

NASHVILLE TOWN COUNCIL MEETING THURSDAY, SEPTEMBER 21, 2017

ATTENDANCE: Council members present – President Charles B. King, Vice-President Jane Gore, Councilmember Alisha Jacoba, Councilmember Arthur Omberg and Councilmember Dave Rudd. Also in attendance – Town Manager Scott Rudd, Utility Manager Sean Cassiday, Administration Manager Phyllis Carr, Police Chief Ben Seastrom, Town Attorney Jim Roberts, Clerk-Treasurer Brenda Young and Deputy Clerk-Treasurer Debbie Ferry.

COUNCIL BUSINESS – 6:30pm

1) CALL TO ORDER by Councilmember King at 6:34pm.

2) PLEDGE OF ALLEGIANCE

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

3) ROLL CALL by Clerk-Treasurer Young.

4) APPROVAL OF THE AGENDA

President King announced there are three additional meeting minutes to be addressed: 8-17-17 Executive Session and meeting and 8-24-17 meeting.

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

5) NOTES TO NOTE

President King advised a person stapled garage sale signs to the Town's sign posts. He reminded everyone that they should not attach any signs to the Town's sign posts. Also don't attach signs to the highway signs as it is not right. He offered to provide stakes for those people that need them for garage sale signs.

6) APPROVAL OF THE MINUTES – 8-14-17 PUBLIC HEARING, 8-17-17 EXECUTIVE SESSION AND MEETING, 8-24-17, 8-30-17 AND 9-14-17 MEETINGS AND 9-13-17 EXECUTIVE SESSION

Councilmember Omberg moved to approve the minutes of the 8-14-17 Public Hearing, 8-17-17 Executive Session and meeting, 8-24-17, 8-30-17 and 9-14-17 meetings and 9-13-17 Executive Session. Vice-President Gore seconded the motion. All were unanimously in favor.

7) CLAIMS

Vice-President Gore and Councilmember Omberg advised they reviewed the claims this month. Councilmember Omberg made a motion to approve the claims for the period from 8-11-17 to 8-31-17 and for the period of 9-01-17 to 9-14-17. Councilmember Jacoba seconded the motion. All were unanimously in favor.

Councilmember Omberg made a motion to approve the claim in the amount of \$3,116.32 for the Superfleet MasterCard program for fuel for the Town vehicles. Vice-President Gore seconded the motion. All were unanimously in favor.

8) COMMUNICATIONS

A. Audience

• WATER & SEWER BILL ADJUSTMENT – LARRY & GEORGIA DAVIS

Larry and Georgia Davis, property owners of 369 State Road 135 N, addressed the Council and explained the last four months they have been experiencing a water leak. They had someone come out to repair the leak and they started at the meter. The plumber advised the residents that the problem was the Town's issue as there was a leak in the pipe that came out of the meter that the house line was connected to. Mrs. Davis presented a photo of the pipe in question. She explained they had high water bills during this process as well as the plumbing bill. Mrs. Davis asked that their water bills be reduced to the minimum during the leak and for the Town to pay part of the plumbing bill.

Utility Manager Cassiday explained the pipe that comes out of the town's crock is what the customer's attach to. Which means that technically it is the homeowner's responsibility as it is outside of the crock. President King and Councilmember Rudd commented that if it is the Town's pipe that was leaking it would be the Town's responsibility. Utility Manager Cassiday advised the ordinance says from the crock on it is the responsibility of the customer. Discussion. Town Attorney Roberts reviewed the Code of Ordinances and noted under Code 52.001 it is not as clear as they would like it to be.

Councilmember Rudd made a motion that they give the Davis's a minimum water and sewer bill for the four months and pay half the contractor fee. Councilmember Jacoba seconded the motion. President King, Councilmember Jacoba, Councilmember Omberg and Councilmember Rudd voted in favor of the motion. Vice-President Gore abstained from the vote. The motion passed.

