

MINUTES OF MEETING OF  
THE CLARKSVILLE TOWN COUNCIL  
HELD ON MARCH 7, 2017

A meeting of the Clarksville Town Council was called to order on March 7, 2017 at 7:00 P.M. in the meeting room of the Clarksville Municipal Center Administration Building by Council President, Paul Fetter, who chaired the meeting.

Council members present: Paul Fetter, Tim Hauber, John Gilkey, David Worrall, Jennifer Voignier, David Fisher, and Aaron Stonecipher.

**Invocation:** Terry Blackford, Police and Fire Chaplain

**Recognition of Retirement of K-9 Kilo...** Chief Palmer and Asst. Chief Kirby called Corporal Beyerle and K-9 Kilo forward to recognize Kilo as he is retiring. Chief Palmer advised Kilo has been a member of the Department since 2009 and is certified as a multi-purpose canine in the areas of obedience, area search, building search, aggression control and narcotic detection. Corporal Beyerle has been with the Dept. for 16 years and 12 of those years have been as a K-9 handler. With Kilo's retirement, Cpl. Beyerle has also decided to step down from the program, but not the department. Cpl. Beyerle thanked his family, the Chief, Dr. Goff and Mr. Paul Kraft for helping to start the program and the continual support of the program. Kilo will be spending his remaining years as a part of the Beyerle family. The Department is currently interviewing officers who are interested in becoming a K-9 handler and once the position is filled, the process will begin to acquire a new K-9.

**Recognition of Officer Ryan Roederer...** Chief Palmer called Officer Ryan Roederer forward to present him with the Life-Saving Award. Officer Roederer was responsible for saving the life a non-responsive infant, along with the assistance of his fellow officers and those from the Clark County Sheriff's Office. A representative of Trey Hollingsworth's office presented Officer Roederer with a Special Congressional Recognition Award.

**Introduction and Welcome to new Employees...** Town Manager Baity announced and introduces newly hired employees to the Town of Clarksville. Katherine Groskreutz is a new Associate Planner in the Planning Department beginning July 2016. Scott Druin is a new Building Maintenance employee in the Building Commissioner's office beginning August 2016. Nicole Redman is the new Office Manager of the Fire Department beginning September 2016. Jerry Taylor is the new Code Enforcement Officer in the Building Commissioner's office beginning January 2017.

**Public Comments:**

-Laura Dement: 7054 Plum Creek Drive, Clarksville, IN. Ms. Dement commented that she has concerns for her home value if the zoning change is passed for apartments to be built.

-Betsy Shepherd: 7914 Hollowview Drive, Clarksville, IN. Ms. Shepherd pleaded with the Council to vote against the zoning ordinance as she has concerns regarding her home value.

-Kimberly Perking, 3011 Plum Woods Court, Clarksville, IN. Ms. Perkins commented that the apartments will have a negative effect and it does not fit the character of their neighborhood.

-Stan Krul, 105 Plum Ridge Way, Clarksville, IN. Mr. Krul commented that the process of this development was disappointing because some Council members have made their decision before hearing all sides.

-Steve Scott, 5151 Jefferson Blvd., Louisville, KY. Mr. Scott is the developer of the project and advised that there have been 3 public hearings and that he has tried to accommodate the neighbors throughout the 6 month process in every way possible.

-John Kraft, 126 W. Spring Street, New Albany, IN. Mr. Kraft commented that a study showed there would be no negative impact or valuation of property value as a result of this project and that this was a down-zone based on the previous zoning status of commercial zoning. Mr. Kraft advised that all requirements have been met and requested the Council to take the favorable recommendation from the Plan Commission and pass the zoning ordinance.

-George Chapman, Louisville, KY. Mr. Chapman stated that there will be no negative impact as a result of the development if all planning and zoning requirements have been met.

**Approval of Minutes:** Council Member Fisher made a motion to approve the minutes of the 2/7/17 Council meeting, the 2/21/17 Council meeting, work session and executive session, the 2/21/17 joint session with Redevelopment. Council Member Stonecipher requested to make additions to the 2/21/17 Council meeting minutes. Council Member Fisher amended his motion to include requested additions. Council Member Stonecipher seconded the motion and was carried by unanimous vote. Council Member Fisher made a motion to approve the minutes of the 2/28/17 executive session. Council Member Stonecipher seconded the motion and was carried by a 6-0-1 vote, with Council Member Gilkey abstaining.

