

**MINUTES OF A REGULAR MEETING OF
THE CLARKSVILLE TOWN COUNCIL HELD
ON JULY 06, 2015**

A regular meeting of the Clarksville Town Council was called to order on July 06, 2015, at 7:00 P.M. in the Council Chambers of the Clarksville Municipal Center Administration Building by Council President Bob Polston who chaired the meeting.

Council members present: Bob Polston, Paul Kraft, John Gilkey, Don Tetley, Bob Popp, Tim Hauber, Paul Fetter. Also present at the meeting Clerk Treasurer Robert Leuthart, Town Attorney Chris Sturgeon, Town Attorney Rebecca Lockard, Fire Chief Tom Upton, Chief Of Police Mark Palmer, Street Commissioner Brad Cummings, Director of Stormwater Tom Clevidence, Wastewater Superintendent Mike Otto, Planning Director Sharon Wilson, Parks Superintendent Brian Kaluzny, Project Coordinator Brittany Montgomery, Redevelopment Director Nick Lawrence, Insurance Clerk Naomi Polston for Administrative Assistant Anita Neeld, and Deputy Clerk Sherry Lockard.

Approval of Minutes... None

Swearing in of new Firefighter James D. Wehner... Chief Upton called the Town's newest firefighter up front to be sworn in by Judge Guilfoyle and the pinning portion of the swearing in ceremony was done by James' father. James had been with Madison Township since 2006 and has certifications in EMT, FF I and FFII, Rope Rescue and Hazmat.

Recognition of Service for retired Police Officer Darrell Rayborn... Chief Palmer, along with Asst. Chief Kirby, Council Member Hauber, and Police/Fire Commissioners Lester Allen, Butch Coleman and Mark Sutherland, called Darrel Rayborn up front to recognize him for his 34 years of active service to the Clarksville Police Department. Chief Palmer presented retired Major Rayborn with a plaque and noted that in addition to being a Major, he was also Chief of Detectives and had been recognized by the Secret Service for Federal Government Joint Programs. Major Rayborn then thanked everyone and thanked the Chief for giving him a chance to lead the detectives.

Swearing in of new Police Officer Zach Skaggs... Chief Palmer called the Town's newest police officer up front to be sworn in by Judge Guilfoyle. Chief Palmer stated that Officer Skaggs has been a reserve since 2012 and that he has a positive attitude and is a positive influence on all. Officer Skaggs thanked all for the opportunity to serve the Town of Clarksville. Judge Guilfoyle also thanked Officer Skaggs for his service as bailiff in the courtroom.

Recognition of Promotions in Police Department... Chief Palmer called the following officers up to the front to recognize them for their promotions: Capt. Merchant being promoted to Major, Sgt. Maier being promoted to Capt., Corp. Lehman being promoted to Sgt., Det. Walls being promoted to Corp., Officer Townsend being promoted to Corp., Corp. Foote being promoted to Sgt., Officer Ross being promoted to Corp., Sgt. DeMoss being promoted to Capt., and Sgt. Fryrear being promoted to Capt. All officers were recognized and pinned.

Public Comments...

-Mary Ann Crabtree, 8 Lakeshore Drive, Clarksville, IN. Ms. Crabtree advised she is the President of the Condo Association and stated that many condos were damaged from the sewage back up on 06/26, reference to Pump Station 20. The boiler room, the meeting room and the pool all received damage. Ms. Crabtree stated that Mr. Gilkey and Mr. Hauber came and observed the damage and that she is keeping records of all repairs and expenses and stated that a Tort Claim was filed.

-Mary Frey, 67 Lakeshore Drive, Clarksville, IN. Ms. Frey came before the council and advised that ServePro has started the clean-up and copies of pictures of damages have been submitted to Naomi Polston. Ms. Frey asked that she be kept in the loop regarding any information and the process of the Tort Claim.

-Liz Nickell, Lakeshore Drive, Clarksville, IN. Ms. Nickell advised she also received damage, filed a tort claim and ServePro has been contracted and copies have been submitted to Naomi Polston.

-Russell Brooksbank, 1716 Whittier Drive, Clarksville, IN. Mr. Brooksbank requested that his submitted statement be added to the record of these minutes.

