

NASHVILLE TOWN COUNCIL MEETING

THURSDAY, JULY 20, 2017

ATTENDANCE: Council members present – President Charles B. King, Vice-President Jane Gore, Councilmember Arthur Omberg and Councilmember Dave Rudd. Council member not present – Councilmember Alisha Jacoba. Also in attendance – Town Manager Scott Rudd, Town Utility Manager Sean Cassiday, Administration Manager Phyllis Carr, Town Attorney Jim Roberts, Assistant Police Chief Tim True, Clerk-Treasurer Brenda Young and Deputy Clerk-Treasurer Debbie Ferry.

COUNCIL BUSINESS – 6:30pm

1) CALL TO ORDER by Councilmember King at 6:31pm.

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

Councilmember Omberg moved to approve the agenda as presented. Vice-President Gore seconded the motion. All were unanimously in favor.

5) NOTES TO NOTE

President King reported he saw a woman pull into the Washington Street parking lot and put her trash in the Town's trash bin and drive off. He reminded everyone that the Town trash barrels are not for people to throw their household use.

President King addressed a couple of issues. He explained that regular meeting agenda notices are not required to be in the newspaper. They must post the meetings 48 hours prior to the meeting and post the notice in a public place. President King explained their public place is the bulletin board out front. President King noted the same time line and process applies for Executive Sessions.

6) APPROVAL OF THE MINUTES – 6-15-17, 6-27-17 AND 7-13-17 MEETINGS

Councilmember Omberg moved to approve the minutes of the 6-15-17, 6-27-17 and 7-13-17 meetings. Vice-President Gore seconded the motion. All were unanimously in favor.

7) CLAIMS

Councilmember Omberg advised that he reviewed the claims and asked if someone broke a mirror at the police department as there is a \$200 claim for a broken mirror. Assistant Police Chief True explained that back in May one of the police officers was run off the road and clipped a fence post with the passenger side mirror.

Councilmember Omberg asked Utility Manager Cassiday about a bill from Jack Todd Paving in the amount of \$4,500 for water leak repairs. Utility Manager Cassiday advised this work was to do paving after water leak repairs at the High School, the Courthouse and a repair on a driveway on Artist Drive.

Councilmember Omberg made a motion to approve the claims for the period from 6-09-17 to 6-30-17 and for the period of 7-01-17 to 7-13-17. Vice-President Gore seconded the motion. All were unanimously in favor.

TOWN COUNCIL MEETING JULY 20, 2017

Councilmember Omberg made a motion to approve the claim from TLS.net, Inc. in the amount of \$5,517.81 for a new server to replace the server that crashed. Councilmember Rudd seconded the motion. All were unanimously in favor.

Councilmember Omberg made a motion to approve the claim from Area Appraisal Services in the amount of \$750 for appraisals of the three recently purchased properties. Councilmember Rudd seconded the motion. All were unanimously in favor.

8) COMMUNICATIONS

A. Written

• BETA REQUEST FOR FUNDS

Clara Stanley, Board President of BETA, addressed the Council and advised she is asking for \$3,000 for BETA. She explained they have moved to a new location across from the Methodist Church with a kitchen and restroom but also with a higher rent. The BETA program also wants to be open two days a week and to hire a tutor to help the students. Mrs. Stanley also advised that BETA has started the Kids on Wheels skate park project. The Brown County Community Foundation has given them a \$10,000 matching grant. She asked the Town Council to help them with funding for all these goals.

President King asked how many students participate in BETA. Mrs. Stanley reported that BETA has only been open one day a week from 3-6:30pm and they have anywhere from 25-45 kids each week. She noted they are working on future donors and fundraising. Mrs. Stanley explained the BETA program is focused on Junior High and High School students at a time when they need the most attention. Her goal is to also get a paid program director and paid office manager as she would like to see this community invest in these students.

Councilmember Omberg asked Mrs. Stanley if she has approached the school for financial help. Mrs. Stanley advised that she did talk with the school's superintendent and the school's budget was cut by 1.2 million dollars. She noted that the school also needs help and fundraising as well.

Councilmember Omberg asked Mrs. Stanley if she has asked the County Commissioners for funds. Mrs. Stanley reported that they will be talking with the County Commissioners and on August 16, 2017 they hope to get their approval for the skate park project. They will continue to work to find the best location for the skate park.

Mrs. Stanley thanked the Town Council for their financial support of BETA for the past five years and noted that education is very important and asked that the Council invest their resources in this effort.