• WATER & SEWER BILL ADJUSTMENT – LYN ALEXANDER

Resident Lyn Alexander addressed the Council and explained back in February she was called and told that there was a leak at their building on Jefferson Street. She had a plumber come out and found a leak in an upstairs bathroom. Once the repairs were made she had the water turned back off to the building. Then she received another call that there was another leak. Mrs. Alexander thought the water had been shut off but Utility Billing Clerk Crabtree advised that her records showed that the water was turned on. Mrs. Alexander then received a bill for \$3,065.62 for water and sewer and was not sure why the water was turned on. Utility Billing Clerk Crabtree advised that she received a phone call asking that the water be turned on for painters on June 9, 2017 and she believed the phone call was from Mr. Alexander. Discussion.

Councilmember Omberg made a motion to forgive the sewer portion of the bill but they can't forgive the water portion. Councilmember Jacoba seconded the motion. All were unanimously in favor.

BOARDS AND COMMISSIONS REPORTS

1) BROWN COUNTY VOLUNTEER FIRE DEPARTMENT REPORT

Brown County Fire Department Chief Nick Kelp advised that he has submitted the monthly run reports to the Council for their review. He announced that the fish tent kicks off this Saturday and invited the Council members to work the tent with them. He noted that Councilmember Omberg has helped in the past.

2) REDEVELOPMENT REVIEW COMMISSION

• RIVERFRONT LICENSE RECOMMENDATION

Town Manager Rudd reported that Brozinni's Pizzeria came before the Redevelopment Commission to request a Riverfront License. He presented a letter to the Council for their signature authorizing the recommendation to the State that the Riverfront License be approved. Town Manager Rudd noted this

would be the last available license. Vice-President Gore advised they will be discussing the potential of increasing the number of licenses at the October Redevelopment Commission meeting.

Councilmember Omberg made a motion to authorize the Town Council President to sign the letter for Brozinni's Pizzeria to obtain a Riverfront License. Councilmember Rudd seconded the motion. All were unanimously in favor.

3) PARKING AND PUBLIC FACILITIES REPORT

Parking and Public Facilities President Lamond Martin reported they are still trying to get the lighting and security cameras for the parking lots. This process seems to be dragging on. Councilmember Omberg asked why things are dragging on. PPF President Martin offered to discuss things in an Executive Session. Discussion. PPF President Martin commented that they need to work on the relationship between the Commissions and the Council, how they interact and do business with each other.

Councilmember Omberg asked if this is a personnel issue. Town Attorney Roberts offered to talk with PPF President Martin to make a determination as if this would be appropriate for a work session or an Executive Session. PPF President Martin advised he would like to discuss the relationship with the PPF and the Council so they all understand how it is supposed to operate. Town Attorney Roberts deemed to make this a topic for a work session. Town Manager Rudd will work with PPF President Martin to have the Council have a joint work session with the PPF.

4) ARTS AND ENTERTAINMENT REPORT

Arts and Entertainment Commission President Nancy Crocker stated that the comments on her hair every month during the meeting are disrespectful and asked that they not continue. President King apologized.

NAEC President Crocker asked that she be a part of the work session with the Town Council and PPF concerning the Commission's relationship with the Council.

NAEC President Crocker advised that High Lonesome sculptor Michael Evans would like to have the sculpture back or the Town may purchase it. The NAEC has voted to purchase the sculpture for \$5,000 and they have enough funds to do so. She asked for the Council's approval to purchase the sculpture. The plan is to leave the sculpture in front of the Nashville House for now and perhaps raise it up a little so it will be better viewed among the flowers.

NAEC President Crocker spoke about the large Abe Martin sculpture on the corner of W. Franklin and Honeysuckle Lane. Artist Chris Trotter had carved it several years ago for the Town. It now needs some maintenance and he is willing to do the work for \$75. Clerk-Treasurer Young advised a purchase order for this work has already been created.

