

**NASHVILLE TOWN COUNCIL MEETING
THURSDAY, MARCH 18, 2021**

Council members present by remote access via Zoom: President Jane Gore, Vice-President Alisha Gredy, Councilmember Nancy Crocker, Councilmember Anna Hofstetter and Councilmember Dave Rudd. Also in attendance by remote access via Zoom: Clerk-Treasurer Brenda Young, Municipal Operations Consultant Dax Norton, Town Attorney Jim Roberts, Administration Manager Phyllis Carr, Water/Sewer Operator Robin Willey, Deputy Clerk-Treasurer Debbie Ferry and Records Clerk Sandie Jones.

COUNCIL BUSINESS – 6:30 pm

1) OPENING THE MEETING

A. CALL TO ORDER by President Gore at 6:30 pm.

B. PLEDGE OF ALLEGIANCE

President Gore asked all in attendance to recite the Pledge of Allegiance.

C. ROLL CALL by Clerk-Treasurer Young

D. APPROVAL OF AGENDA

President Gore asked if there were any changes to the agenda. Town Administration Manager Carr would like to add the opening of the 1st round service agreement rebids under her monthly report. Councilmember Rudd asked to discuss Blueberry Lane. President Gore advised this will be discussed under the Town Administration monthly report as well.

Councilmember Hofstetter made a motion to approve the agenda as amended. Councilmember Rudd seconded the motion. All were unanimously in favor.

2) RENEWAL OF EXECUTIVE POWERS

Councilmember Rudd made a motion to renew the Executive Powers of the Town Council President. Councilmember Hofstetter seconded the motion. All were unanimously in favor.

3) APPROVAL OF THE CONSENT AGENDA

**A. CONSIDER APPROVAL OF THE DRAFT UNAPPROVED MEETING MINUTES –
2-18-2021 AND 2-25-2021 MEETINGS**

B. CONSIDER APPROVAL OF CLAIMS (ACCOUNTS PAYABLE VOUCHERS)

C. CONSIDER APPROVAL OF NAEC BUSKERS REQUEST

Councilmember Crocker made a motion to approve the consent agenda. Councilmember Rudd seconded the motion. All were unanimously in favor of approving the consent agenda. President Gore read aloud the list of items on the consent agenda.

4) PRESENTATION

A. BROWN COUNTY CHRISTKINDL ARTISAN MARKET

Lisa Hall gave a short presentation on the proposed Christkindl Artisan Market to be held on December 3-4, 2021 from 12-8pm. The event will be held at the Foxfire parking lot and at Coachlight Square. Ms. Hall explained the purpose of this event is to have fellowship and unity to our community. The steering committee of the Christkindl Artisan Market consists of Ms. Hall, BC Chamber of Commerce President Greg Fox and BC Convention and Visitors Bureau Director Jane Ellis. They are working toward

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community collaboration to make this event special. Plans for the event include art vendors, Santa's Shop for children, music, and caroling after the annual Christmas Light Parade.

Ms. Hall reported that they have a budget of \$26,000 for the event. She is in the process of writing grant applications, getting donations and additional funding. They have received \$5,000 so far. Ms. Hall asked the Council to waive the business license fees for the vendors that will be participating in this event. Discussion.

Councilmember Crocker made a motion to waive all business license fees for the market and individual vendors. Vice-President Gredy seconded the motion. All were unanimously in favor. Ms. Hall thanked the Town Council and advised that she will make sure to comply with all Town, County and State laws.

5) CLERK-TREASURER REPORT

A. FUND BALANCE REPORT

Clerk-Treasurer Young reported that the Fund Balance Report was sent to the Council for their review and asked if there were any questions. There were none.

Clerk-Treasurer Young presented a claim from Curry and Associates, Inc in the amount of \$28,623.80 for the Professional Agreement Services Contract approved by the Town Council on December 17, 2020. She advised that the funds would come from the Wastewater Management Fund.

Councilmember Rudd made a motion to approve the claim. Councilmember Crocker seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young talked about the Fixed Asset Register Project that needs to be in place by 2021. She explained that the Town already has a fixed asset register, and they will work on depreciation of the Town's assets. This will be a huge project for each of the departments to take on this year.

6) MONTHLY DEPARTMENT REPORTS

A. POLICE DEPARTMENT

President Gore advised that Police Chief Seastrom is out of town for tonight's meeting.

B. PUBLIC WORKS (STREETS, UTILITIES, MRO)

Water/Sewer Operator Willey advised with their agreed order they must get rid of their pile solids. He has learned about a rotary fan press that can get rid of these solids. On March 31, 2021 there will be a demonstration at the wastewater treatment plant of this rotary fan press. He invited anyone that was interested to come see the demonstration.

