

**NASHVILLE TOWN COUNCIL MEETING  
THURSDAY, AUGUST 21, 2008**

**ATTENDANCE** – Council members present – President Roger Kelso, Vice-President Robert Kirlin, Councilmember Charles B. King (left the meeting at 9:50pm) and Councilmember Arthur Omberg. Councilmember(s) not present – Councilmember Dale Cassiday. Also in attendance – Town Superintendent Roger Bush, Chief Administrator Phyllis Carr, Town Marshal Jack Dorsett, Clerk-Treasurer Brenda Young and Deputy Clerk-Treasurer Debbie Ferry.

**REGULAR COUNCIL BUSINESS**

**1) CALL TO ORDER** by President Kelso at 7:00pm.

**2) PLEDGE OF ALLEGIANCE**

**3) ROLL CALL** – by Clerk-Treasurer Young

**4) APPROVAL OF AGENDA**

Town Superintendent Bush advised they need to add the opening of street resurfacing bids. Councilmember King made a motion to add the opening of street resurfacing bids. Councilmember Omberg seconded the motion. All were unanimously in favor. Vice-President Kirlin made a motion to accept the agenda as amended. Councilmember Omberg seconded the motion. All were unanimously in favor.

**5) OPENING OF THE BIDS FOR WATER FUND LOANS**

Clerk-Treasurer Young reported they received one bid today from People's State Bank. President Kelso opened the sealed bid and noted that the loan amount is \$658,240.00 for a forty year term with an initial rate of 4½%, adjustable every three years with a three percent cap and a six percent cap on the total loan. Vice-President Kirlin noted this would make the total ceiling interest rate at 10½%. Discussion. Councilmember Omberg made a motion that the bid from People's State Bank be taken under advisement, so that staff and the Town Attorney can bring it back to the Council with their recommendation at the next meeting. Councilmember King seconded the motion. All were unanimously in favor.

**6) OPENING OF THE BIDS FOR STREET RESURFACING**

Chief Administrator Carr reported they received three bids for street resurfacing. The first bid opened was from Milestone with a base bid of \$35,842.90 and alternate contract #2 a bid of \$18,021.50. No bids on alternate #3 or #4. With an additional performance bond of \$150 for a grand total of \$54,014.40.

The second bid opened was from Wallace Construction with a base bid of \$37,281.00 and the alternate contract #2 a bid of \$19,764.00. No bids on alternate #3 or #4. With an additional performance bond of \$984.40 for a grand total of \$58,029.40.

President Kelso asked what were the alternate bids of #3 and #4 that no one cared to bid on. Town Superintendent Bush advised that alternate three was a slurry seal and alternate four was a crack seal. The base bid includes South Drive, Park Drive, East Main, Dogwood and Deer Lane. Alternate #2 is Ridgeway Drive and West Gould. President Kelso asked how much funding is set aside for these

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projects. Town Superintendent Bush advised he has \$27,800 in MVH and \$15,000 in Local Roads and Streets.

The third and final bid opened was from Roger's Group with simply a base bid of \$90,500.

Discussion as to how the bids were requested. Councilmember King made a motion to take the bids under advisement, so that staff and the Town Attorney can bring it back to the Council with their recommendation at the next meeting. Councilmember Omberg seconded the motion. All were unanimously in favor.

Vice-President Kirlin asked what the time frame is for completing these projects. Town Superintendent Bush would like to have a special meeting this month to approve the bids. Council scheduled the special council meeting for August 28, 2008 at 6:30pm.

### **7) APPROVAL OF THE MINUTES**

Councilmember Omberg made a motion to approve the minutes for the July 17, 2008 meeting as presented. Councilmember King seconded the motion. All were unanimously in favor.

### **8) COMMUNICATIONS**

Chief Administrator Carr advised that she has received a request from Danny Ratliff to receive the wholesale water rate for his water hauling business. Discussion of special rates. Mr. Ratliff was not present at the Council meeting to discuss his request. Vice-President Kirlin made a motion to table the request. Councilmember King seconded the motion. All were unanimously in favor.

### **9) CITIZEN CONCERNS**

Nothing presented.

