

**NASHVILLE TOWN COUNCIL MEETING
THURSDAY, APRIL 18, 2019**

ATTENDANCE: Council members present – President Jane Gore, Vice-President Alisha Gredy, Councilmember Nancy Crocker, Councilmember Anna Hofstetter and Councilmember Dave Rudd. Also in attendance – 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 President Gore at 6:30pm.

2) PLEDGE OF ALLEGIANCE

Councilmember Gore asked all in attendance to rise and recite the Pledge of Allegiance.

3) ROLL CALL by Clerk-Treasurer Young.

4) APPROVAL OF AGENDA

President Gore announced she had one addition to the agenda under Town Attorney Roberts concerning the IURC rate case. Councilmember Crocker made a motion to approve the agenda as amended. Vice-President Gredy seconded the motion. All were unanimously in favor.

5) APPROVAL OF THE MINUTES – 3-21-19 AND 4-04-19 MEETINGS

Councilmember Rudd made a motion to approve the minutes of the 3-21-19 and 4-04-19 meetings as presented. Councilmember Crocker seconded the motion. All were unanimously in favor.

6) ACCOUNTS PAYABLE VOUCHERS

Councilmember Crocker advised that she reviewed the accounts payable vouchers and they looked good. Vice-President Gredy made a motion to approve the accounts payable vouchers dated 4-15-19 and reviewed by the Town Council. Councilmember Crocker seconded the motion. All were unanimously in favor.

7) COMMUNICATIONS

A. WRITTEN

• RIDGEWAY SPEED LIMIT REQUEST – SHERRI RICE

Sherri Rice addressed the Council and explained that according to Indiana State Code the minimum speed limits for residential areas is 20mph. She passed out information for the Council to review and went over State Code regulations to change the speed limit on a road. Ms. Rice advised that the speed limit on Ridgeway was reduced to 10mph in May of 2017. She lives on this road and finds the speed limit unreasonable and not allowable under State Code.

Councilmember Crocker and Councilmember Hofstetter complimented Ms. Rice for her thorough research. Councilmember Hofstetter asked how the speed limit was changed. Ms. Rice had a copy of the Town Council meeting minutes from 2017 where a couple of residents on Ridgeway had requested this change. Discussion.

Town Attorney Roberts commented that this is probably an illegal speed limit and he respects the research that was done by Ms. Rice. Police Chief Seastrom advised that no speeding tickets have been issued on Ridgeway Drive. Utility Manager Cassiday read a list of local roads that have a speed limit of

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10mph. Discussion.

Councilmember Crocker made a motion to abolish the ordinance on Ridgeway Drive. Councilmember Hofstetter seconded the motion. Town Attorney Roberts asked if this means there is no speed limit on Ridgeway Drive. Discussion.

Councilmember Crocker amended her motion to repeal Ordinance 2017-05 and replace it with the ordinance establishing the speed limit on Ridgeway Drive to 20mph. Councilmember Hofstetter seconded the motion. Discussion.

Councilmember Hofstetter asked to amend the motion to repeal Ordinance 2017-05 with the stipulation that they install some sort of sign that says pedestrian crossing. Ms. Rice advised that there is a sign on the road regarding children in the area. Discussion. Councilmember Hofstetter withdrew her motion.

President Gore asked for a vote on the motion by Councilmember Crocker and seconded by Councilmember Hofstetter. All were unanimously in favor of the motion and the motion passed.

• **BROWN COUNTY ACCESS BUS FUNDING REQUEST – KIM ROBINSON**

Brown County YMCA Director Kim Robinson reported that the YMCA took over the Brown County Access Bus program in 2014 from Thrive Alliance. She is before the Council requesting Town financial support for the program. BC YMCA Director Robinson advised they are on the road five days a week, sometimes using three vehicles. They cover approximately 98,000 miles a year and will be getting a new vehicle soon. She explained that the funds they receive from Thrive Alliance don't quite cover all the senior citizen trips as anyone that is 60 or older rides for free. She noted most of their riders are 60 years plus, but they also provide rides for people of all ages for a fee.