NAEC President Crocker announced the Commission has received a Consultancy Grant through the Indiana Arts Commission. They will receive 50 hours of consultancy for the NAEC regarding placemaking and community engagement.

NAEC President Crocker reported that the Indiana Arts Commission is giving all the State Cultural Districts \$5,000 this year. There are certain guidelines in which they can use the money for such as community engagement.

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NAEC President Crocker reported they have been short one Commission member for several months. The NAEC reviewed the applicants and reviewed the Commission's needs. The NAEC is recommending that the Town Council appoint Heather Nicholson to the Commission to fulfill the term left open by Member Hutchinson as she will be able to help with grant writing and financial monitoring.

Councilmember Rudd made a motion to appoint Heather Nicholson to the NAEC and approve the purchase of the High Lonesome sculpture. Councilmember Omberg asked that they amend the motion to approve the \$5,000 sculpture pending funding approval. Town Manager Rudd asked where the NAEC is proposing to take the funds from. NAEC President Crocker advised most of the funds would come from the NAEC budget and a little bit would come from the 250 fund which is from donations. Discussion.

Town Manager Rudd commented that the Town's General Fund is under a really tight squeeze right now and he would encourage the Commission to use the funds from the 250 fund which funds were donated with public art in mind. Discussion. Town Manager Rudd commented that there are a lot of pressures that the Town didn't expect on the General and EDIT funds. He asked Council's permission to meet with the NAEC and see how they can fund all these things and save money where they can. Town Manager Rudd explained if they can find \$2,000 for the fire department, this is where it could come from. If they can find a way to fund public art out of a donation fund rather than their general fund this is one way they can do so.

Vice-President Gore made a motion to approve all the requests contingent upon review between NAEC President Crocker and Town Manager Rudd. Councilmember Omberg seconded the motion. All were unanimously in favor.

5) DEVELOPMENT REVIEW COMMISSION REPORT

Administration Manager Carr reported that she approved one sign application in-house this month. President King asked if the DRC reviewed the paint colors on the Heritage Mall building. Administration Manager Carr advised that she approved the paint colors.

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

Nothing further presented.

NEW BUSINESS

1) REVIEW OF PROPOSED FISCAL PLAN FINDINGS REGARDING: PETITION FOR ANNEXATION INTO THE TOWN OF NASHVILLE THE PROPERTY LOCATED AT 418 OLD STATE RD 46, NASHVILLE, IN 47448, PARCEL #07-07-17-300-123.000-004 CONTAINING 231.27 ACRES IN TOTAL, MORE OR LESS

Town Manager Rudd advised that Umbaugh and Associates have created a fiscal plan for this super voluntary annexation. He asked one small adjustment be made on page 5 under letter E, Street Maintenance to be changed to a four way stop "may be" developed. Town Manager Rudd noted Umbaugh also sent out an email to the Council giving their recommendation of annexation of this property. Town Attorney Roberts announced that he has reviewed the document and it meets the legal requirements for a fiscal plan for annexation.

Councilmember Omberg asked about the four way stop in the fiscal plan. Town Manager Rudd advised if the Council requires that a four way stop be installed, the developer will be responsible for any associated costs. Discussion. Utility Manager Cassidy advised that a traffic study has been done,

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submitted to the Council for their review and the traffic study is recommending a four way stop. He explained that based on annexation, the road will become a Town road when the annexation takes effect in January 2018.

Councilmember Rudd asked if the developer has applied for a driveway permit with the County. Ed Ryan of Hard Truth Hills advised they have not applied for a driveway permit as they are waiting for this to be resolved. Councilmember Rudd commented they can't resolve anything as this is currently a County road. Discussion.

Town Attorney Roberts explained that approval of a fiscal plan which contains language about a possible future fiscal issue, which is a four way stop, does not commit the Town to put a four way stop there or not. Adopting the fiscal plan simply means they have reviewed the document and understand its impact on the Town's finances.

