

## MINUTES OF A MEETING OF THE CLARKSVILLE TOWN COUNCIL HELD ON SEPTEMBER 15, 2008

A meeting of the Clarksville Town Council was called to order on September 15, 2008, at 7:00 P.M. in the meeting room of the Clarksville Municipal Center Administration Building by Council President Paul Kraft, who chaired the meeting.

Council members present: Paul Kraft, Greg Isgrigg, Raymond Richert, Don Tetley, Bob Popp and David Fisher. Council members absent: Vicki Appleby.

Also present at the meeting: Assistant Fire Chief Brent Wilson, Police Chief Dwight Ingle, Street Commissioner Donald Hansford, Town Engineer Tom Clevidence, Mike Otto representing the Town's wastewater treatment facility management firm, Redevelopment Director Rick Dickman, Planning Consultant Sharon Wilson, Parks Superintendent Brian Kaluzny, Building Inspector Bob Polston, Council Administrative Assistant Trish Fraser, Town Attorney Chris Sturgeon, Clerk-Treasurer Gary Hall, and Natalie Isgrigg.

President Kraft thanked the Street, Fire, and Police Department employees for their hard work in connection with the windstorm damage on Sunday night, advising that Clarksville had not yet been declared an emergency area.

**Approval of Ordinance No. 2008-G-03 Vacating Right-of-Way...** Attorney Chris Sturgeon presented to the council for consideration a proposed ordinance numbered 2008-G-03 authorizing the vacation of a right-of-way pursuant to a petition filed by Jesse Ballew which was tabled at the last meeting. The council was advised that, pursuant to the council's request, a sufficient surety had been provided the Town. A motion was made by Council Member Isgrigg to consider the adoption of the proposed ordinance on its first reading at this meeting. The motion was seconded by Council Member Tetley and carried by unanimous vote. A motion was made by Council Member Isgrigg, seconded by Council Member Tetley and unanimously carried to adopt Ordinance No. 2008-G-03.

**Reduction of Letter of Credit...** Attorney Greg Fifer, of the law firm of Fifer & Applegate, appeared on behalf of the Robert Lynn Company, presented a zoning commitment for acceptance by the Town Council, requested a release of the existing letters of credit on Meyer Manor subdivision totaling \$829,602.00, and offered a replacement letter of credit in the amount of \$240,000.00. Attorney Fifer stated that his client would not request any building permits for Section Two of the subdivision until a letter of credit was provided to and accepted by the Town Council in connection with the completion of Section Two. A motion was made by Council Member Isgrigg to accept the zoning commitment. The motion to accept the zoning commitment was seconded by Council Member Fisher and carried by unanimous vote.

**Approval of Ordinance No. 2008-Z-04 Rezoning Property...** Planning Consultant Sharon Wilson advised the council that the Planning Commission had approved a favorable recommendation from the for a zoning classification change. A motion was made by Council member Fisher to consider Ordinance No. 2008-Z-04 rezoning property in Meyer Manor from R-2 to B-1, seconded by Council member Isgrigg, and carried by unanimous vote. A motion was made to adopt Ordinance 2008-Z-04 by Council member Fisher, and seconded by Council member Isgrigg, and carried by unanimous vote.

**Approval of Resolution 2008-R-11** ... Dani Cummins, Director of the Falls of the Ohio Foundation, appeared before the Council explaining that the Francisco property had been donated to the Foundation but the Foundation wasn't in a position to do anything with the property. She explained that by the town purchasing the Francisco property it would help the foundation funds for new exhibits. Town Attorney Sturgeon then read the proposed Resolution No. 2008-R-11 authorizing the purchase for the price of \$250,000.00. A motion was made by Council member Isgrigg to adopt Resolution No. 2008-R-11 authorizing the Town's purchase of the Francisco property for the price of \$250,000.00. The motion was seconded by Council member Tetley and carried by unanimous vote.

**Adoption of Ordinance No. 2008-BUD-06**... Council member David Fisher explained that the reason for the requested additional appropriation was to reimburse the Town's user fee fund for the bullet proof vests that were purchased earlier this year. A motion was made by Council member Fisher to consider Ordinance No. 2008-BUD-06 for adoption on its first reading. The motion was seconded by Council member Richert and carried by unanimous vote. A motion was made by Council member Fisher to adopt Ordinance No. 2008-BUD-06, seconded by Council member Richert, and carried by unanimous vote.

**Recommendation to Call on a Developer's Letter of Credit to Complete Streetlight Installation**... Council President Kraft explained to Sharon Wilson that he had received a phone call from a resident on Gutford Road in the new development of Gutford Woods I, that there had not been streetlights installed by the developer as she was promised. Sharon Wilson explained that the developer was Gary Brinkworth and that the Town's Planning & Development Department had been dealing with this situation for over a year now, and gave the recommendation of calling the developer's letter of credit.