BC YMCA Director Robinson advised the program receives support from the County in the form of gasoline and financial support. President Gore advised that the Town does not have this program budgeted in at this time. BC YMCA Director Robinson asked that they look at putting the program in their budget for next year. The Council agreed to look at future budget options.

B. AUDIENCE

Bruce Gould advised he has a problem with the cleanliness of the Town sidewalks. He has volunteered to clean the sidewalk in front of the Brown County Playhouse for years and has expanded the number of sidewalks he cleans in town. Mr. Gould explained that three days a week he blows off the debris on the sidewalks into the street. The street sweeper used to pick up the debris in the road until a couple of years ago when he was told that he couldn't blow things into the street. Mr. Gould was served a notice that he could be fined if he continued to blow debris in the street. He explained that this has been going on for the last year or so in that they are having issues with the street sweeping personnel and the debris that is on the street and sidewalks. He asked the Town Council to resolve this situation. Discussion.

President Gore asked Utility Manager Cassiday to get to the bottom of the issue and fix it. The other Councilmembers agreed. Administration Manager Carr advised they have received many complaints from shop owners that the streets are dirty and customers track in the debris. She commented that it is a no-win situation. Discussion.

Andy Tilton offered a solution; to hire a person to clean and take care the sidewalks. President Gore advised that Utility Manager Cassiday will look into the issue and make sure that the street sweeper is working properly. Mr. Tilton asked again about hiring someone to clean the sidewalks. President Gore

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explained that the Town doesn't have the funds to hire for this position at this time. Utility Manager Cassidy noted that the sidewalks along Van Buren Street do not belong to the Town but rather the responsibility of the State and the shop owners. Discussion.

Councilmember Crocker asked if they could use Food and Beverage funds to help pay for sidewalk issues. Clerk-Treasurer Young advised they would have to amend the Town's ordinance to include the section that the State Legislators added to the bill regarding the use of funds. Councilmember Crocker asked that this topic be on next month's meeting agenda for follow-up.

BOARDS AND COMMISSIONS REPORTS

1) BROWN COUNTY VOLUNTEER FIRE DEPARTMENT REPORT

A representative was not present to give a report.

2) REDEVELOPMENT COMMISSION REPORT

A. RIVERFRONT LICENSE RENEWAL – 3 BIG WOODS BREWERY LOCATIONS

Administration Manager Carr advised the Council had before them a letter addressed to the State Alcohol Board recommending that the three Big Woods Brewery locations are allowed to renew their Riverfront District License. President Gore explained that the Redevelopment Commission has given their favorable recommendation for the renewals.

Vice-President Gredy made a motion to have Town Council President Gore sign the recommendation letter. Councilmember Rudd seconded the motion. All were unanimously in favor.

3) PARKING AND PUBLIC FACILITIES COMMISSION REPORT

Administration Manager Carr reported the Commission met on Tuesday and they are seeking bids for the replacement of the burning bushes in the Washington Street parking lot. They are also seeking bids to replace the faucets in the Old School Way and Mound Street restrooms. Administration Manager Carr reported that Town Attorney Roberts has been reviewing the Washington Street parking lot covenants and they may be able to install a rock wall or spilt rail fence in place of the bushes.

Administration Manager Carr advised that the Commission is still working on the map changes with BC CVB Director Jane Ellis. They plan on having the new maps installed throughout town by August 1, 2019.

4) TOWN PARK COMMISSION REPORT

Vice-President Gredy advised the Commission met today and discussed recycled benches with Solid Waste Director Phil Stevens and Keep Brown County Beautiful Representative Kathy Paradise. They looked at the cost of the benches to be installed in the new town park. Administration Manager Carr requested that Town Hall be a drop off location for plastic lids that are turned into recycled benches. The Council agreed to this and the lids will then be taken to Brown County Solid Waste for processing. Councilmember Crocker would like to encourage the inns and hotels to save the caps. Administration Manager Carr explained it takes two hundred pounds of caps to make one bench. Discussion.

Councilmember Hofstetter reported that they can ask for sponsorship of the benches at the new town park. A plaque would be installed on the bench designating who purchased the bench for the town.

Administration Manager Carr announced that the Tree Board will be having their Arbor Day tree planting at the new town park on Friday, April 26, 2019 at 2pm. She invited the Town Council and all others to attend the event.

