

## **NASHVILLE TOWN COUNCIL MEETING MONDAY, AUGUST 14, 2017**

**ATTENDANCE:** Council members present – President Charles B. King, Vice-President Jane Gore and Councilmember Alisha Jacoba. Council members not present – Councilmember Arthur Omberg and Councilmember Dave Rudd. Also in attendance – Town Manager Scott Rudd, Town 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 6:33pm.

2) **ROLL CALL** by Clerk-Treasurer Young.

3) **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**

President King welcomed the audience members to the public hearing regarding the annexation of 418 Old State Road 46 into the Town of Nashville. He explained they will hear first from the petitioner, then those in favor of the annexation and then those opposed or that have questions. President King noted this is a request from the petitioner to annex the property with parcel # 07-07-17-300-123.000-004 containing 231.27 acres into the Town of Nashville. He advised this property adjoins their previously annexed property to the east.

Town Attorney Roberts explained the owners of the property have petitioned the Town to take this property into the jurisdiction into the Town. The legal procedure that they are following is set out in IC 36-4-3-5.1 and this is commonly known as a Super Voluntary Annexation as one hundred percent of the owners of the property have asked to have the property annexed into the Town. Town Attorney Roberts advised that just because the owners have asked for the annexation it does not give them an automatic annexation. If the Town does not annex the property, the petitioners have a right to go to court and review if the Town was physically and financially able to provide the services to the area that would be required. Town Attorney Roberts explained after this hearing there is another phase; the Town must also have a fiscal study done if they are considering annexation of the property. This must be done prior to an annexation ordinance being adopted. Town Attorney Roberts presented a draft annexation ordinance to the Council to allow for its introduction this evening.

Town Attorney Roberts commented that many in the audience are concerned about land use; however the Town's decision to annex or not to annex the property is not a zoning decision. If the property is annexed, the Town will accept the property as it is zoned. Any changes to the zoning will require a public hearing and a recommendation by the Area Plan Commission. Town Attorney Roberts believes the property is currently zoned as R2, which is basically a residential use. This would not allow high rises and such.

President King cautioned everyone to direct questions to the Council and not the petitioner. President King then opened up the floor to the petitioner Ed Ryan.

Mr. Ryan addressed the Council and explained they are requesting the annexation as they believe it is the right thing to do. They could not do this project without sewer from the Town of Nashville and because of that they think they should get their water from the Town of Nashville. Because of this, they

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believe they should be annexed into the Town and all of this will result in them paying more to do this project.

Mr. Ryan then presented drawings of the outlay of the project and the area requested to be annexed into the Town. He explained that the majority of the property will continue to be forest land to be enjoyed by visitors to the site without significant changes. He advised they have applied for a zoning change to 17 acres of the property to allow for access to the site from Old State Road 46 rather than Memorial Drive as they originally planned.

President King asked if there was anyone else that wanted speak in favor of the annexation. There were no others that asked to speak. President King then asked if anyone wanted to speak against the annexation or that had questions.

Kenneth Bethards of 845 Mail Pouch Lane advised they live adjacent to the property that is being considered for annexation. He asked what the petitioners plan to do with the property that is near their home and he has heard that the area may be used for trails. Mr. Bethards is concerned that mixing alcohol with trails near his home would be a problem.

Mr. Bethards also spoke about problems with city water in the past and how will this new business impact the water in this area. He also talked about drainage in the area but if they do not plan to build in this area near his property this should not be a concern. Town Utility Manager Cassiday asked what water issues they are having. Mr. Bethards advised they have had water pressure issues on multiple occasions in the last two years. Town Utility Manager Cassiday advised the water usage from the new business shouldn't affect Mr. Bethards water pressure as they will be using a different line. As to the recent loss of water pressure in the area it was due to other water issues in the system. President King advised they will address Mr. Bethards questions after others have had a chance to speak.

Ms. Tricia Bock asked if the procedure to have a public hearing on an annexation is to hear from the people and then the Council makes a decision to annex or not. President King answered this is basically correct. She has asked why in testimony in June to the State Water Regulatory Commission, why was the 230 acres already included in this document.

President King then asked three times if there was anyone else that would like to speak against the project or voice concerns. There were no others that asked to speak. President King closed the Public Hearing at 6:52pm.

President King answered Ms. Bock's question first and advised the maps were drawn up in 1977 by the Brown County Water Company. At that time it was determined that Firecracker Hill and all that land in this area was potentially serviced by Nashville as we already had an existing line. In 1948 the Town had an existing line right beside the property and in 1977 they received a Federal Loan to install a six inch line on the same spot. President King explained in order to get that loan the Federal government included Firecracker Hill as a potential customer or development to justify borrowing the money which has since been paid off. President King noted the six inch line was required for fire protection.

Town Attorney Roberts added that the Town of Nashville has historically served water to people that are not within the Town boundaries. Town Utility Manager Cassiday advised they currently provide water in the Belmont area and out to Spearsville Road. Town Attorney Roberts noted that water service is not synonymous with annexation or town jurisdiction.

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Ms. Bock commented that she was talking about in the document it says the 95 acres and the 230 acres were already annexed into the Town. Town Manager Rudd and Town Utility Manager Cassidy advised this was not represented that way in the document but rather it was referring to the water territory.

President King asked Mr. Ryan to address the question concern the trails on the property. Mr. Ryan advised there are trails near Mr. Bethards' property but they are not sure what they are going to do with the area and they have a lot to figure out. Once they do open, they will control access to the property and perhaps have guided tours on the northern part of the property. Mr. Bethards' asked that four wheelers not come close to his property and asked about development in this area. Mr. Ryan commented that they don't currently have plans to develop the property in this area. As far as guided four wheeler tours led by their employees they will be cognizant of the fact they are close to neighboring homes. Mr. Ryan asked Mr. Bethards' to contact him if they have any issues in the future.

President King asked if there were any further questions. Town Attorney Roberts asked that the Council introduce the draft of the annexation ordinance at this time and suggested they do so by title only. President King offered to hear a motion to introduce the annexation ordinance, Ordinance 2017-09, by title only. Vice-President Gore made that motion. Councilmember Jacoba seconded the motion. All were unanimously in favor. Vice-President Gore read aloud Ordinance 2017-09 by title only.

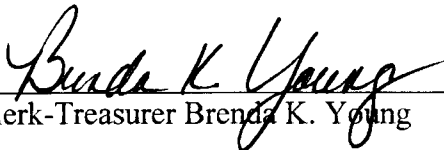
#### **4) ANY OTHER BUSINESS THAT MAY COME BEFORE THE COUNCIL**


No other business was presented. President King advised there is a regularly scheduled Town Council meeting on Thursday, August 17, 2017 and they will talk more about the annexation request and may vote to approve the execution of a fiscal plan for the property.

#### **ADJOURNMENT**


President King adjourned the meeting at 7:05pm.

*The audio recording made at the Town Council meeting on 8-14-17 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