### **10) TOWN MARSHAL – JACK DORSETT**

#### **• Council Inquiries**

Town Marshal Dorsett noted he already gave his activity report to the Council. He explained the mileage on Chief Deputy Loerzel's car, she went to Columbus one day for schooling on operation pull-over and she traveled to Jasper two days for eighteen hours of domestic violence training.

Town Marshal Dorsett advised he had a department meeting earlier in the week and the department is working on a "Shop with a Cop Program". They have spoken to the newspaper about running an ad soliciting funds for the program; they will run the ad every other week for six to eight weeks. They are looking for about ten families with not more than twenty children to start with. Councilmember Omberg asked what the department will need from the Town Council. Town Marshal answered money if they have it and further commented that they have talked with other departments that have this program and they usually take a child and buy them a winter coat, underwear, a pair of shoes, a shirt, and a couple pairs of jeans. If the child is young enough they also buy a toy or two. Councilmember Omberg guessed that this would be approximately \$250 per child. He also suggested contacting the Foundation, the Lions Club, Tri Kappa and Rotary for funds.

Vice-President Kirlin commended Town Marshal Dorsett for getting this program and offered that whatever the Council can do to help they will. Vice-President Kirlin also advised he would write a check for \$100 for the program. Town Marshal Dorsett said he appreciated it.

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Town Marshal Dorsett mentioned that some officers have issued noise ordinance warning tickets and they have had more brochures made regarding the noise ordinance. They have handed out several brochures to motorcyclists and have had a fairly good response.

President Kelso commented that he noticed Town Marshal Dorsett received a letter from the Brown County High School principal regarding the department's involvement with the high school. Town Marshal Dorsett explained that they try to help out the high school and junior high any way they can such as letting the buses out or eating lunch with some of the students, etc. He thought they might try to do this with the elementary school as well. President Kelso voiced that he liked seeing this type of community involvement.

Councilmember Omberg asked if the police department had been patrolling the high school during lunch time and after school for teenagers that are smoking. Town Marshal Dorsett advised that Officer Griggs is hot on this issue; he does not hesitate to write tickets and has already written two or three this week.

Town Attorney Roberts asked Town Marshal Dorsett to check on businesses that have not applied for a 2008 business license and see if the businesses are still here and operating. Town Attorney Roberts will supply Town Marshal Dorsett with the list.

**NEW BUSINESS**

**1) REQUEST FOR CIVIC EVENT PERMIT – BROWN COUNTY MUSICIANS UNITED TO END POVERTY CD RELEASE BENEFIT CONCERT FOR MOTHER'S CUPBOARD COMMUNITY KITCHEN, INC.**

Rich Westcott addressed the Council and asked for a Civic Event Permit for an October 4, 2008 CD release concert. The event will be held in the Nashville Christian Church parking lot and the church board has approved of this event. They plan on having a stage, tent, light snacks and will be selling the CD with all the money going to their partner Mother's Cupboard. Mr. Westcott noted that the Brown County Community Foundation was gracious enough to award them a grant to be able to have money for the concert and manufacturing the CD. The event is to take place from noon to 7pm.

Councilmember Omberg advised Mr. Westcott that his group would have to contact the Health Department to receive approval for selling food. Mr. Westcott asked if this would also be required for donations for the food. Council is not sure, and advised that when he applies for an Itinerant Business License the health department will have to sign off on the license. Clerk-Treasurer Young commented there would not be a cost associated with the license since this is a not-for-profit group.

Councilmember Omberg advised that the Town owns event speakers and a PA system if they need to borrow them. President Kelso asked what sound level the event would produce. Suzannah Zody noted that this group played at the gazebo last year and the sound worked in really well with the noise ordinance.

Councilmember Omberg made a motion to issue a civic festival permit. Councilmember King seconded the motion. All were unanimously in favor.

**2) SALVATION ARMY**

Phil Barrett advised the Council that they are looking to do another block party on October 11, 2008 similar to the one they did earlier in the year. The event will be from 4pm to 7pm in the area in front of

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the Salvation Army and the set-up would begin around 2:30pm. He is requesting that the street be blocked off in front of the Salvation Army building, but the alley to be left open.

Mr. Barrett asked for the same area to be blocked off on December 6, 2008 from 6:30pm to 8pm for an old fashioned Christmas Tree Lighting. They would like to make this an annual event and they already have a large Christmas tree donated for this year's event.

