

MINUTES OF A MEETING OF  
THE CLARKSVILLE TOWN COUNCIL  
HELD ON APRIL 19, 2010

A meeting of the Clarksville Town Council was called to order on April 19, 2010, at 7:00 P.M. in the meeting room of the Clarksville Municipal Center Administration Building by Council President Gregory Isgrigg, who chaired the meeting.

Council members present: Gregory Isgrigg, Paul Kraft, Vicki Appleby, Raymond Richert, Donald Tetley, David Fisher and Bob Popp. Council members absent: None. Also present at the meeting: Assistant Fire Chief Thomas Upton, Police Chief Dwight Ingle, Street Commissioner Donnie Hansford, Director of Engineering & Stormwater Tom Clevidence, Matt Taylor representing the Town's wastewater treatment facility management firm, Redevelopment Director Richard Dickman, Planning Director Sharon Wilson, Building Inspector Bob Polston, Code Enforcement Officer Jeff Spainhour, Parks Superintendent Brian Kaluzny, Council Administrative Assistant Trish Fraser, Town Attorney Chris Sturgeon, Clerk-Treasurer Gary Hall, and Deputy Clerk-Treasurer Roberta McLemore.

**Approval of Minutes...** A motion was made by Council Member Kraft to approve the minutes of the regular meeting of the council held on April 5, 2010. The motion was seconded by Council Member Tetley and carried by unanimous vote.

**Approval of Ten-Year Tax Abatement for Property Located at 1030 Eastern Boulevard...** Mr. Russell Gaye and his attorney, Mr. Charles Murphy, requested the Town Council to take steps to sign any necessary documents which would allow the County Auditor to implement the ten-year tax abatement which was previously discussed by the Redevelopment Commission and the Council for the property located at 1030 Eastern Boulevard after that area was declared by the Council to be an economic development target area in 2008. Discussion followed in which the Council reviewed events regarding the request. The Council determined that although there was no record of signed paperwork documenting the request or approval for a ten-year abatement for the property in question, both Council Member Fisher and Council Member Richert recalled that at the time of the initial request in 2008 it was taken into consideration that because Mr. Gaye was the first business owner in this target area to make substantial improvements which also led to the creation of new jobs who had applied for a tax abatement then the Council would therefore grant him a maximum ten-year tax abatement both in appreciation of his pursuit of completing the planned improvements at a difficult time in the economy and because it was hoped that this would encourage other property owners in the target area to make similar improvements. Council Member Richert pointed out that it was determined at that time, however, that each subsequent tax abatement request would receive an individual determination regarding the length of the abatement benefit. Following the advice of Town Attorney Sturgeon that the Council could finalize this issue with a motion and vote at this time, a motion was made by Council Member Richert that a ten-year tax abatement be granted to Mr. Russell Gaye for his property located at 1030 Eastern Boulevard. The motion was seconded by Council Member Appleby. Following further comments by Council Member Popp regarding the absence of written records regarding the request for a specified period of ten years and the absence of its reference in minutes of both the Council and the Redevelopment Commission, Council President Isgrigg called for a vote on the motion to grant a ten-year tax abatement for the property located at 1030 Eastern Boulevard. The motion to grant a ten-year tax abatement was carried by a vote of six ayes and one nay, with Council Member Popp casting the nay vote.

**Award of Appreciation for Service and Achievements of Evelyn A. Umbach...** Council President Isgrigg requested Mrs. Evelyn A. Umbach to come forward from the audience and announced several of her many achievements in her thirty-four years of service on the Clarksville Parks and Recreation Board, including participation in both the Indiana Parks & Recreation Association and the National Recreation & Parks Association. Council President Isgrigg expressed thanks on behalf of the Town Council for her active involvement and

significant, long-range contributions to parks and recreation facilities and program improvements in the Town of Clarksville, noting that she has now begun serving as a board member emeritus. Council President Isgrigg presented Mrs. Umbach with an engraved memento commemorating her years of devoted service and expressed appreciation on behalf of the Town of Clarksville for her accomplishments, and Mrs. Umbach was honored with a standing ovation by the council members, department heads, friends and citizens present at the meeting. Council President Isgrigg announced that a reception for Mrs. Umbach would follow this meeting.