5) DEVELOPMENT REVIEW COMMISSION

Administration Manager Carr advised the Commission met on Tuesday and she approved two sign applications and one Certificate of Appropriateness in-house. The Commission discussed the DRC guidelines and agreed to work on the first nine sections of guidelines. They will be looking at current ordinances with the guidelines to make sure they agree. Administration Manager Carr reported that the DRC will have another work session on May 21, 2019 at 5pm with the regular meeting to follow.

A. HISTORIC PRESERVATION ORDINANCE

DRC Member David Martin spoke and said he is in a difficult position as the DRC doesn't want to continue to work on the Historic Preservation Ordinance, but he feels they spent a lot of time on it with nothing happening. Mr. Martin has counted at least nine historic buildings that have been demolished or burned down since he and his family moved here in 1969.

Mr. Martin explained that they have a model preservation ordinance from Indiana Landmarks which has a very good reputation. Indiana Landmarks has been working hard in Brown County to preserve historic buildings and properties. He encouraged the Council to adopt the Historic Preservation Ordinance and if it is flawed, they can amend it later. Mr. Martin noted that over 50 municipalities in Indiana use this model ordinance. He asked the Town Council to ask Town Attorney Roberts what he thinks of this ordinance.

Town Attorney Roberts advised that he has put a lot of time and effort in customizing the model ordinance to fit the Town of Nashville. He proposed some shortcuts such as using the DRC as the Historic Preservation Commission and establishing an interim historical district that is the same area as the Village District. Town Attorney Roberts reported there are things they need to do to bring their nuisance ordinance up to date. He noted there is a limit to what government can tell a citizen to do with their property and are limited to health and safety. Town Attorney Roberts advised they also need to look at defining what historical is such as a fifty year plus building.

Town Attorney Roberts asked Council for direction as to the Historic Preservation Ordinance. Discussion. Town Attorney Roberts went over draft number six of the ordinance with the Council and explained the Village District is also the Historic Preservation District. There will not need to be a study or notice sent to the property owners that they are in this district. He noted this ordinance does not include residential buildings at this time. Discussion.

Councilmember Rudd made a motion to approve the ordinance. The motion died for a lack of a second. Councilmember Hofstetter commented that the current draft of the ordinance puts a lot of responsibility on the DRC volunteers. She believes another entity needs to take that on. Mr. Martin commented that he believes Indiana Landmarks would be willing to evaluate the buildings in the historic district and rank them as appropriate. He added that they would also need someone on a local level that could give more information on the buildings in the historic district.

Councilmember Crocker commented that she is against passing an ordinance and having to make changes later. She would like to see it right the first time. Councilmember Hofstetter agreed. Discussion.

Administration Manager Carr presented draft number six of the Historic Preservation Ordinance. Town Attorney Roberts explained the Council must have a first and second reading of the ordinance before the Council can vote to adopt the ordinance. Councilmember Hofstetter commented that this is a contentious topic and they need to look at the ordinance with a fine-tooth comb. Discussion.

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President Gore asked the Council what they want to do at this point. Councilmember Crocker suggested they push the DRC to work on the ordinance and present a recommendation to the Council. Councilmember Hofstetter asked about creating a Historic Preservation Commission and Town Attorney Roberts explained he tied the HPC to the DRC to make it simpler. Town Attorney Roberts advised the Town's current Historical Preservation Ordinance is four or five paragraphs in the DRC section. Discussion.

Councilmember Rudd made a motion to have the first reading of the ordinance. Councilmember Hofstetter asked that the ordinance be read in its entirety. Vice-President Gredy seconded the motion. All but Councilmember Crocker voted in favor of the motion and the motion passed 4-1.

RECESS

A recess was called from 7:44pm-7:50pm

Councilmember Hofstetter made a motion to read the Historical Preservation Ordinance draft number six in its entirety. The motion died for lack of a second.

Councilmember Rudd made a motion to have a first reading of Ordinance 2019-02 the Historical Preservation Ordinance by title only. Vice-President Gredy seconded the motion. Councilmember Rudd and Vice-President Gredy voted in favor of the motion. President Gore and Councilmember Crocker did not vote in favor of the motion. Councilmember Hofstetter abstained. The motion did not pass.