Water/Sewer Operator Willey reported his staff is replacing some two-inch compound meters on their system. They are replacing the meters with Mach 10 meters which are more accurate, longer life expectancy and cheaper. They will be replacing the older meters first. He noted this should also help with their water loss percentages.

C. ADMINISTRATION (2ND ROUND SERVICE AGREEMENT RECOMMENDATIONS)

Administration Manager Carr read aloud the bid amounts of the 2nd round service agreement bids that were opened at last month's meeting.

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Automotive Repair:

- Brown County Tire – equipment charge per hour \$65, service call per hour \$45, towing \$75, labor per hour \$65, after hours per hour \$65

Carpenter General Contractor:

- Austin Construction - equipment charge TBD, service call per hour \$80, labor per hour \$50, after hours per hour \$75

Storm Drain Excavation/Repair:

- Wagler Brothers Excavating – equipment charge per hour \$110, service call per hour \$200, labor per hour \$45
- Woodland Enterprises, LLC – equipment charge \$500 per job, service call per hour \$75, labor per hour \$125

Pest Control:

- Scott's Termite & Pest Control – monthly service fee \$140, service call outside of monthly service \$55
- Burt's Termite & Pest Control – equipment charge per hour \$85
- Environmental Pest Control, Inc. – labor charge per hour \$160

Sidewalk Repair/Construction:

- INcounter Concrete – equipment charge per hour \$105, labor per hour \$45
- Precision Concrete – minimum charge per project \$500
- Dynamic Concrete – equipment charge per hour \$85

Material Hauling/Trucking:

- Wagler Brother's Excavating – equipment charge per hour \$107.50, service call per hour \$200, labor per hour \$45
- Jerry Fleetwood Excavating – equipment charge per hour \$80 for triaxle, service call per hour \$35, labor per hour \$40
- Lafary Group Corp. – equipment charge per hour \$85, service call \$0, labor per hour \$22.50

Administration Manager Carr advised that Town Administration recommends the following agreements:

- Automotive Repair – Brown County Tire
- Carpenter General Contractor – Austin Construction
- Storm Drain Excavation/Repair – Wagler Brothers Excavating
- Pest Control – Burt's Termite & Pest Control
- Sidewalk Repair/Construction – Dynamic Concrete
- Material Hauling/Trucking – Jerry Fleetwood Excavating

They would also like to ask to rebid the electrical repair service agreements. She noted that several bid requests were not delivered or delivered late by the post office. They have decided to contact potential vendors via email in the future and will document this correspondence.

Councilmember Crocker made a motion to accept the service agreements as recommended by Town Administration as well as to rebid the electrical repair service agreement. Vice-President Gredy seconded the motion. All were unanimously in favor.

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Administration Manager Carr read aloud the bid amounts of the 1st round service agreement re-bids in the following order:

Heavy Equipment Repair

- Trash Kans, LLC – equipment charge per hour \$145, after hour charge per hour \$195, labor per hour \$145
- Westside Tractor Sales – equipment charge per hour \$0, service call per hour \$294, labor per hour \$150, after hour labor per hour \$185
- RPM Machinery – equipment charge per hour \$129, service call per hour \$89, after hour charge per hour \$165
- Best Equipment – equipment charge per hour \$139, road service call charge per hour \$159, labor per hour \$159, inspection camera \$159 per hour

Tree Service

- B & H Tree Service – show up and first hour \$280, service call charge \$300, each additional hour \$180 per hour, various equipment charges

Wastewater Excavating, Installation and Repair

- Roto-Rooter, Woodland Enterprises – equipment charge per job \$500, service call \$75, labor in addition to operator per hour \$145
- Patton Plumbing – equipment charge per hour \$150, service call \$150, labor per hour per person \$65, after hours \$300, various equipment charges
- Sub-Surface of Indiana – various equipment charges and double time for Sundays and holidays
- Reed Excavating – equipment charge per hour \$150, service call \$0, labor per hour per person \$60, after hours \$225, various equipment charges

Councilmember Crocker made a motion to take the bids under advisement. Councilmember Rudd seconded the motion. All were unanimously in favor.

Administration Manager Carr advised that she has received a bid to install a UV system in the Town Hall furnace system to help purify the air in the building. She contacted the Town's HVAC service provider, and they gave a bid of \$600 to install the UV system. This includes all parts and labor. Discussion.

Councilmember Rudd made a motion to approve the UV installation at a cost of \$600. Vice-President Gredy seconded the motion. All were unanimously in favor.