2) RESOLUTION 2017-06 ADOPTING THE FISCAL PLAN FOR THE PROPERTY LOCATED AT 418 OLD STATE RD 46, NASHVILLE, IN 47448, PARCEL #07-07-17-300-123.000-004 CONTAINING 231.27 ACRES IN TOTAL, MORE OR LESS

Councilmember Rudd made a motion to approve Resolution 2017-06 by title only. Vice-President Gore seconded the motion. All were unanimously in favor. Councilmember Omberg read aloud Resolution 2017-06 by title only.

3) ORDINANCE 2017-09 AN ORDINANCE CONCERNING THE ANNEXATION INTO THE TOWN OF NASHVILLE THE PROPERTY LOCATED AT 418 OLD STATE RD 46, NASHVILLE, IN 47448, PARCEL #07-07-17-300-123.000-004 CONTAINING 231.27 ACRES IN TOTAL, MORE OR LESS

Town Attorney Roberts explained the next step is to consider the proposed ordinance for the annexation of the property as referred to at 418 Old State Road 46. He noted they have held a Public Hearing on the annexation. At the time of the Public Hearing and introduction of the ordinance the zoning of the property was under the jurisdiction of the County and zoned as R1. However, the zoning ordinance has since been amended by Brown County to zone a portion of the property as General Business. Town Attorney Roberts explained in annexing the property the Town will go by the zoning that has been established prior to annexation. The majority of the 231.27 acres is zoned R1 in the County therefore it will be zoned residential under the Town. The portion that has been rezoned by the County, 26 acres, has been rezoned to General Business and there under the Town it will be zoned B3. Town Attorney Roberts advised the annexed property would go under Council voting district number two. The suggested effective date of the ordinance is January 3, 2018 which is the same effective date as the prior annexation ordinance.

Councilmember Omberg asked what kind of services are allowed in B3. Town Attorney Roberts advised most relevant to this discussion which would be light industry and warehousing. Discussion.

Councilmember Omberg made a motion to have the first reading of Ordinance 2017-09 by title only. Vice-President Gore seconded the motion. All were unanimously in favor. Councilmember Omberg read aloud 2017-09 by title only.

Vice-President Gore made a motion to suspend the rules and have the second reading of Ordinance 2017-09 by title only. Councilmember Jacoba seconded the motion. All were unanimously in favor. Councilmember Omberg read aloud 2017-09 by title only.

Vice-President Gore made a motion to adopt Ordinance 2017-09 by title only. Councilmember Jacoba seconded the motion. All were unanimously in favor.

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Town Attorney Roberts and Clerk-Treasurer Young will discuss the appropriate filings and recording of the annexation ordinance.

4) ANY OTHER BUSINESS THAT MAY COME BEFORE THE COUNCIL

Nothing further presented.

RECESS A recess was called from 8:03pm – 8:09pm

REPORTS

1) CLERK-TREASURER – BRENDA YOUNG

A. NEW YORK LIFE INSURANCE PROPOSAL

Clerk-Treasurer Young reported that she and Administration Manager Carr met with a local New York Life representative, Rachael Jones. She would like to offer New York Life insurance policies to the Town's employees and Town Council members. The Town would not be contributing to the policies of the employees or Council. Clerk-Treasurer Young advised that a minimum of three people would need to participate in this program in order to qualify for the group plan. She is asking the Council's permission to offer this plan and to deduct payments from the paychecks of those participants. Discussion.

Council granted permission to participant in the plan. Councilmember Rudd asked if the Council members would be able to participant in the AFLAC program. Administration Manager Carr advised that she would have to check into the availability.

B. MUNICIPAL UTILITY COLLECTION PROGRAM

Clerk-Treasurer Young reported that she is looking into a municipal utility collection program that would not be of any cost to the Town. The cost would go to the person that owes the debt. She and Town Attorney Roberts are working on this and will bring more information before the Council at a later date.

2) TOWN MANAGER/ECONOMIC DEVELOPMENT DIRECTOR – SCOTT RUDD

A. 5 YEAR CAPITAL IMPROVEMENT PLAN

Town Manager Rudd advised they are still working on the 5 year capital improvement plan.