Councilmember Crocker wants to have the DRC to continue working on this and she noted it will take time.

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

No further presented

OLD BUSINESS

1) ORDINANCE 2019-01 AN ORDINANCE CONCERNING LOT SIZE

Town Attorney Roberts reported a public hearing was held before the Area Plan Commission. The APC has recommended and certified that the ordinance be passed. The County Surveyor suggested that the lot width should be a minimum 59 ½ feet and he has made that change to the ordinance before the Council.

Councilmember Crocker made a motion to have the first reading of Ordinance 2019-01 by title only. Councilmember Hofstetter seconded the motion. All were unanimously in favor. Councilmember Crocker read aloud Ordinance 2019-01 by title only.

Councilmember Rudd made a motion to suspend the rules and have the second reading of Ordinance 2019-01 by title only. Councilmember Hofstetter seconded the motion. All were unanimously in favor. Councilmember Crocker read aloud Ordinance 2019-01 by title only.

Councilmember Rudd made a motion to adopt Ordinance 2019-01 by title only. Councilmember Hofstetter seconded the motion. All were unanimously in favor.

2) ANY OTHER OLD BUSINESS TO COME BEFORE THE COUNCIL

Nothing further presented.

REPORTS

1) CLERK-TREASURER – BRENDA YOUNG

A. CERTIFICATION OF FINANCIAL REPORTS

Clerk-Treasurer Young presented the certification of the receipt and review of all the monthly financial reports for the Town Council to sign.

B. USDA WATER AND SEWER REPORTS

Clerk-Treasurer Young reported that they are currently working on the USDA water and sewer reports.

C. STATE BOARD OF ACCOUNTS TRAINING

Clerk-Treasurer Young reported that she attended the State Board of Accounts training session last week. With the new information she received, we will be doing more work with the Town's fixed assets and tracking items.

2) UTILITY MANAGER – SEAN CASSIDAY

A. PAVING UPDATE

Utility Manager Cassiday advised he has a pre-contract meeting on Tuesday of next week with Milestone who was awarded the project. They are looking at a start date of May or June to pave Old State Road 46 and McGee Road. Milestone is also doing some work for the County and would like to coordinate the projects around the same timeline if possible.

B. DUKE METER CHANGES

Utility Manager Cassiday reported that Duke Energy will be changing out the residential electric meters throughout the Town and the County. Duke Energy will be using wireless meters to allow them to read the meters quicker and allow for the customer to better track their electrical usage.

3) ADMINISTRATION MANAGER – PHYLLIS CARR

A. BID OPENING – EQUIPMENT DISPOSAL ITEMS

Administration Manager Carr opened the following bids for the Town property to be sold and Police Chief Seastrom read aloud the bids:

- Ford 420 Backhoe \$300
- T655 Asphalt Paver \$1,700
- Ford 420 Backhoe \$400
- 1998 Chevy 3500 Flatbed \$250
- 2000 Chevrolet 2500 Utility Truck \$325
- 1996 Ford F250 Flatbed \$200
- 1998 Chevrolet 3500 Flatbed \$500
- 2006 Chevrolet 2500 Utility Truck \$150

Councilmember Crocker made a motion to give Town Administration permission to sell the items. Councilmember Rudd seconded the motion. All were unanimously in favor.

B. RIGHT-OF-WAY PERMITS

• SHRINERS PARADE – JUNE 8, 2019

Administration Manager Carr presented the Shriner's parade request for June 8, 2019. Vice-President Gredy made a motion to approve the Shriners Right-of-Way permit. Councilmember Hofstetter seconded the motion. All were unanimously in favor.

C. SCOOTER REGULATIONS

Administration Manager Carr advised that the Council had in their packets information concerning scooter regulations in Indianapolis and Bloomington. She wanted the Council to be aware of the possibility of scooters being brought to Nashville and what regulations they might consider. Discussion.

Town Attorney Roberts advised they are probably justified keeping the scooters off the sidewalks and otherwise they should treat them as any other motorized vehicle. Discussion.