Councilmember Omberg made a motion to offer the Salvation Army the opportunity to close the streets for Saturday, December 6<sup>th</sup> and Saturday, October 11<sup>th</sup>, including the three parking spaces in front of their building and across the street and the street may be closed during set-up time. Councilmember King seconded the motion. All were unanimously in favor.

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

Councilmember Omberg asked the Council's permission to use Sandie Jones, the Town's Website Administrator, to set up an event calendar. He would like to call this Brown County 365 and would like to solicit organizations such as churches, the fair board, etc, to have 365 events for the year for teenager activities. He would like to add this calendar of events page to the town's current website at [www.townofnashville.org](http://www.townofnashville.org). Councilmember Omberg advised he would be the person in charge of forwarding the information to Ms. Jones. President Kelso asked if this request had been approved by the Clerk-Treasurer. Clerk-Treasurer Young advised it would not be a problem for her staff to add it to the website.

Councilmember King made a motion to approve the plan proposed by Councilmember Omberg. Vice-President Kirlin seconded the motion. All were unanimously in favor.

### **OLD BUSINESS**

#### **1) BROWN COUNTY COMMUNITY CLOSET**

Town Superintendent Bush advised that he spoke with the Town's insurance and also had a meeting with Missy Davis of Davis Development and plumber Bill Dunham regarding the way the sewer line is currently connected at the Community Closet.

Town Superintendent Bush reviewed his findings of the sewer line connection. In December 2004, the Community Closet was allowed to re-tap the service connection that at the time was in a transition period from the Dairy Queen to the CVS. Town Superintendent Bush advised that the Town's ordinances are set up such that each building is supposed to have its own individual service connection. There will continue to be problems with the line the way it is connected. Town Superintendent Bush said that the issue is that if they had paid for this change in path, this would have been considered a bad connection and the Town would have gone out and replaced it. However this was just allowed to happen without any exchange of funds. Town Superintendent Bush recommends meeting them in the middle of the cost of providing a new sewer connection. Currently the entire building comes out through the one line. Council advised that the elevation needs to be looked at first. Discussion.

Attorney James F. Bohrer spoke on behalf of Davis Development. He believes the issue is that when they did the tap in 2004, they did it according to what the Town allowed and therefore the Town should help defray the cost of running a new line. President Kelso commented that he is not trying to imply that it is completely their fault, he is looking at the particular solution that is in front of them right now, he is not real confident that it would be the end all solution. Attorney Bohrer noted that the proposal includes a stop valve so that will help. Discussion. President Kelso suggested that in order to push this along, they can add this item to the meeting of August 28<sup>th</sup>, with Town Superintendent Bush addressing

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some of the Council's questions and have some sort of cost estimate of installing a pumping station to take care of both of these services at the same time, an analysis of the gravity solution and a recommendation. Vice-President Kirlin asked about the insurance process.

### **2) FRESH AIR TAXIS – CHRIS WAGGONER**

Chris Waggoner addressed the Council regarding his draft proposal for an ordinance regarding human drawn carriages. Mr. Waggoner advised that he used the Town of Nashville's Horse Drawn Carriage ordinance and made changes he thought were appropriate for his business. Town Attorney Roberts noted he had just scanned this draft and there are things that need to be corrected. Town Attorney Roberts reported that he has not spoken with the Bloomington City Attorney regarding their progress on the human drawn carriage request. Mr. Waggoner noted that the Bloomington City Council is currently on recess. Town Attorney Roberts suggested the Town needs to find a category under which this business could be licensed and make a much simpler ordinance establishing giving the Council the power of established pick up areas. Discussion.

Vice-President Kirlin commented that the only way he could see this working in Nashville is to have a pick-up and drop-off area. Councilmember King suggested they let Mr. Waggoner have an experimental time to do this or have him observe the community through the tourist season and next spring start out fresh. Councilmember Omberg said that Mr. Waggoner is chomping at the bit to get this business started. Discussion. Vice-President Kirlin advised they need an ordinance and four pick-up/drop-off spots and the Council will discuss it at the Council meeting on August 28<sup>th</sup>.