RECESS

President Gore called for a recess from 7:31pm to 7:37pm

Councilmember Rudd reported that he has received calls from residents on Blueberry Drive that want to keep this as a town road. He advised that the Town has deemed this a private road, but the town has been taking care of this road for 8-9 years and they receive funds from the State to take care of this road. Councilmember Rudd would like to take Blueberry Drive back in as a town road. Councilmember Hofstetter agreed and would also like to take Dogwood Lane into the town maintenance. President Gore advised they will only be discussing Blueberry Drive this evening.

Town Attorney Roberts advised first he will check on the recorded plat of Blueberry Drive to see if there is a dedication of the roads to the public. He will check to see if the road has been put into the Town's

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inventory and if it has not, the landowners of the subdivision will have to sign a dedication to the Town. Discussion.

Councilmember Rudd made a motion to have Town Attorney Roberts research the Blueberry Drive ownership, prepare any necessary documents and that the Town will then accept the road for maintenance. Councilmember Crocker seconded the motion. All were unanimously in favor.

D. UTILITY SERVICE BOARD (ASSET MANAGEMENT)

MOC Norton reported there was a very productive meeting of the Utility Service Board last night. He presented them a new budget report and will be creating monthly report templates for Water/Sewer Operator Willey and Town Administration Manager Carr to use.

MOC Norton advised that IDEM recently did an inspection at the wastewater treatment plant. It noted that things are running well with two minor violations. Water/Sewer Operator Willey advised those violations were concerning their process control. He noted that the IDEM inspector commented on a few items that still have yet to be addressed on the agreed order.

MOC Norton reported that Clint Studebaker, board member of the Brown County Regional Sewer District, attended last night's USB meeting and the two boards will meet together in the future.

MOC Norton reported that the Town is still working on a major project with the DNR to provide water and sewer service to the Brown County State Park. The Town is now looking into financing for this project and talking with the Indiana Finance Authority about relief funding.

MOC Norton advised one of the next steps in the DNR project would be to have Asset Management Plans created. He explained that you must have AMPs in order to get funding from the IFA and State Revolving Fund. IFA will reimburse the Town for these contracts. Utility Service Board President Kelso asked Nathan DeLisle of ms Consultants to draw up the Asset Management Plan contracts and those contracts have been presented to the USB and are now before the Town Council for their approval.

MOC Norton asked the Council to consider a motion on the Asset Management Plans contracts. Councilmember Crocker made a motion to proceed with the contracts. Councilmember Rudd seconded the motion. All were unanimously in favor.

Planning and Zoning Director Chris Ritzmann asked if this is a new sewer project with the DNR. MOC Norton advised there would be a new sewer force main from Parkview to the Salt Creek lift station which is now the Brown County Inn lift station. There would also be new water lines run to the park. Planning and Zoning Director Ritzmann advised in the Town's zoning ordinance for public zoning there is supposed to be a special exception through the Board of Zoning of Appeals. Discussion. President Gore will meet with Planning and Zoning Director Ritzmann to find out what needs to be done.

E. CONSULTANT

MOC Norton reported that he created some uniform documents for the Town to use and they have been reviewed and modified by Town Attorney Roberts. He advised that he has been holding a weekly utility staff meeting with Water/Sewer Operator Willey and Town Administration Manager Carr.

MOC Norton advised that he has been working with the Legislators on some particularly important items for the Town. He suggested the Town contract with a lobbyist to communicate on behalf of the town. They could have a minimal contract not to exceed \$10,000 and there is money in the budget for

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this work. MOC Norton will bring a contract for the Council to review in the next couple of months.

F. TOWN ATTORNEY

Town Attorney Roberts advised a motorized scooter company has contacted Town Administration Manager Carr about bringing scooters into the Town. He suggested the Council consider this item at a future meeting and he has the beginning of an ordinance started as they had discussed this topic last year. He asked the Council if they would like for him to continue working on this ordinance. The Council agreed they do not want to have scooters in town and would like Town Attorney Roberts to continue to work on the ordinance.

7) NEW BUSINESS

A. CONSIDER ORDINANCE 2021-02 – AN ORDINANCE TO AMEND THE ZONING MAPS (BARR REZONE REQUEST)

Planning and Zoning Director Chris Ritzmann read aloud the Staff Report concerning the rezoning request of the property located at 12 S. Jefferson Street from RB to B1. Councilmember Crocker commented that the prospective buyers have filed for a special exception on this property. Planning and Zoning Director Ritzmann advised they did so as a backup and the special exception will be to operate a tourist home.

President Gore asked the petitioners if they wanted to say anything. The petitioners, Tom and April Barr, reported that the Area Plan Commission held a public hearing on the rezoning request. The Area Plan Commission voted 5-2 in favor of the rezoning. Mr. Barr gave a history of the buildings previous uses and noted there was a lot of foot traffic to this building throughout the years.

Mr. Barr advised that they have a pending offer to purchase this property but one of the contingencies is that it be zoned to allow for a tourist home. He believes this would be an appropriate use of the property.