**Approval of Claims:** Accounts payable registers presented for approval consisted of Town current claims in the amount of \$623,494.58, Town pre-approved claims issued through 03/07/2017 in the amount of \$961,155.10, Wastewater/Stormwater utility current claims in the amount of \$94,911.86, Wastewater/Stormwater utility prewritten claims in the amount of \$39,517.46, WW Bond in the amount of \$21,089.50, and payroll register for week ending 02/26/17 in the amount of \$445,789.86. Council Member Stonecipher made a motion to approve claims registers presented. Council Member Hauber seconded the motion and was carried by unanimous vote.

**Approval of 2017-ST-01, an ordinance establishing School Zone Speed Limits...** 2017-ST-01 was presented to Council for a second reading. Council Member Hauber made a motion to approve 2017-ST-01. Council Member Gilkey seconded the motion and was carried by unanimous vote.

**Introduction of 2017-G-03, an ordinance vacating a portion of Woodstock and Horn Streets...** 2017-G-03 was presented to Council. Council Member Fisher made a motion to approve 2017-G-03. Council Member Worrall seconded the motion and passed with a 6-1 vote, with Council Member Voignier voting nay. This ordinance will require a 2<sup>nd</sup> reading at the next Council meeting due to not passing unanimously.

**Approval of General Service Agreement with Stantec Engineering...** Town Manager Baity came before the Council and requested Council approve the General Service Agreement with Stantec. Council Member Gilkey made a motion to approve agreement. Council Member Stonecipher requested to remove the language regarding the Town paying late fees. Council Member Gilkey amended his motion to include Council Member Stonecipher's request. Council Member Stonecipher seconded the motion and was carried by unanimous vote.

**Award of Bid and Contract for Street Work on Lombardy and Sam Gwin Drives to Flynn Brothers...** Town Manager Baity came before the Council and made a request to accept the bids and award the contract to Flynn Brothers in the amount of \$856,238.00. A copy of the Bid Sheet will be attached to the minutes as Attachment A. Council Member Fisher made a motion to accept bids and award the contract to Flynn Brothers. Council Member Gilkey seconded the motion and was carried by unanimous vote.

**Award of Contract for Repair to Brown Station Way pedestrian overpass...** Town Manager Baity came before the Council and made a request to accept the bids and award the contract to Fulkerson Construction in the amount of \$69,403.00, with the Town's portion being \$5,280.00 and Cristiani's portion being \$64,123. Council Member Gilkey made a motion to accept bids and award contract to Fulkerson Construction in the amount of \$69,403.00, with the Town's only paying \$5,280.00. Council Member Worrall seconded the motion and was carried by unanimous vote.

**Introduction of 2017-Z-02, an ordinance rezoning property at Westmont Drive and Co. Rd. 311...** 2017-Z-02 was presented to the Council with a recommendation from Staff to approve ordinance rezoning 3.14 acres located near the intersection of Westmont Drive and CR 311 from a B-1 to and R-3, with a favorable recommendation from the Plan Commission. Discussion was held. Council Member Stonecipher called Planning Director Sharon Wilson forward to address his concerns of:

1. property value- Ms. Wilson advised there would be no negative impact of the property value as a result of this project.
2. drainage impact- Ms. Wilson advised there will be a 0% increase in run-off due to detention basin

3. variances- Ms. Wilson advised developer agreed to move the unit an additional 25 feet to increase the setback.
4. the zoning classification- Ms. Wilson advised rezoning from commercial to residential is a transitional use of the property to something less intense
5. the height of the structure- Ms. Wilson advised that the Planning Department believes the locations of the 3 story buildings are well placed and will lessen the view toward the commercial area to the northeast.
6. whether this is the most desirable use for this property- Ms. Wilson advised this a downgrade in zoning, thus advising there will be less traffic for residential than retail.
7. whether or not the Town has done enough notifications to the residents- Ms. Wilson advised that no HOA's returned their calls, the State required number of public hearings was met and all statutory requirements for notice were met.
8. the environmental inventory of the property- Ms. Wilson advised no environmental issues were raised.
9. greenspace- Ms. Wilson advised the proposed development has more green space than is required by the zoning ordinance. The area designated for a detention pond will function as open green space when it is not holding storm water.

Council Member Stonecipher commented that a majority of the affected neighbors likely did not participate in the comprehensive plan for the neighborhood because few of them are aware that they actually live in Clarksville in spite of a Sellersburg address and Silver Creek fire service. Mr. Stonecipher called for more input from the 43<sup>rd</sup> precinct.