B. EMPLOYEE MOTOR VEHICLE DRIVING POLICY

Town Manager Rudd passed out a proposed driving policy that the Town's insurance company has strongly recommended they adopt. He explained the policy says the employee's need to have a current driver's license and they need to make sure they check this on an annual basis. Clerk-Treasurer Young advised they currently check on an annual basis that employees have a valid driver's license. Town Attorney Roberts advised this policy would also require the Town to get a BMV abstract on each employee on an annual basis. Discussion.

Police Chief Seastrom asked for an exception to section 5 of the policy as the police department uses all types of technology in their work while driving. Discussion. Town Manager Rudd, Town Attorney Roberts and Police Chief Seastrom will rework the proposed driving policy as needed.

C. 2017 SIDEWALK PLANS

Town Manager Rudd reported that money is starting to come forward from businesses that have sidewalks in need of repair adjacent to their properties; however, this is a slow process. One sidewalk has been completed.

Councilmember Omberg addressed the sidewalk at Hawthorne Hills and noted the proposal is the Town to spend \$4,500 with a match of \$4,500. He thought they were going to look into having the whole project paid through the grant. Utility Manager Cassiday explained they are looking to have the project done through the grant but they would still have to come up with 25% of the bill. If they do receive the grant for this project it would not be completed until next year.

Councilmember Omberg asked Utility Manager Cassiday if he looked into a sidewalk next to the Hobnob restaurant. Utility Manager Cassiday advised he has not taken the measurements of this area yet.

Town Manager Rudd reported he needs to set up a meeting with the landowners regarding installing a sidewalk from the Pat Reilly parking lot to Van Buren Street. Discussion.

D. FLOOD RESPONSE GRANT

Town Manager Rudd advised that the plan has been completed and a lot of people were a part of putting this plan together. He noted Police Chief Seastrom will be lead in case of a flood situation.

E. BROADBAND TASK FORCE UPDATE

Town Manager Rudd reported there is a recent breakthrough with Main Stream Fiber doing a fiber project along Helmsburg Road, Grandma Barnes Road and Morrison Road. The committee is trying to get some investment in Nashville with anyone that would be interested in fiber optic internet.

F. DUKE ENERGY GRANT

Town Manager Rudd announced that Duke Energy has provided a \$7,500 grant to plant native plants at the new Town Park property. He believes the Tree Board will tackle this process and there is some interpretation of native plants that goes along with this grant. Councilmember Omberg noted that Master Gardeners have projects that they must complete and he suggested that Town Manager Rudd tap into this organization as well.

Town Manager Rudd advised that IU Intern Zac Huneck wrote the grant application that helped them to receive this money. He will continue to help shepherd the project along. Town Manager Rudd announced they have another intern from IU, Master SPEA student Andrea Miller; she will be working on Fridays in the office and Tuesday's on a satellite basis.

G. COUNCIL INQUIRIES

Councilmember Omberg advised about a year ago the Council was interested in a stop light at the Park entrance and asked what the status it. Town Manager Rudd advised that he, Vice-President Gore and President King met with INDOT and INDOT suggested a roundabout in this area. President King advised they don't want a roundabout and explained a traffic study was done in this area. INDOT learned there was a lot more traffic than they realized. Town Manager Rudd added that INDOT suggested the Town pay for the roundabout as well. Discussion. Council would like Town Manager Rudd to resume the discussions with INDOT to get some sort of traffic control.

Nancy Crocker advised this discussion is almost identical to the County Commissioner's discussion not long ago. INDOT also said no, but perhaps if the Town and County join forces they could get somewhere. Discussion. Town Manager Rudd will contact Senator Koch and see if he has any suggestions.

3) UTILITY MANAGER – SEAN CASSIDAY

A. UPDATE ON WATER CIP GRANT

Utility Manager Cassiday announced they had a meeting with the engineers, Ara and Rural Development. He believes they will be able to have the closing in the first part of October and bids going out mid-October.