Mr. Barr talked about the surrounding properties and how this property is unique. He noted there are businesses on the other three corners in this area. Mr. Barr advised that this area of town was zoned as residential buffer about 40 years ago. Discussion.

Councilmember Crocker made a motion to have the first reading of Ordinance 2021-02 by title only. Vice-President Gredy seconded the motion. All were unanimously in favor. Councilmember Crocker read Ordinance 2021-02 by title only.

Councilmember Crocker made a motion to suspend the rules and have the second reading of Ordinance 2021-02 by title only. Councilmember Rudd seconded the motion. All were unanimously in favor. Councilmember Crocker read Ordinance 2021-02 by title only.

An audience member asked if the Council was going to allow for public input. Town Attorney Roberts advised that the public hearing requirement has already been met by the hearing before the Area Plan Commission. Therefore, the Town Council is not required to have a public hearing or public input at this time. Town Attorney Roberts commented that the rezoning of the Williamson-Threehawks properties is a very significant precedent that the Town Council should consider.

Councilmember Crocker made a motion not to adopt Ordinance 2021-02. The motion died for lack of a second.

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Councilmember Rudd made a motion to adopt Ordinance 2021-02 by title only. Vice-President Gredy seconded the motion. Clerk-Treasurer Young did the roll call vote: Councilmember Crocker, President Gore and Councilmember Hofstetter voted against the motion. Vice-President Gredy and Councilmember Rudd voted in favor of the motion. The ordinance did not pass by a vote of 3-2.

Mr. Barr asked the Councilmembers that voted against the rezone to state their reasons for their vote. Councilmember Hofstetter commented that she is divided on her opinion regarding the rezone. She didn't want to allow one property to become business and keep all the others residential buffer. Councilmember Crocker commented that she is pro-business but not sure why the zoning needs to be changed for a tourist home. She will support a special exception for this property to become a tourist home. President Gore explained that she does not want to extend the business district further out in any direction.

8) UNFINISHED BUSINESS

A. HUMAN RIGHTS CITIZENS ADVISORY COMMITTEE UPDATE

Councilmember Crocker commented that the five people that were chosen for this committee are amazing. It will be exciting to see what they come up with.

B. COMPREHENSIVE PLAN COMMITTEE UPDATE

President Gore commented that the Comprehensive Plan Committee should have had the blessing of the Town Council to be formed. Had it come before the Town Council, she believes they would have asked Councilmember Crocker to lead the process as she has done the most research on this topic. President Gore noted that the comprehensive plan process needs to go through the Planning and Zoning department.

Town Attorney Roberts has reviewed some statutes and the planning and comprehensive plans are under the jurisdiction of the Area Plan Commission. This process must be initiated by the Area Plan Commission and then presented to the Town Council as the legislative body. If this group wants to volunteer and give information, they need to work with the Plan Commission.

Councilmember Crocker explained they had Town Hall meetings prior to the pandemic asking for input from the community. Since that time, she has worked with MOC Norton to gather people together to get their input. Councilmember Crocker has asked for many community stakeholders to contribute. She noted that she reached out to the other Town Councilmembers and no one told her that this committee needed the Town Council's approval to meet.

Councilmember Crocker understands that the Area Plan Commission is in charge of updating the comprehensive plan, but they need to update the plan and have a specific plan for the town. Discussion.

Councilmember Crocker asked if the Council wants her to keep going with this group or stop. Vice-President Gredy asked MOC Norton for his input. MOC Norton advised the original intent was to have discussions about what would be good to include in an RFP and bring that to the Area Plan Commission. He would like to see a larger comprehensive plan for the Town in the County's comprehensive plans.

9) OTHER BUSINESS

A. ONE APPOINTMENT TO TREE BOARD

Councilmember Crocker made a motion to appoint Diana Wright to the Nashville Tree Board. Councilmember Hofstetter seconded the motion. All were unanimously in favor.

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B. ONE APPOINTMENT TO UTILITY SERVICE BOARD

President Gore announced that Ted Seastrom has submitted his resignation from the Utility Service Board. Since this is her appointment, President Gore has chosen Bob Kirlin as the new board member.

10) ADJOURN

Councilmember Rudd moved to adjourn the meeting. Councilmember Crocker seconded the motion. All were unanimously in favor. President Gore adjourned the meeting at 8:55 pm.

The audio recording made at the Town Council meeting on 3-18-2021 is retained in the office of the Town Clerk-Treasurer.

President Jane Gore

Vice-President Alisha Gredy

Councilmember Nancy Crocker

Councilmember Anna Hofstetter

Councilmember Dave Rudd

Clerk-Treasurer Brenda K. Young