Councilmember Omberg asked how much they gave to BETA last year. President King advised they gave \$500 to the program. Clerk-Treasurer Young advised they are getting ready to start their budget process and suggested they look at this request during the budget discussion. President King advised that they should take this request under advisement and maybe in the next several months they would have a better handle on what funds they have available. Councilmember Rudd commented that they had already decided to take all financial requests under advisement before pledging funds. Discussion. Mrs. Stanley thanked the Council for their time and consideration.

B. Audience

• **ABRAHAM OLIVER AND SKYLAR FLEISCHMAN**

Abraham Oliver introduced himself and Skylar Fleischman as the President and Vice-President of the Brown County Dance Marathon. This is a Brown County High School group that raises money for Riley's Children's Hospital in Indianapolis. Mr. Oliver explained that they do fundraisers throughout the year and hold a large event in February to celebrate the funds they have raised. He explained this is their third year and would like to target tourists to raise more funds.

Mr. Oliver asked the Council's permission to stand on the sidewalk corners of Main Street and Van Buren Street to ask tourist's for money during the summer and fall. He showed the buckets they would use to collect the funds and will be dressed in their dance marathon apparel. They would like to use the Courthouse and Hob Nob corners to ask for donations. Mr. Oliver advised they would like to do this on July 28, 2017 and August 4, 2017 from 12-3pm. They would also like to do some days in the fall but will come back before the Council for their permission. Ms. Fleischman showed the different shirts that would be worn during the fundraising. Mr. Oliver advised there would be 4-5 students with an adult supervisor during each fundraiser day. Discussion.

Councilmember Omberg advised he is hesitant to allow the students on the public right of way but encouraged them to get permission to use private property such as the old visitor center location or the court house square areas. Vice-President Gore agreed that they not do this fundraising on the public right of way. Councilmember Omberg noted they support them 100% if they can do this off of the public streets.

BOARDS AND COMMISSIONS REPORTS

1) BROWN COUNTY VOLUNTEER FIRE DEPARTMENT REPORT

Brown County Fire Department Chief Nick Kelp advised one of their fire engines had an electrical fire and it will take about 10 weeks to get it repaired since the truck is so old. He explained that they are now down to a ladder truck, brush truck and a tanker with a pump that is out of service.

BCFD Chief Kelp commented that since the turn lane was painted on Main Street and Van Buren he cannot turn a fire truck on Van Buren onto Main Street as there is not enough room in this area. He sees this as a potential liability. BCFD Chief Kelp believes if they enforce the no parking in this area by the Nashville House this will help alleviate the problem in this area.

Discussion of the stop sign that was hit near the fire department. Utility Manager Cassiday advised the town could fix the pole. Assistant Police Chief True noted that the person's insurance company can reimburse the cost of getting the pole fixed.

2) PARKING AND PUBLIC FACILITIES REPORT

Parking and Public Facilities President Lamond Martin reported they did not have a meeting this month however they do have the lighting survey and evaluation done. They will analyze the information and determine which way they want to go.

PPF President Martin advised that work on the Village Green project began on July 18th and anticipates meeting the August 15, 2017 completion date. Town Manager Rudd commented that Mr. Martin has been putting a lot of time in on the Village Green project and thanked him for overseeing the contractors on site. He also thanked Nancy Crocker for her work on this project as well.

3) ARTS AND ENTERTAINMENT REPORT

Arts and Entertainment Commission President Nancy Crocker spoke about moving the Dancers sculpture and the NAEC still wants to move this sculpture to the Pat Reilly parking lot. She noted the artist also approves of this location.

President King asked if there is a motion to move the sculpture to the Pat Reilly parking lot. Vice-President Gore made this motion. Councilmember Rudd seconded the motion. President King, Vice-President Gore and Councilmember Rudd voted in favor of the motion, Councilmember Omberg voted against the motion. The motion passed 3-1.

NAEC President Crocker reported that the Commission has been working on a grant and asked the Council's permission to apply for the grant. She noted there is no money involved and explained the consultancy grant would allow for someone from the Indiana Arts Commission to help them. If they are awarded the grant they will be given 50 hours of consultancy and hope this person can help pull together all the different groups in the county that are working on some of the same things in different ways.

NAEC President Crocker advised the Commission did submit an application for a grant with the potential of receiving \$2,500. The grant application time was only two weeks and she was unable to get the Council's permission to submit the application before the deadline.

Councilmember Omberg made a motion to approve the two grant applications. Vice-President Gore seconded the motion. All were unanimously in favor.