**Approval of Ordinance No. 2008-ST-01**... Town Attorney Chris Sturgeon presented a proposed ordinance lowering the speed limit on Eastern Boulevard from 30 mph to 20 mph during the construction. Following discussion a motion was made by Council member Popp to consider Ordinance No. 2008-ST-01 for adoption on its first reading at this meeting. The motion was seconded by Council member Tetley and carried by unanimous vote. A motion was made by Council Member Popp to adopt Ordinance No. 2008-ST-01, seconded by Council member Tetley and carried by unanimous vote.

### **Department Reports**...

*Fire...* Assistant Fire Chief Brent Wilson reported that they had 100-120 emergency runs on Sunday due to the Windstorm.

*Wastewater Treatment Plant...* Mike Otto reported that following the windstorm, some lift stations were without backup generators and were not working and that there had been some damage to the Wastewater Plant, stated that no back-ups or overflows had occurred, and advised of the number of overtime hours worked in connection with the windstorm damage to date.

*Planning/Zoning...* Sharon Wilson requested approval and execution of the Storm Water Pollution Control Agreement between the Town and Bob Lynn. This agreement includes Meyer Manor Phase 1, Regency Villas, and the commercial areas on both sides of Westmont Drive on the south side of Highway 311. A motion was made by Council member Isgrigg, to approve the agreements, seconded by Council member Popp and carried by unanimous vote.

*Parks...* Superintendent Brian Kaluzny informed the council of the damages to the parks, aquatic center, and the little league field.

*Sister Cities...* Administrative Assistant Trish Fraser reported that the visitors from Bewedly, England, had arrived and invited the council to Wooded View for lunch for their version of the Ryder Cup, and thanked Council member Isgrigg, and Council Member Popp for participating in this event.

**Approval of Service Agreement with Duke Energy Approved for Street Lights on Veterans Parkway**... Administrative Assistant Trish Fraser also presented for council consideration a proposed service agreement with Duke Energy for street lights on Veterans

Parkway at Bass Pro Drive, providing for monthly maintenance and electricity for the total cost of \$30.00. A motion was made by Council member Richert to approve the service agreement. The motion was seconded by Council member Tetley, and carried by unanimous vote of the council.

**Council Comments**... Council member Fisher reported that Council member Appleby was without power following the windstorm and was sending her regrets for not attending the meeting. He also reported that Duke Energy was doing everything they could to restore the power and asked everyone to just be patient. He also informed the council that he would not be attending the Wednesday night joint meeting with the Town Council and the Redevelopment Commission.

Council member Isgrigg asked a question about the joint meeting of the Town Council and Redevelopment Commission which had been scheduled and made a motion to cancel the upcoming joint meeting. The motion to cancel the joint meeting was seconded by Council member Richert. Following discussion about the purpose of the meeting and possible alternative dates for the meeting, a vote on the motion to cancel the meeting was taken and the vote was tied at three ayes and three nays, with Council members Isgrigg, Richert, and Fisher voting aye in favor of adopting the motion to cancel the joint meeting and Council members Kraft, Tetley and Popp voting nay in opposition to the motion to cancel the joint meeting. Clerk-Treasurer Gary Hall was asked to cast a vote to break the tie, and the Clerk-Treasurer abstained from the vote on this motion.

**Approval of Claims**... Accounts payable registers presented for approval consisted of Town current claims numbered from zero through 78 in the amount of \$87,551.81. Town and Wastewater/Stormwater utility gross payroll issued 9/12/08 in the amount of \$328,728.77, Wastewater/Stormwater utility pre-approved claims numbered one through 6 issued 8/29/08 in the amount of \$597.87, Wastewater/Stormwater utility pre-approved claims numbered 1 issued 9/4/08 in the amount of \$100.00, Wastewater/Stormwater utility pre-approved claim numbered 1 issued 9/9/08 in the amount of \$629.21. Wastewater/Stormwater utility pre-approved claims numbered 1 through 6 issued 9/11/08 in the amount of \$14,012.37, Wastewater/Stormwater utility pre-approved claims numbered 1 through 3 issued on 9/12/08 in the amount of \$6,722.11, and Wastewater and Wastewater/Stormwater utility current claims numbered one through 29 in the amount of \$61,693.47. A motion was made by Council Member Fisher to approve the accounts payable registers presented. The motion was seconded by Council Member Popp and carried by unanimous vote.

**Adjournment**... There being no further business to come before the Council at this time, on a motion made by Council Member Popp, seconded by Council Member Fisher and carried by unanimous vote, the September 15, 2008 meeting of the Clarksville Town Council was adjourned at 7:45 P.M.

Minutes prepared by the Clerk-Treasurer of the Town  
of Clarksville, Indiana

Minutes approved by the Clarksville Town Council on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Gary P. Hall, Clerk Treasurer  
Of the Town of Clarksville, Indiana

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Gregory L. Isgrigg, President  
Clarksville Town Council