are they asked how many sides would be painted. Commission President Martin advised they do not ask that but they can add this to the guidelines along with some other things he is considering changing.

Councilmember King asked if someone wanted to put up bright yellow awnings would they have to come before the Development Review Commission. Commission President Martin replied they are supposed to come before the Commission. Chief Administrator Carr commented that she has already contacted Planning and Zoning regarding this issue.

President Kelso commented that the Development Review Commission is doing a very good job with little or no resources without being overly restrictive.

3) ECONOMIC DEVELOPMENT COMMISSION REPORT

No one was present from this Commission.

4) BROWN COUNTY ROTARY CLUB

Jim Allen with the Brown County Rotary Club explained the Club would be doing children's games after the parade on May 2nd, 2009. The games will run from 12:30pm to 2pm and in the past they have used the Village Green area for the games; however the only area left in this area that can accommodate the types of games they have is the area the Boy Scouts have reserved. Mr. Allen asked that this year they be allowed to have the games on the street and they did this same thing last year.

Councilmember King made a motion to approve the suggestion of having the Rotary Club children's games in the street. Councilmember King seconded the motion. Vice-President Kirlin asked if all the street blockages have to come before the Council. Chief Administrator Carr explained she was told to bring these street blockage requests to the Council, however, the street will already be blocked on May 2nd, 2009 for the parade anyway. Discussion. Council advised they want to continue to review all street closures. President Kelso asked for a vote on the motion, all were unanimously in favor.

5) AN ORDINANCE ESTABLISHING A RAINY DAY FUND

Clerk-Treasurer Young explained last month she presented an ordinance to the Council and they asked that the Clerk-Treasurer and Town Attorney work on the purpose of how the funds can be used. Clerk-Treasurer Young advised she received an e-mail from one of the State officials that indicated the funds could be used for anything approved by law. Town Attorney Roberts therefore added the following sentence to the ordinance "may be used for all purposes permitted by law".

Councilmember Cassiday made a motion to have the first reading of Ordinance 2009-04 by title only. Councilmember King seconded the motion. All were unanimously in favor. President Kelso read Ordinance 2009-04 by title only. Councilmember King made a motion to waive the rules and have the second reading of Ordinance 2009-04 by title only. Councilmember Cassiday seconded the motion. All were unanimously in favor. President Kelso read Ordinance 2009-04 by title only. Councilmember Cassiday made a motion to accept Ordinance 2009-04 as presented. Councilmember King seconded the motion. All were unanimously in favor.

RECESS

A recess was called from 9:07pm to 9:18pm.

6) UPDATE ON SEWER EXPANSION PROJECT

Town Superintendent Bush advised at the last Council meeting he was directed to get with the engineers and ARa and come up with a drop dead date for redesigning for those people that they do not get easements from. He has selected July 23rd, 2009 as the drop dead date based on the information he has received. If Council agrees with this date, they can set the date in stone.

President Kelso asked how they are progressing with easements. Town Superintendent Bush reported they have only picked up two easements since the last Council meeting. They are getting ready to send out another barrage of letters to get more easements. His recommendation is if they do not see a substantial increase in how many easements they get by June 4th, 2009 that they consider hiring someone to try and get the remaining easements. Councilmember King asked who they would hire to get the remaining easements. Town Superintendent Bush is not sure but he would have an answer by the June 4th meeting as the alternative. President Kelso noted the engineers should have right of way acquisition people. Town Superintendent Bush noted they could do that but it might be very expensive.

President Kelso asked Town Superintendent Bush to show them on a map those homes that have signed waivers and those that have not. Town Superintendent Bush explained the maps. Discussion. President Kelso commented that the Town has spent around \$50,000 on this project and they don't have enough waivers to go through with the project. Town Superintendent Bush reported they have 80% of the waivers in the Coffey Hill area and 88% in Orchard Hill area. Discussion. Town Attorney Roberts commented he believes one of the things causing a lot of resistance is the language in the easement form and perhaps he can change the language. President Kelso noted that Rural Development would have to be willing to accept it that way. Discussion. President Kelso suggested if the number of waivers don't increase substantially he wonders if the Town should even pursue this sewer expansion. Chief Administrator Carr wondered if an article in the paper might help to get more waivers. Councilmember Cassiday suggested they get the Health Department more involved. President Kelso advised they would look at this at the May 7th, 2009 meeting and see if the project is worth any more of their time.

Vice-President Kirlin asked for a list of names and telephone numbers of those people that have not signed the waivers. Chief Administrator Carr will prepare this list by the end of next week.

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

Vice-President Kirlin presented an estimate for the flowers for the Main Street hanging baskets. He suggested checking number one which is \$38.50 per basket which would total about \$600. The Town can hang the baskets and do the fertilizing and the money could come out of the Riverboat Gambling Fund. Vice-President Kirlin would like to have the flowers installed and baskets hung by May 2nd for the parade. Councilmember King make a motion to pay the per basket rate at \$38.50 each. Vice-President Kirlin seconded the motion. Councilmember King asked if anyone else had made a bid on this. Vice-President Kirlin advised there were no other bids. All were unanimously in favor of the motion.