Town Attorney Roberts advised the closest business license the Town has is a taxi cab license since Mr. Waggoner is going to be charging fees to transport people. The taxi cab ordinance written in 1946, gives the Town the right to grant or reject any application for certificate. Town Attorney Roberts suggested taking \$10 from Mr. Waggoner and give him a certificate so that he is licensed and let him try it out for thirty days. Discussion. Town Superintendent Bush, Councilmember King and Vice-President Kirlin will identify appropriate pick-up/drop-off locations and bring back the information to the next Council meeting. Mr. Waggoner will not be able to attend the next Council meeting, but will correspond with Town Attorney Roberts via e-mail regarding the writing of the ordinance.

### **3) VILLAGE MARKET**

Jenise Platt from the Purdue Extension Office spoke about the change in location of the Village Market. They will be in the Artisan's Alley, which is part of the Historical Society, for the remainder of the season and will hold the Village Market every weekend. Ms. Platt noted they are getting more produce vendors. Clerk-Treasurer Young advised that now that the Village Market is on private property if people want to sell crafts, the Brown County Artisans can add them to their current license if they choose and the people will not have to purchase an itinerant business license. Clerk-Treasurer Young noted that those who have already paid for an itinerant license will be reimbursed.

### **4) CHAMBER OF COMMERCE FESTIVALS – SUZANNAH ZODY**

Suzannah Zody reported there is a 30 member committee working on a Christmas in Brown County theme. They have a budget of \$50,000 with \$1,500 for advertising, \$1,000 for events and promotions and \$2,500 for lighting and decorations. Ms. Zody advised that on the Courthouse lawn they will have fifteen Christmas trees and they will also have a Christmas themed projection on the back of the Coachlight Square building. The town will be divided in six sections and they are approaching shop owners to double each shop with lights.

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Ms. Zody advised the events planning committee will have another meeting tomorrow to look at events for next year with the events (such as the Chocolate Walk, Taste of Brown County, Arts Festival, etc.) going back to the Convention and Visitor's Bureau, with a coalition working to keep the events going. President Kelso extended his gratitude to all groups for their hard work the last couple of years.

Clerk-Treasurer Young noted that the Town Council has approved to contribute \$2,000 toward the lighting of the Christmas events planned for this year.

### **5) PARKING AND PUBLIC FACILITIES UPDATE**

Lamond Martin reported that they did not have a meeting this month as they did not have a quorum. Councilmember Omberg asked about the handicap parking inventory. Chief Administrator Carr will inventory the parking spaces in time for the next Food and Beverage and Town Council meetings.

### **6) DEVELOPMENT REVIEW COMMISSION REPORT**

Clerk-Treasurer Young reported that the Commission approved one Sign Application and three Certificates of Appropriateness applications. The Commission also discussed member handbooks and hardship guidelines and has scheduled a work session.

### **RECESS**

A recess was called from 8:35pm until 8:45pm.

### **7) BLUE ELK DEVELOPMENT AGREEMENT**

Steve Alexander went over his proposed agreement with the Town Council and changes were made as they worked through the document. President Kelso asked Town Superintendent Bush for a capacity statement to be added to this agreement. Town Superintendent Bush will get a letter from Strand Engineering saying we have the capacity to provide these services. Town Attorney Roberts will insert the verbiage of the letter Town Superintendent Bush receives into the agreement.

The zoning will happen during annexation and it will fall under the Development Review Commission for approval. Town Attorney Roberts advised that a paragraph is needed in the agreement to indemnify the parties involved. Hippocampus is currently paying the property taxes.

Councilmember Omberg asked about a sunset clause. Discussion. Town Attorney Roberts will address this in the agreement. President Kelso asked that the flows and capacity be put in for each item. Town Superintendent Bush will get this information from Strand Engineering.

President Kelso asked Mr. Alexander to bring his presentation regarding the Blue Elk agreement and annexation to the August 28<sup>th</sup> Council meeting. The DRC will also hold a special meeting regarding this proposed Blue Elk Development and Clerk-Treasurer Young will contact DRC President David Martin to schedule the date and time for the special meeting.

Mr. Alexander advised that at the Brown County Economic Development meeting he presented the Blue Elk Development plan noting this would offer more sustainability to Brown County. The Brown County Economic Development Commission passed a Bond Inducement and this now goes to the Brown County Commissioners. Mr. Alexander asked to apply for an Economic Development Grant for sewer lateral work, paths, right-of-way improvements, etc.