NAEC President Crocker thanked Mr. Martin for his work on the Village Green project. She also thanked Wheeler Electric, Wagler Excavating, and Dynamic Concrete for all their hard work and said their work was really amazing and did extra work to save the Town some money.

NAEC President Crocker reported the trench was dug for the electrical box to be moved and they will photograph the new electrical lines so that the Town will have record of lines in the area. The sidewalk next to the Village Green building has been removed and in its place a nice curb along the building has been poured. The drain in the corner has been partially removed and replaced with a new drain. They are planning to use the dug up rocks in the landscaping.

NAEC President Crocker commented if they do get other grants their goal is to put more art in the public restrooms. She noted they are also working on some other public art such as where the Brown Bike restaurant is going in and with an artist that makes fairy houses to perhaps be placed in the area of Franklin and Jefferson.

4) DEVELOPMENT REVIEW COMMISSION REPORT

Town Manager Rudd advised the DRC did not meet this month and he would like them to review and discuss the Indiana Landmarks contract before it comes to the Council.

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

Nothing further presented.

NEW BUSINESS

1) 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 advised they have received a petition for annexation and it will make the regular course as they do with any other annexation request.

Town Attorney Roberts advised the petition is a 100% ownership super annexation. According to statute the public hearing should be held within 30 days of the filing of the petition therefore the latest date for the hearing would be August 14, 2017. Town Attorney Roberts advised the notice must be published 20 days before the hearing. Discussion. Councilmember Omberg summarized, if they are not able to have the notice in the newspaper 20 days prior to the public hearing the annexation process will have to start all over.

Resident Tricia Bock commented that she didn't understand what the rush is to annex the property. Town Attorney Roberts advised that the State Legislature has created a system that if 100% of the owners are in agreement they can get a quick annexation or at least a decision. The Legislation has set up this timeline to follow for annexation.

Resident John Douglas asked who handed in the agenda late. President King advised the agenda was on time, 48 hours before the meeting, just later than they normally submit it to the paper. Mr. Douglas commented that if they are smart about this, they can give them a scapegoat for this project. He remarked if this project goes up there they are going to sue Big Woods and it will go away. Mr. Douglas commented that he does not believe this project is good for the community.

Councilmember Omberg made a motion to set the public hearing for August 14, 2017 with the understanding if they can get it into the legal section of the Brown County Democrat next week. If not able to get it published, to inform the applicant to withdraw and reapply the petition. Vice-President Gore seconded the motion. All were unanimously in favor.

Clerk-Treasurer Young asked Town Attorney Roberts if he will be preparing the notice for the newspaper. Town Attorney Roberts advised they should use their standard notice of a public hearing with the legal description in it. If Records Clerk Jones will write up the notice, Town Attorney Roberts advised he will review it and give his approval before it is sent to the newspaper.

2) ANY OTHER BUSINESS THAT MAY COME BEFORE THE COUNCIL

Nothing further presented.

RECESS A recess was called from 7:35 to 7:40pm

REPORTS

1) CLERK-TREASURER – BRENDA YOUNG

A. COUNCIL INQUIRIES

Clerk-Treasurer Young reported that she and Town Manager Rudd met with their DLGF representative today. They went over the budget numbers that Umbaugh had prepared for them, numbers the State gave to them and reviewed the budget process. Clerk-Treasurer Young advised the budget has to be adopted before November 1, 2017 and she is looking to have the pre-adoption hearing on October 5, 2017 and adopting the budget on October 19, 2017. She asked that the Council look at their calendars

as to when they can meet in August and September to discuss the budget numbers. Councilmember Rudd commented that he would like to be more involved in the budget process this year.

2) TOWN MANAGER/ECONOMIC DEVELOPMENT DIRECTOR – SCOTT RUDD

A. 5 YEAR CAPITAL IMPROVEMENT PLAN

Town Manager Rudd reported they have talked with Umbaugh about their five year capital improvement plan. They are telling them what he expected in that they will have to make some cuts to the budget. He advised they are waiting on a draft that they can review and he would like to hold a work session as soon as they have something for them to look at.

B. 2017 SIDEWALK PLANS

Town Manager Rudd reported they have a handful of landowners who have agreed to pay half of the sidewalk repairs. They are still waiting on a couple of estimates on some of the sidewalks to make sure they have an accurate assessment before they approach landowners. Town Manager Rudd noted at last week's meeting the Council approved doing some sidewalks in the Hawthorne Hills area.