REPORTS FROM DEPARTMENT HEADS

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

A. Kelley Hill Water Main Extension

Town Superintendent Bush explained Council had requested that he put together the extension project so it mirrored the Somerset Lake project and he has done this and sent the information to the Council. He asked if Council had a chance to review the information. Discussion. Town Superintendent Bush noted that they would receive the funds up front from the Kelley Hill Association before they would go forward with the project. Discussion. President Kelso asked if Town Attorney Roberts has reviewed the agreement. Town Superintendent Bush advised he sent the paper work to the Town Attorney. Town Attorney Roberts reported he had not reviewed the agreement. Discussion.

Vice-President Kirlin made a motion to table the agreement until the next meeting to give the Town Attorney time to review the agreement. Councilmember King seconded the motion. All were unanimously in favor.

B. Hickory Knob Force Main Extension

Town Superintendent Bush reported all the permits have come in and it's now up to Mr. and Mrs. Torres to get together with their contractors and start the process. Town Superintendent Bush also explained that the contractors will have to work closely with INDOT as INDOT did not want this main extension work done the same time the work on Highway 46 was going on.

President Kelso asked if they have waivers from Mr. and Mrs. Torres. Chief Administrator Carr advised annexation papers have not been signed. President Kelso advised that nothing more is to go forward until they have a recorded annexation waiver.

C. Freeman Ridge Water Main Extension

This item was discussed earlier in the meeting.

D. Joint Paving Project with County

Town Superintendent Bush advised the County is getting ready to start their paving projects. The Town has \$27,000 available in their budget for paving. President Kelso asked when they were going to see a list of proposed paving projects so they could act on it. Town Superintendent Bush will send out a list to Council next Friday. President Kelso noted they could then discuss it at the May 7th, 2009 meeting. Clerk-Treasurer Young advised there will be a joint meeting with the Town and County Council on April 22nd, 2009 at 6:30pm.

E. Task List

Nothing presented.

F. Quotes

None presented.

G. Service Agreements

None presented.

H. Utilities Report

Clerk-Treasurer Young advised they need to transfer funds in utilities and she presented Resolution 2009-01 Authorizing Temporary Loans to Depleted Funds. Councilmember King made a motion to

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read Resolution 2009-01 by title only. Vice-President Kirlin seconded the motion. All were unanimously in favor. President Kelso read Resolution 2009-01 by title only. Councilmember King made a motion to accept Resolution 2009-01. Vice-President Kirlin seconded the motion. All were unanimously in favor.

I. Council Inquiries

Vice-President Kirlin noted a street sign is missing again at Chestnut Street. Chief Administrator Carr will check on this sign and have it replaced if necessary.

Chief Administrator Carr presented a request for the Log Cabin Tour on June 6 -7th, 2009. They would like to block four parking spaces; two on North Jefferson by the gazebo and two on West Main. These are the same spaces that were blocked last year. Councilmember King made a motion to approve the request to block the four spaces for the Log Cabin Tour this year. Councilmember Cassiday seconded the motion. All were unanimously in favor.

Chief Administrator Carr presented a request for Habitat for Humanity on June 6th, 2009. They are requesting spaces to be blocked in order to unload and load their equipment. Chief Administrator Carr showed the Council a map of the spots being requested to be blocked. Vice-President Kirlin made a motion to block four spaces in front of the Methodist Church and two across from the gazebo at West Main. Councilmember King seconded the motion. All were unanimously in favor.

Chief Administrator Carr presented a request for the Spring Blossom Parade blocking the same streets and spaces as last year. She also advised she has received a permit from the State to block the streets. Vice-President Kirlin made a motion to accept the Spring Blossom Parade request. Councilmember King seconded the motion. All were unanimously in favor.

Chief Administrator Carr presented a request from the Boy Scouts to block parking spaces parade day, these were the same spaces as requested last year. Vice-President Kirlin made a motion to accept the Boy Scout request. Councilmember King seconded the motion. All were unanimously in favor.

Chief Administrator Carr presented a request from the Miracle Ride. They only want the spots on Van Buren Street by the Courthouse. Chief Administrator Carr noted they are also using a parking lot for this event; these four spaces are only for people to get their stamps and move on. Vice-President Kirlin made a motion to accept the Miracle Ride request. Councilmember Cassiday seconded the motion. All were unanimously in favor.

Vice-President Kirlin presented a request from the Salvation Army. On April 27th, 2009 they would like to block off Jefferson Street in front of the Salvation Army from 5:30pm to 9:00pm. Councilmember King noted they must put their blockade south of the alley and not block the entrance to the florist on Washington Street. Vice-President Kirlin made a motion to accept the Salvation Army request providing they complete and turn in the proper forms with Chief Administrator Carr's approval on April 27th, 2009 from 5:30 – 9:00pm. Councilmember King seconded the motion. All were unanimously in favor.