**8) UPDATE ON SEWER EXPANSION PROJECT**

Town Superintendent Bush reported that everything is still with Rural Development and he will contact them to get the status. Town Attorney Roberts has passed on information to Barnes and Thornburg for Bond Counsel. This is for estimate purposes for a legal opinion only.

**9) SALT CREEK GOLF COURSE ANNEXATION**

Vice-President Kirlin had a meeting with Salt Creek owners and they are still interested in the annexation. He would like to sit down with Town Superintendent Bush and Town Attorney Roberts and draft the specifics before the September Council meeting.

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

Nothing presented.

**REPORTS FROM DEPARTMENT HEADS**

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

**A. Kelley Hill Water Main Extension**

Town Superintendent Bush advised he is to receive a report from the engineers this week.

**B. Freeman Ridge Water Main Extension**

Town Superintendent Bush is looking into financing.

**C. Water Tank Painting Project**

Town Superintendent Bush advised there are questions about their insurance, then the notice to proceed will be issued.

**D. Update Touch Pad System**

Town Superintendent Bush reported he sent out a report on preliminary information. President Kelso asked about number of hours meter reading takes now compared to before using the hand-held equipment. He also asked about the number of re-reads required compared to last year's figures.

**E. Task List**

Town Superintendent Bush did not have additional information to report on the task list.

**F. Quotes**

Chief Administrator Carr presented a quote from Nathan Lane to remove the silver maple that is on Gould Street. The bid was for \$1,350. There was discussion as to whether this tree was on the public right-of-way or on private property. The Council decided to take this under advisement and will address it again at the August 28<sup>th</sup> meeting.

**G. Service Agreements**

None presented.

**H. Utilities Report**

Nothing presented.

**I. Council Inquiries**

Vice-President Kirlin noted that he is hearing positive comments about the new street signs. There are two more to be placed by the Courthouse. He asked who put the lines on the corner of Van Buren and Main. Town Superintendent Bush advised that he did the lines and thought they were appropriate.

Town Superintendent Bush reported that the sprinklers come on two times a day. One of the poles has a broken T fitting. He will have all of this repaired when they replace the flower baskets on the light poles. Council told Town Superintendent Bush to turn off the sprinklers until they are fixed and to begin using a check list everyday to make sure they don't lose the next batch of flowers.

Nashville United Methodist Church is holding their annual Fall Fair and they are requesting to have Jefferson and Main Streets blocked off at the alleys on October 4<sup>th</sup>. Chief Administrator Carr will compare this with last year's request.

**2) TOWN ATTORNEY – JAMES ROBERTS**

**A. Council Inquiries**

Town Attorney Roberts reported that his secretary Pam left his employment to work at another firm in Seymour where she lives. Therefore he did not make it to last month's meeting. He has a new secretary now and is over the hump. He is becoming paperless and using his computer more. Town Attorney Roberts then went over his things to do list.

**3) CLERK-TREASURER – BRENDA YOUNG**

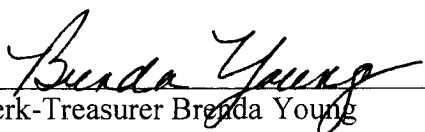
**A. Claims**

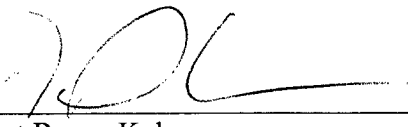
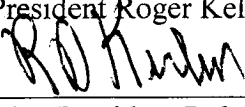
Councilmember Omberg made a motion to approve the claims for the period of 7-11-08 through 7-31-08 and for the period of 8-01-08 through 8-14-08. Vice-President Kirlin seconded the motion. All were unanimously in favor.

**ADJOURNMENT**

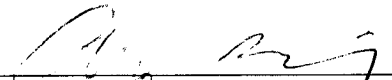
The meeting was adjourned by President Kelso at 10:11pm.

*The audio tape recording made at the Town Council meeting on 8-21-08 is retained in the office of the Town Clerk-Treasurer.*

  
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Clerk-Treasurer Brenda Young

  
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President Roger Kelso  
  
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Vice-President Robert Kirlin

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Councilmember R. Dale Cassiday

  
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Councilmember Charles B. King

  
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Councilmember Arthur Omberg