Councilmember Hofstetter would like to see a bike share program in town. Discussion. Town Attorney Roberts commented if the scooter business rental comes to Nashville they will have to obtain a business license.

D. PEDICABS

Utility Manager Cassiday reported that he received a call today about someone wanting to know about operating pedicabs in town. He advised they have a good ordinance concerning pedicabs operating in Nashville. Town Attorney Roberts explained how the ordinance came about. Utility Manager Cassiday advised the pedicab license allows for three people to ride at one time and there is only one license available in the town. Discussion.

4) TOWN ATTORNEY – JIM ROBERTS

A. TRAFFIC VIOLATIONS ORDINANCE

Town Attorney Roberts reported that he and Police Chief Seastrom have been working on this ordinance and will shoot for June to prosecute their first traffic case through the Circuit Court as ordinance violations. The civil penalties will go to the Town in the amount of \$85-\$100 per case. Town Attorney Roberts advised he has found a statute that allows them to create a Municipal Attorneys Diversion Program.

Councilmember Crocker asked if the newspaper would run a story on crosswalks. Brown County Democrat Editor Sara Clifford advised she has written several articles on this but will do it again. Discussion.

B. FEDERAL LAWSUIT

Town Attorney Roberts reported that Brown County Water Utility has a federal lawsuit against the Town and the case is set for trial on June 3, 2019. The plaintiffs (Brown County Water Utility) have moved to continue the pre-trial conference which is scheduled for next week but there has been no ruling on this motion. Town Attorney Roberts asked if the Council wanted to move forward with the trial or ask for a motion of continuance. Town Attorney Roberts explained the process and advised they are looking at about \$10,000 - \$12,000 worth of Bose-McKinney attorney time for preparation for the trial. They do have a pending motion for summary judgement to throw out the case. Town Attorney Roberts does not believe the Town will get a summary judgement and recommended to the Council that they move forward with the trial preparation.

Vice-President Gredy made a motion to move forward with the trial preparation. Councilmember Rudd seconded the motion. All were unanimously in favor.

C. BROWN COUNTY WATER UTILITY RATE INCREASE

Town Attorney Roberts reported that Brown County Water Utility has petitioned the Indiana Utility Regulatory Commission to adjust their rates. Their plan is to drop water rates for their customers by

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17% and to finance this they will increase their wholesale water rate by 154%. This translates from \$1.75 to \$4.07 per thousand gallons. BCWU also wants to increase the monthly service fee of wholesale customers from \$11,000 to \$21,000 per month. Town Attorney Roberts noted that Nashville Municipal Utilities is the only wholesale customer of BCWU. Utility Manager Cassiday explained that currently the Town is only getting water from BCWU. Discussion.

Town Attorney Roberts explained that their counsel, Christopher Janak of Bose McKinney law firm, suggested they do an intervention and file a cost of services analysis by June 29, 2019 with the IURC. He has asked for three estimates from experts in this field and have received two estimates of \$20,000 - \$30,000 and \$20,000 - \$50,000. Discussion.

Councilmember Rudd made a motion they allow Attorney Janak to do whatever he needs to do. Vice-President Gredy seconded the motion. All were unanimously in favor.

Discussion of other potential water opportunities for the Town.

5) POLICE CHIEF – BEN SEASTROM

Police Chief Seastrom had nothing further to discuss with the Council.

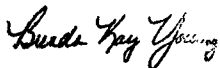
6) ANY OTHER BUSINESS THAT MAY COME BEFORE THE COUNCIL

Nothing further presented.

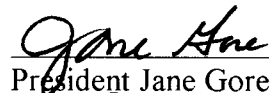
7) ADJOURNMENT

Councilmember Rudd made a motion to adjourn the meeting. Vice-President Gredy seconded the motion. President Gore adjourned the meeting at 8:55pm.

The audio recording made at the Town Council meeting on 4-18-19 is retained in the office of the Town Clerk-Treasurer.



Clerk-Treasurer Brenda K. Young


President Jane Gore


Vice-President Alisha Gredy


Councilmember Nancy Crocker


Councilmember Anna Hofstetter


Councilmember Dave Rudd