Town Attorney Roberts commented that he shopped around getting an estimate for his sidewalk and the bid was \$1,000 less than what the Town's bid was. The repairs to the sidewalk are to be completed next week.

C. INSURANCE RISK CONTROL

Town Manager Rudd reported they had their annual Insurance Risk Control visit and were given two suggestions. One is to start utilizing a citizen complaint form and a form was provided for them to use and he will implement this immediately.

The other suggestion is to use a motor vehicle driving policy. A template was provided and he asked that Town Attorney Roberts review the policy and bring it back before the Council for their approval.

D. FARMER'S MARKET UPDATE

Town Manager Rudd advised there have been some meetings to allow meat and other high risk food vendors from out of the county to participate in the Nashville Farmer's Market. They were hearing from potential vendors that the fees set by the County were exorbitant and disincentive to participate. At last night's Commissioner's meeting they approved a new Farmer's Market Permit that is \$25 for a year which is a major reduction and is effective immediately.

E. TOWN HALL ROOF

Town Manager Rudd reported the repairs have been done to one area of the town hall building and some guttering issues. Lamond Martin had pointed out to him that the north and east parts of the building also need some work. Town Manager Rudd thinks he has a bid of \$2,700 to do this work and recommended the work be done by Robertson Construction. Councilmember Omberg asked where the money is coming from and Town Manager Rudd advised it would be from the building maintenance fund.

Councilmember Rudd made a motion to approve to go forward with the work and spending up to \$3,000. Vice-President Gore seconded the motion. All were unanimously in favor.

F. TOWN PARK

Town Manager Rudd thanked Vice-President Gore for donating all her services on the Town's behalf in the purchasing of the properties that will be turned into the new Town park.

Town Manager Rudd noted that Vice-President Gore and Councilmember Rudd were out looking at the property the other day. Vice-President Gore commented that the logs on the cabin were not in as bad of shape as they thought they were. Councilmember Rudd suggested they remove the buildings on the property as soon as possible and the cost to remove the buildings will be approximately \$4,000. This cost will be to remove the two trailers, the sheds and the carport from the cabin. They will also remove a couple of trees in the area. Councilmember Rudd explained the quote is from Wagler's Excavating which the town already has a service contract with. The Town will need to provide the dumpsters and pay the dumpster fees which he believes will be no more than \$1,200.

Councilmember Omberg asked if they are giving the log cabin to the historical society. Councilmember Rudd and Vice-President Gore advised that they should think about this and decide what they want to do with the log cabin. Discussion. Town Attorney Roberts advised they may be required to follow the Town's historical building procedure before they do anything with the building. President King provided some history on the building and reported it was built in 1939.

Councilmember Omberg suggested they secure the building so that the only access is through the keyed front door. The other Councilmembers agreed.

Councilmember Rudd made a motion to allow Town Manager Rudd to go ahead and get the demolition done and to spend up to \$5,000. He noted that he checked with Clerk-Treasurer Young and they do have the funds available to spend on this project. Vice-President Gore seconded the motion and asked what other work will be done. Councilmember Rudd and Town Manager Rudd advised two trees will be removed: one right in front of the cabin that has dead limbs and the silver maple tree that is also dying. They will also need Stinson's tree service to drop the tree near the cabin for Wagler's to remove. Nancy Crocker suggested they recycle any metal, window air conditioners or any other items rather than putting them a landfill. Town Manager Rudd asked the Council's permission to surplus items that are safe to do so. Councilmember Rudd added to his previous motion to allow Town Manager Rudd to surplus items. Vice-President Gore seconded the motion. All were unanimously in favor of the motion.

President King commented that they will need to contract with someone to mow the property on a regular basis. Vice-President Gore advised they have talked with the Town's contractor Todd Baker and he has this area on his schedule. President King said that he would like to get some new trees planted in this area so that when they do build the park they will be at least a couple years old. Town Manager Rudd reported that he spoke with the Tree Board about planting trees in this area and they are looking to purchase some trees to plant in the fall.

Councilmember Omberg talked about moving some of the dirt in the park and sloping the property to where it is not a hole. Councilmember Rudd believes some of this can be done when they clean up the trailers in the area.

G. IU INTERN – ZAC HUNECK

Town Manager Rudd announced the Town has a new IU graduate student intern, Zac, who is working on putting all the information together on the new town park. He is researching paths, benches, picnic tables, lighting, rain garden, landscaping and drainage.