Paragraph #1

“My name is Russell Brooksbank. I reside at 1716 Whittier Dr. I request that my complete comment be added to the record. I am providing a copy of the text of my comment for the purpose of accuracy. I come before this body today to respond to a comment made by Mr. Sturgeon at the May 18, 2015 Town Council meeting during public comments. In my opinion, he gave the public the false impression that the Town Council has no authority over the Town Court. Before you, you have some excerpts from the Clarksville Code of Ordinances. Title III Chapter 32 Section 1 of the Clarksville Code of Ordinances establishes our Town Court. Our Council wrote that, voted on it and agreed to it. Title III Chapter 32 Section 2 of the Clarksville Code of Ordinances describes the force and effect of court orders. Our Council wrote that, voted on it and agreed to it. Title III Chapter 32 Section 20 of the Clarksville Code of Ordinances establishes the election of our Town Judge. Our Council wrote that, voted on it and agreed to it. Title III Chapter 32 Section 23 of the Clarksville Code of Ordinances establishes the Power and Jurisdiction of our Town Judge. Our Council wrote that, voted on it and agreed to it. This was all done through Ordinance 72-3251 passed 1/10/72. Our Council has the authority and ability to amend, repeal or rewrite any of our ordinances, including the one I just listed. In fact, it’s their job to do so. This Council does have the authority to reign in this Judge.”

Paragraph #2

“Now, I’m not one to just complaint about a problem without being willing to dive in and find a solution. So, with that in mind, I have come up with a solution to our problem. I would like to propose to the Council an amendment to Title III Chapter 32 Section 23 to include a new Subsection E which reads as follows: The Town Judge shall have the authority to institute security measures for the courtroom only and only while court is in session. This authority may not extend beyond the boundaries of the courtroom. The boundaries of said courtroom are to be laid out by the Town Council. This authority and it’s limitations are in effect regardless of the type of building said courtroom is housed in.”

Paragraph #3

“This amendment will do three things. It will return the decision making for the Town Hall security to the rightful place, the Town Council. It will allow Judge Guilfoyle to secure his courtroom as he sees fit. And last, according to recent news reports, it will give the good Judge the much needed time and resources he needs to secure the court from the real danger to our security, people with keyboards. Thank you. I yield the floor.”

Introduction of 2015-R-07, a resolution regarding imminent domain and acquisition of property...

Town Attorney Chris Sturgeon presented Resolution 2015-R-07, an introduction of a resolution regarding imminent domain and acquisition of property owned by CSX. Council Member Kraft made a motion to approve 2015-R-07. Council Member Gilkey seconded the motion and was carried by unanimous vote. Attorney Sturgeon advised this was the beginning of the process and that this resolution will require another reading.

Request for Approval to Revise/Update the Town’s Comprehensive Plan...

Planning Director Sharon Wilson and Dylan Fisher came before the council to request permission to revise/update the Town’s Comprehensive plan and bring it before the council for a vote. Council Member Popp made a motion to approve request to revise/update the Town’s Comprehensive Plan and to bring it back before the council. Council Member Kraft seconded the motion and was carried by unanimous vote. Mr. Fisher also made a request to contract with MYSIDEWALK, an online program where we can receive input from residents regarding a project that the Town is doing. Mr. Fisher was advised to bring to the next council meeting for a vote.

Council Comments

-Council Member Kraft noted again the problem with the Geese, and that this has been an on-going issue for years. Mr. Kraft also asked about Emery Crossing and the bad spots. Street Commissioner Brad Cummings noted that they were working on it and it was a problematic area.
 -Council Member Gilkey thanked all who made the 4th of July Concert possible and the Street Dept. for loading, carrying, and moving anything necessary to make it happen. Mr. Gilkey also sadly announced the death of current employee Paul Tate of the Wastewater Plant, and advised visitation will be on Thursday at Kraft’s (on Charlestown Road) from 2-8.
 -Council Member Hauber sent out a thanks to all departments who assisted with the Lakeshore Condo situation. Mr. Hauber also offered his condolences regarding employee Paul Tate. Mr. Hauber also stated the Town will do what’s in their power to help with the Lakeshore Condo issue.

Approval of Claims... Accounts payable registers presented for approval consisted of Town current claims in the amount of \$573,995.23, Town pre-approved claims issued through 07/06/2015 in the amount of \$363,692.66. Wastewater/Stormwater utility current claims in the amount of \$372,207.40, Wastewater/Stormwater utility prewritten claims in the amount of \$97,389.65, and WW Bond in the amount of \$1,283,808.70. Town and WW/SW payroll claims for PR ending 06/21/2015 in the sum of \$382,787.90. Council Member Gilkey made a motion to approve claims registers presented. Council Member Fetter seconded the motion and was carried by unanimous vote.

Adjournment... There being no further business to come before the Council at this time, Council Member Kraft made a motion to adjourn, Council Member Gilkey seconded the motion and was carried by unanimous vote. The meeting was adjourned at 7:46 p.m.

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

Minutes approved by the Clarksville Town Council
on the 20th day of June 2015

Robert P. Leuthart, Clerk-Treasurer
Town of Clarksville, IN

Bob Polston, President,
Clarksville Town Council