Councilmember King made a motion to suspend the rules and continue the meeting past 10pm. Vice-President Kirlin seconded the motion. All were unanimously in favor.

2) TOWN ATTORNEY – JAMES ROBERTS

A. Council Inquiries

Town Attorney Roberts advised he had five things on his things to do list from the last meeting. Four have been accomplished: meet with Interim Marshal to discuss questions she had, completed a draft of the purposes section of the Rainy Day Fund Ordinance, call Pat Callahan on the Water Rate Study and the preliminary study will be done by May 15th, 2009 and final report cannot be done until the bond issue is completed. His final item was to review the Red Flag form and he completed this today.

Town Attorney Roberts noted he added one thing on his things to do list and he completed it during the meeting. He reviewed the Kelley Hill Water Main Extension Agreement. Town Attorney Roberts explained it does not really bind the Town to do anything except set the prices to what the Town will pay and what the Association will pay the Town. He does not see any reason to not go ahead and approve the agreement. Councilmember Cassiday made a motion to approve the agreement as presented. Councilmember King seconded the motion. All were unanimously in favor.

Town Attorney Roberts reported SMI, Inc. has employed an attorney regarding the suit the Town has against the company. The attorney has been trying to contact Town Attorney Roberts and he would like to work with the attorney before he drafts any agreement regarding the suit.

Town Attorney Roberts apprised the Council of his things to do list and noted he would be revising the Carriage Ordinance where he plans to add a definition section and suggest they define horse as all draft animals used to draw vehicles such as but not limited to mules, ox, camels, etc.

3) CLERK-TREASURER – BRENDA YOUNG

A. Claims

Councilmember King made a motion to approve the claims for the period of 4-01-09 through 4-09-09 and for the period of 3-13-09 through 3-31-09. Councilmember Cassiday seconded the motion. All were unanimously in favor.

B. Required Red Flag Policy

Clerk-Treasurer Young presented the Red Flag Policy to the Council and noted that they must adopt an ordinance and the policy must be in effect by May 1st, 2009 and this Red Flag Policy is a Federal requirement. Town Attorney Roberts only feedback on the ordinance was that the grammatical typos be corrected.

Councilmember King made a motion to have the first reading of Ordinance 2009-06 by title only. Vice-President Kirlin seconded the motion. All were unanimously in favor. President Kelso read Ordinance 2009-06 by title only. Councilmember King made a motion to waive the rules and have the second reading of Ordinance 2009-06 by title only. Vice-President Kirlin seconded the motion. All were unanimously in favor. President Kelso read Ordinance 2009-06 by title only. Councilmember King made a motion to adopt Ordinance 2009-06. Vice-President Kirlin seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young noted a few months ago she asked Town Attorney Roberts about the paperwork for Edward Jones. Town Attorney Roberts has reviewed the documents and advised Clerk-Treasurer Young may sign the paperwork.

Vice-President Kirlin reminded the Council there will be a joint meeting with the County Council on Wednesday, April 22nd, 2009 at 6:30pm.

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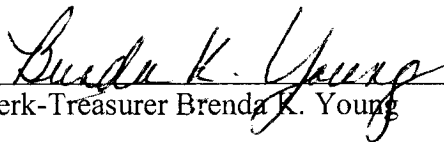
Vice-President Kirlin advised he attended a meeting with OCRA and they discussed relief funds that are available. They need to put out bids for a grant writer as soon as possible. Town Superintendent Bush reported they will need to act on hiring a bid writer at the May 7th, 2009 meeting. Vice-President Kirlin noted they are also eligible for a storm grant that they really ought to pursue. Town Superintendent Bush has already taken this information to the engineers.

Vice-President Kirlin noted he has received information about a grant for \$150,000 with no match required for a fire truck. He asked Council if they would like him to go to the fire department and see if they are interested in pursuing this grant. The fire department would have to come up with \$3,000 to do an income survey. President Kelso agreed that Vice-President Kirlin should pursue this with the fire department.

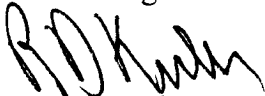
ADJOURNMENT

The meeting was adjourned by President Kelso at 10:10pm.

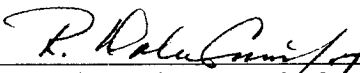
The audio recording made at the Town Council meeting on 4-16-09 is retained in the office of the Town Clerk-Treasurer.


Clerk-Treasurer Brenda K. Young


President Roger Kelso



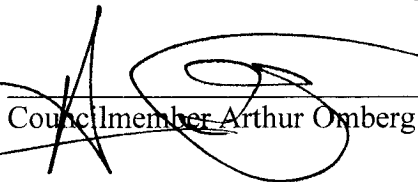
Vice-President Robert Kirlin



Councilmember R. Dale Cassidy



Councilmember Charles B. King



Councilmember Arthur Omberg