**Presentation of Ohio River Greenway Report...** Ms. Shaunna Graf, Project Director of the Ohio River Greenway Commission presented the commission's annual report covering the period from November 2008 to November 2009 through an informative PowerPoint presentation.

**Tabling of action on proposed contract with Stantec...** Mr. Steve Hall of Stantec presented a proposed renewal contract for services in connection with stormwater activities and issues, including assistance with the upcoming state inspection. Council Member Popp questioned two items in the proposed contract, the first being the Town assuming the costs of defending the company in the event of a lawsuit resulting from performance of the contract and the second being the company retaining the ownership of any written material produced for and paid for by the Town. Following the recommendation of Town Attorney Sturgeon to try to negotiate these items with the company and to delay the signing of the proposed contract pending the completion of negotiations, a motion was made by Council Member Kraft, seconded by Council Member Fisher, and unanimously carried, to table the contract pending negotiation of the questioned items.

**Complaints Regarding Flooding Problems on Mill Creek...** Mr. Paul Sparks, a resident of 240 North Oak Street, and Mr. Gene Coomer, residing at 110 N. Elm Street, presented color photographs and information regarding flooding problems on Mill Creek which have adversely affected their and neighboring properties in the area. Mr. Sparks stated that he believes the problems have resulted from the State of Indiana's major remodeling of I-65 and the disparity in the size of the new culverts and the old culverts along Mill Creek. Mr. Sparks advised that he had talked with Town employee and grant writer, Brittany Montgomery, who advised him that some mitigation grants are available through Homeland Security for problems of this nature. Mr. Harold Hart of the engineering firm of Jacobi, Toombs & Lanz presented information regarding the drainage situation in the Mill Creek area. Mr. Sparks stated that a major concern of area residents is that following rain events untreated sewage ends up on his and other property along Mill Creek as a result of the flooding of a sewage pump station upstream in Jeffersonville. Council President Isgrigg stated that this is a serious situation which the Council needs to look into.

**Request by Auto Dealership for Change in Sign Ordinance...** Ms. Pat Gladin, representing the Sam Swope auto dealership on Lewis & Clark Parkway, requested that the Town consider changing the ordinance regulating signage, reporting that sales had declined since the dealership had been directed to remove some banners and temporary signs which were in violation of the ordinance regulations. Planning Director Sharon Wilson addressed the situation at the request of Council President Isgrigg, reporting that numerous complaints concerning the signage at the corner of Lewis & Clark Parkway had been received. Ms. Wilson stated that provisions of the current ordinance provisions must be enforced however the Town is in the process of revising the sign and zoning ordinances and having neighborhood meetings to ascertain needs in various areas. Ms. Wilson added that requests could be made to the Board of Zoning Appeals (BZA) to overturn staff decisions as well as to apply for sign variances. Following information presented by Ms. Wilson, Council Member Popp recommended that the concerns of the dealership regarding signage be presented to the Town in writing, reiterating that representatives of the dealership could go to the BZA meetings with complaints or concerns.

**Group Insurance Renewals...** Ms. Marsha Miller Smith and Ms. Dana Culpepper Cooper of Maverick Insurance presented renewal recommendations reviewed and approved by the Town's insurance advisory committee, stating that any changes to plans would be explained to employees during the upcoming open enrollment meetings. Changes recommended included

(1) a switch from ICM to MedWatch for utilization review which is recommended Preferred Health (PHP), the Town's health insurance third-party administrator, which would assign a nurse who would have an office at PHP's Louisville location to manage the Town's utilization reviews; (2) a change from Express Scripts to Partners Rx for prescription drugs which, because of an offer to reward costs savings for utilizing over-the-counter drugs when available rather than name-brand prescription drugs, would charge no co-pays for those prescriptions, was projected to be a 20% savings to the Town on reduced costs based on a review of 2009 claims; (3) amendments to the plan documents to include wording regarding statutory provisions already being followed in connection with safety employee dependents, to add organ transplant language, to replace the names of mail-order prescription and utilization review providers, and to add a mandatory wellness program with biometrics and risk assessments; (4) to renew dental coverage with Humana at a cost increase of less than one percent over the current costs; (5) to renew life, AD&D, dependent life, and long-term disability coverage with Companion Life, with the only premium increase being on long-term disability from \$.85 per \$100 to \$.94 per \$100 of coverage; and (6) to return to self-funding of the short-term disability benefit. Following presentation of these recommendations Council Member Popp inquired whether anyone had received complaints about the service of Express Scripts and, when replies were in the negative, questioned whether Express Scripts had been contacted to see if they would match the proposal of MedWatch. Ms. Smith advised that the Town's third-party administrator, PHP, had made this recommendation and Council Member Popp requested that Express Scripts be contacted with the information, stating that when a successful relationship has been established with a provider it should be given the opportunity to match another company's proposal. Ms. Smith also advised that the recommendation for the consequences of non-participation in the mandatory health assessments currently being conducted for full-time Town employees was that claims be pended on any employee refusing to participate.