TOWN COUNCIL MEETING JULY 20, 2017

Councilmember Omberg asked if Town Manager Rudd had talked to the owners of the new potential Brown Bike restaurant about parking in this area. Discussion.

3) UTILITY MANAGER – SEAN CASSIDAY

A. UPDATE ON WATER CIP GRANT

Utility Manager Cassiday passed out a draft letter for the Council to approve to send to OCRA to push out the closing date. The original closing date was set with the thought all the work would be done by July 2017. This letter will need to be filed with OCRA to extend the date out to the end of October 2017. President King signed the letter on the behalf of the Town Council.

B. 2018 COMMUNITY CROSSINGS PAVING

Utility Manager Cassiday advised that all the paperwork has been filed for the next round of grant money. He worked with Clerk-Treasurer Young to review the budget and were able to come up with \$80,000-\$82,000 to go toward the 25% match for the grant. Utility Manager Cassiday reported they will use the funds to pave 6 roads in town as well as the possible widening of Hawthorne Drive at the State Road 46 entrance. Discussion.

President King commented that even if the Maple Leaf performing art center is not built, they should consider making Hawthorne Drive a three lane road anyway. Discussion.

C. SEWER HOOK-ON REQUEST – UPDATE

Utility Manager Cassiday reported on the Stargell's request to hook up to the Town's sewer system. The Stargell's and three neighbors asked for the Brown County Regional Sewer District's permission to hook up to the Town's sewer line and were approved to do so. Utility Manager Cassiday also reported the Brown County Regional Sewer District also gave approval for Big Woods property to be hooked up to the Town's sewer line.

Councilmember Rudd asked about the sewer rates for the Stargell's and neighbors. Utility Manager Cassiday advised they will pay the out of town sewer rates. Vice-President Gore asked if they have decided who will pay the cost of the electric for the lift station. Utility Manager Cassiday reported they have not resolved this yet but is the next step. Discussion.

4) POLICE CHIEF – BEN SEASTROM

A. COUNCIL INQUIRIES

President King asked that the Police Department make a concerted effort to enforce the loading and unloading area near the Nashville House. Utility Manager Cassiday commented if the trucks parked further east toward the alley this would allow for better traffic flow in the area. Assistant Police Chief True said they will do so.

5) TOWN ATTORNEY – JIM ROBERTS

A. TOWN COURT

Town Attorney Roberts prepared an ordinance concerning the Town Court and forwarded it to Police Chief Seastrom for his review. Town Attorney Roberts explained that statutorily they aren't allowed to process moving violations through their violations bureau which is basically the Clerk-Treasurer's office that takes the money. To resolve these matters he has set up a diversion program that gives the defendant a substantial discount of the regular fine.

TOWN COUNCIL MEETING JULY 20, 2017

Assistant Police Chief True advised he has read through the ordinance a few times, met with Town Attorney Roberts and Judge Stewart. He agrees with the diversion program and believes people will want to go this route. Assistant Police Chief True noted that Police Chief Seastrom is also in agreement with this ordinance. Discussion.

Assistant Police Chief True asked what more is needed from the Police Department concerning the ordinance. Town Attorney Roberts asked for additional input on the fees, the Department will also have to prepare forms that advise people that get tickets the procedures that are set out. Assistant Police Chief True advised they will try to have this prepared for the Town Council's next meeting.

B. COUNCIL INQUIRIES

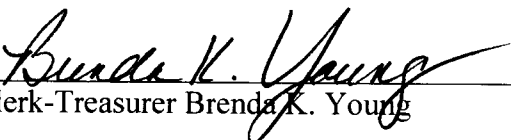
NAEC President Crocker asked Town Attorney Roberts about the contract he reviewed regarding the artists doing work at the Village Green and wondered if the Town Council needed to approve the contracts. Town Attorney Roberts believes that Administration Manager Carr is authorized to contract up to a certain number of \$ and he prepared those contracts to allow for Administration Manager Carr's signature on behalf of the Town.


Town Attorney Roberts reported the Town has received a couple of Tort Claim notices and reminded the staff that these notices should be forwarded to the Town's insurance company even if it is clear we do not have any liability.

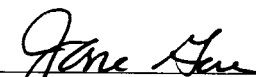
ADJOURNMENT

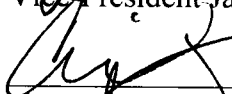
Councilmember Rudd moved to adjourn the meeting. Councilmember Omberg seconded the motion. President King adjourned the meeting at 8:27pm.


The audio recording made at the Town Council meeting on 7-20-17 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