B. 2018 COMMUNITY CROSSINGS PAVING

Utility Manager Cassiday advised they received \$181,000 in grant funds for 2018. He understood that they were approved for projects 2-7 and will have to do a further review of the list. They will put it to bid once they receive the final confirmation letter.

C. COUNCIL INQUIRIES

Councilmember Omberg asked if the water upgrades have been completed in Yellowwood. Utility Manager Cassiday advised the water lines were moved due to road and bridge work in the area.

Councilmember Omberg asked if they are still waiting on a water grant for the pressure reducer project. Utility Manager Cassiday reported this is a separate issue and the engineers are working on this as well. This will need to be funded separately and he is looking into another loan through National Rural Development and finance the rest of the project in-house.

Councilmember Rudd asked about the variable speed pumps at the wastewater treatment plant. Utility Manager Cassiday advised they have been installed for two months. The first month they didn't save money due to testing and he has not seen the second month's bill to see if it has gone down yet.

4) ADMINISTRATION MANAGER – PHYLLIS CARR

A. RIGHT OF WAY REQUEST

- **VOLUNTEER FIRE DEPARTMENT – NATIONAL FIRE PREVENTION FESTIVAL – OCTOBER 13, 2017**

Administration Manager Carr advised she has a right of way permit for the Volunteer Fire Department for the Fire Prevention Festival on Friday, October 13, 2017 from 6-9pm. They would like to close E. Main Street from Artist Drive to Commercial Street and by the first driveway on Schoolhouse Lane. Discussion.

Councilmember Jacoba made a motion to approve the right of way request for the Fire Department. Councilmember Omberg seconded the motion. All were unanimously in favor.

B. VILLAGE GREEN REVITALIZATION PROJECT UPDATE

Administration Manager Carr reported that Wheeler Electric will install lights in this area. Landscaper Todd Baker will come up with a quote for fixing the irrigation, landscaping and sod. Artist Brad Cox will start installing part of the interactive border. Administration Manager Carr is still waiting on the delivery of the stone benches. She is hoping that the Village Green will be open in a couple weeks and noted the sidewalk is open and the restrooms are open as well.

5) POLICE CHIEF – BEN SEASTROM

A. COUNCIL INQUIRIES

Police Chief Seastrom announced National Night Out will be held on Tuesday, October 3, 2017 from 6-9pm at the Village Green. He reminded all to attend and that the food is free.

6) TOWN ATTORNEY – JIM ROBERTS

A. DEFERRAL AND ENFORCEMENT UPDATE

Town Attorney Roberts reported that he has been working with Police Chief Seastrom on the pretrial diversion and Town ticketing instructions. He has given Police Chief Seastrom and Clerk-Treasurer Young a draft of the pretrial diversion agreement. Town Attorney Roberts is still working on the instructions for the tickets. He will meet with Police Chief Seastrom and Clerk-Treasurer Young on Monday to work on the accounting side of the program.


7) ANY OTHER BUSINESS THAT MAY COME BEFORE THE COUNCIL

Nothing further presented.

ADJOURNMENT

Councilmember Omberg moved to adjourn and Vice-President Gore seconded the motion. President King adjourned the meeting at 8:47pm.

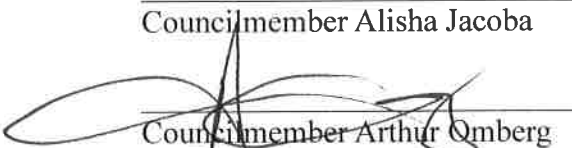
The audio recording made at the Town Council meeting on 9-21-17 is retained in the office of the Town Clerk-Treasurer.


Clerk-Treasurer Brenda K. Young


President Charles B. King


Vice-President Jane Gore

Councilmember Alisha Jacoba


Councilmember Arthur Omberg


Councilmember Dave Rudd