Following presentation of the recommendations, a motion was made by Council Member Kraft to accept the recommendations for renewals and changes in insurance plans and documents as proposed. The motion was seconded by Council Member Fisher. Following comments by Council Member Popp regarding adding the mandatory wellness program provisions to the plan document, Council Member Kraft amended his motion to state that the Town accept the recommendations regarding renewals and changes in insurance plans and documents as proposed in the recommendations with the exception of adding wording regarding a mandatory wellness program with biometrics and risk assessments to the plan document. Council Member Fisher stated that he seconded the amended motion. The amended motion carried by a vote of six ayes and one nay, with Council Member Isgrigg casting the nay vote.

**Public Hearing on Additional Appropriation and Adoption of Ordinance No. 2010-BUD-02...** Town Attorney Chris Sturgeon advised that a public hearing on an additional appropriation had been advertised for this meeting and, after calling for public comments and inquiring if council members had heard from the public regarding this additional appropriation, requested that the minutes reflect there were no public comments and that no council member had heard from members of the public regarding this additional appropriation. A motion was made by Council Member Tetley to consider additional appropriation ordinance No. 2010-BUD-02 for adoption on its first reading at this meeting. The motion was seconded by Council Member Richert and carried by unanimous vote. A motion was made by Council Member Tetley that Ordinance No. 2010-BUD-02 be adopted. The motion to adopt was seconded by Council Member Richert and carried by unanimous vote.

**Approval for Sponsoring School Trip to Bernheim Forest...** Stormwater Director Tom Clevidence advised that officials at St. Anthony Elementary School had requested that it be approved to participate in the Stormwater-Department-sponsored water-quality education program for third-grade school children held at Bernheim Forest, and advised that the cost to the Town's Stormwater budget to sponsor this trip would be \$408.00. A motion was made by Council Member Kraft, seconded by Council Member Popp and unanimously carried to approve the expense of \$408.00 for St. Anthony Elementary School's third-grade students to attend the water-quality education program at Bernheim Forest.

**Department Reports...** *Planning & Development Department...* Planning Director Sharon Wilson reminded those present of the neighborhood meetings scheduled in connection with review of the signage and zoning ordinances.

**Council Comments**...Council Member Fisher expressed thanks to the department heads, town employees and volunteers who worked to make for a successful Thunder event and Council Member Popp again thanked Mrs. Umbach for all of her contributions to the Town throughout the past thirty-four years.

**Approval of Claims**... Accounts payable registers presented for approval consisted of Town pre-approved claims issued 4/6/2010 through 4/19/2010 in the amount of \$708,949.76, Town current claims in the amount of \$59,135.63, Wastewater/Stormwater utility pre-approved claims issued 4/6/2010 through 4/14/2010 in the amount of \$26,593.48, Wastewater/Stormwater utility current claims in the amount of \$154,214.69, Town and Wastewater/Stormwater utility gross payroll issued 3/26/2010 in the amount of \$291,219.51, and Town and Wastewater/Stormwater utility gross payroll, including pension benefits, issued 4/9/2010 in the amount of \$373,744.22. A motion was made by Council Member Fisher to approve the accounts payable registers presented. The motion was seconded by Council Member Kraft 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 Kraft seconded by Council Member Fisher and carried by unanimous vote, the April 19, 2010 meeting of the Clarksville Town Council was adjourned at 8:54 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, IN

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Gregory Isgrigg, President,  
Clarksville Town Council