Council Member Gilkey asked if this would be more flexible if it were a PUD. Ms. Wilson advised that the land use is not multi-land uses and PUDS have multi-land uses. Council Member Voignier thanked Planning and Zoning and advised she would like to review the 15 page report and talk to more members of the public. Council Member Hauber stated he is convinced this a higher standard development and believes this will fit into the Comprehensive Plan in order to set the bar higher for future projects. Council Member Fisher stated he is proud of the checks and balances of the Planning Department and stated not all others follow our standard of guidelines. Council President Fetter then recommended that a neighborhood meeting should be scheduled for Saturday to continue further discussion of any other concerns.

**Introduction of Ordinance 2017-S-03, a salary ordinance amending 2016-S-11...** Town Manager Baity came before the Council to request approval for 2017-S-03, an ordinance combining positions of WWTP Superintendent and Project Coordinator into a new position of Utility Director, creating a position of Utility Finance Manager, and move the Utility Clerks under the WWTP category. Council Member Stonecipher made a motion to approve 2017-S-03. Council Member Hauber seconded the motion and passed 6-1, with Council Member Gilkey voting Nay, advising he is not in favor of the reorganizational chart. This ordinance requires a second reading and will be presented at the next council meeting for approval due to the vote not being unanimous.

**Approval of Purchase of Vehicles for the Fire Department...** Town Manager Baity came before the Council to request the purchase of 2 Dodge Ram SSV vehicles from John Jones at a total price of \$77,106, minus the trade in value of two (2) 2010 Ford Explorers, making the final cost \$62,606.00. Council Member Stonecipher made a motion to approve the purchase of the vehicles. Council Member Gilkey seconded the motion and was carried by unanimous vote.

**Approval of Engagement Letter with Frost, Brown, and Todd for CSO Impact matters...** An engagement letter with Frost, Brown and Todd was presented to the Council for approval regarding CSO Impacts. Council Member Fisher made a motion to approve engagement letter with Frost, Brown and Todd. Council Member Voignier made a request to remove the late fee percentage. Council Member Fisher amended his motion to include Council Member Viognier's request. Council Member Gilkey seconded the motion and was carried by unanimous vote.

**Approval of Confidential Settlement Agreement...** An agreement was presented to the Council for approval. Council Member Fisher made a motion to approve agreement. Council Member Worrall seconded the motion and was carried by a 6-1 vote, with Council Member Stonecipher voting nay.

- Fire Chief Skaggs advised the Fire Department responded to the big fire on 265 from a tanker spill last Friday night and would like to recognize all Firefighters for their hard work.
- Chief Palmer advised the department had the largest scale drug bust in the area and would like to recognize all Officers involved and the Officer who made a traffic stop and going the extra mile to investigate the matter.

**Council Comments:**

- Council Member Hauber touted Chief Palmer's comments and went on to honor those who serve and encouraged them to keep up the good work. Council Member Hauber also stated he has received more positive comments than negative comments regarding ordinance violations.
- Council Member Voignier thanked the Police and Fire Departments for making our community safe. Council Member Voignier also thanked the Department Heads for their hard work.
- Council Member Worrall stated what a great job the Police, Fire and Building Commissioner were doing.
- Council Member Fisher thanked the Police and Fire Departments and state there was over 8 million dollars damage in the Floyd County Fire last week and no one was hurt.
- Council Member Gilkey advised he attended PHS with his wife for her 50 Year Golden Diploma and that the cast of Les Miserables has some incredibly talented people performing.
- Council Member Stonecipher stated there was significant improvement to Plum Run sidewalks, congratulated Manger Baity on his appointment of Airport Authority Board, thanked Officer Michael Watson for his service as he is moving on from the Clarksville Police Department, and thanked all residents for coming out this evening.
- Council President thanked everyone for coming out to the meeting.

**Adjournment**... There being no further business to come before the Council at this time, on a motion made by Council Member Gilkey, seconded by Council Member Worrall, and carried by unanimous vote, the March 7, 2017 meeting of the Clarksville Town Council adjourned at 8:50 P.M.

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

Minutes approved by the Clarksville Town Council  
on the 21<sup>st</sup> day of March 2017.

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Robert P Leuthart, Clerk-Treasurer  
Of the Town of Clarksville, IN

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Paul Fetter, President,  
Clarksville Town Council