

**ORDINANCE NO. 2018-14  
TOWN OF NASHVILLE, INDIANA**

**An Ordinance Establishing a Town Park Commission**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NASHVILLE, INDIANA, as follows:**

**ARTICLE 1. GENERAL PROVISIONS**

**Section 1.00 POLICY:** The Nashville Town Council finds that the designated parks of the Town of Nashville are among its most important assets and require ongoing management and maintenance to preserve them. Therefore, the purpose of this ordinance is to endorse and clarify the responsibilities of the Town of Nashville Park Commission, hereafter referred to as the Park Commission. The chief goal of the Park Commission will be to implement the Town of Nashville's Park Plan, in the context of the Town's comprehensive plan and its historic preservation goals, to benefit all Town residents.

**Section 1.01 ESTABLISHMENT OF PARK COMMISSION:** There is hereby established a Town of Nashville Park Commission to preserve, manage, maintain, utilize, and protect the public parks of Nashville, Indiana.

**Section 1.02 PARK PROPERTIES:** Two park properties have been designated within Nashville, Indiana and are identified as Washington/Johnson Street Park and the Village Green.

Each park is described below:

Washington/Johnson Street Park

ID# 001-22400-003

ID# 001-05100-00

ID# 001-10400-00

Village Green

ID# 001-31400-06 – Restroom/Play Area

ID# 001-31400-07 – Tilton Corner

ID# 001-31400-08 – Pavilion

ID# 001-31400-09 – Church Corner

The Town Council may from time designate by resolution or ordinance other properties as “park properties” to be administered by the park commission.

**Section 1.03 COMMISSION MEMBERS:** The Commission shall be comprised of five members, including one Town Council member. Each member shall be a Brown County resident and will be appointed by the Nashville Town Council.

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**Section 1.04 APPOINTMENTS: TERM OF OFFICE:** Any Brown County resident may apply in writing to the Nashville Town Council for appointment to the Commission.

The Nashville Town Council shall appoint Commission members to serve three-year terms. If a vacancy occurs, the Town Council shall appoint a successor to serve the remainder of the term. Members will serve without compensation and shall continue to hold office until their successors have been appointed. A Commission member may serve two consecutive terms and must wait three years to again become a member of the commission.

### ARTICLE II. POWERS, DUTIES, PROCEDURES:

**Section 2.00 POWERS and DUTIES:** The Commission shall have the following powers:

- (1) To recommend to the Town Council that public lands be designated or described as a public parks in the Town of Nashville.
  - A. In considering the designation of Public Park Properties, the Commission shall follow the following procedure:
    - i. **Review.** When considering a historic property or property subject to the jurisdiction of the Development Review Commission for park designation, the Park Commission shall submit to the appropriate Commission the proposed designation of a Public Park Property including boundaries and a program for the preservation, restoration, maintenance, modification, and use of the property for review. The recommendations of the reviewing commission then shall become part of the official record and shall be submitted by the Park Commission to the Town Council. The Town Council may make such modifications, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendations.
    - ii. **Special Exceptions.** If the proposed public park is located in a district for which the use “public park” requires a special exception from the Board of Zoning Appeals, the Park Commission shall make application for, and obtain a special exception as required by the zoning code before submitting the proposed park to the Town Council.
    - iii. **Findings and Recommendations.** The Park Commission shall determine if the proposed Public Park Property is eligible as determined by the criteria specified in this section. The Commission shall transmit to the Town Council its recommendations and proposed program for the Public Park Property.
    - iv. **Hearings.** When the Park Commission recommends designation of a park property to the Town Council, the Town Council shall hold a public hearing. Notice of the hearing shall be published in the local newspaper at least 20 days prior to the date

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of the hearing, and notice of the hearing shall be sent to all owners of property abutting the boundary of the area to be designated a Public Park Property.

- v. **Acquisition.** Upon the recommendation of the Park Commission according to the procedure set out herein, certain property eligible for designation as a Public Park Property be acquired by gift, by negotiation, or other legal means as provided for in Indiana State Statutes. Title to said property shall be in the name of the Town of Nashville, Indiana.
- (2) To assist in the preparation of application for grant funds to be made by the Town Council for the purpose of park improvement and park acquisition.
  - (3) To draft and maintain an overall park management plan that will address the Town's vision and goals for each individual park. The park management plan will include guidelines for: hours of use, allowed activities, alcohol policies, obsolete or dangerous equipment removal, invasive species and vegetation management process, process for making reservations to use the parks, process for working with the DRC or Historic Preservation Commission in reserving historic district parks, general vision for encouraging Town's use of the parks.
  - (4) To draft and maintain a permit application procedure that allows Nashville Town residents and visitors to request modifications to public park lands; such applications will be reviewed and voted on by the Park Commission and the resulting recommendations will be forwarded to the Town Council for final approval. Applications should include a reason for the modification, detailed description of the proposed changes, required professional and non-professional resources, estimated costs, proposed methods of payment, and recommended resources to carry out the modifications.
  - (5) To recommend to the Town Council the acquisition by purchase, gift, or bequest, of a fee or lesser interest, in Public Park Properties and adjacent or associated lands.
  - (6) To recommend to the Town Council use variances within the Town of Nashville from the terms of the Brown County and Town zoning ordinances.
  - (7) To recommend to the Town Council the removal of blighting influences, including invasive species, signs, unsightly structures, and debris incompatible with the physical well-being of Public Park Properties.
  - (8) To review and make recommendations to the Town Council regarding issuance of all public park alteration or maintenance permits, conditional use permits or variances for Public Park Properties and to hold public hearings thereon if the Commission deems it necessary.
  - (9) The Town Administration or Records Clerk shall send a copy of every Public Park variance application for Public Parks to the Commission for recommendation. Among

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other things, the Commission, before approving such permit variance, shall first consider and make findings of fact regarding the following:

(a) In the case of a proposed modification to a Public Park, whether or not such alteration will materially impair the natural beauty, use, long term health, or historic value of the Public Park, considering the existing appearance, dimensions, effect on all neighboring properties, use by residents, and any other environmental effects;

(b) In the case of the proposed demolition or alteration of any asset on Public Park Land, the natural and historic value of the asset, the effect on all properties, the effect of any new proposed construction on the surrounding properties, and the economic value or usefulness of the Public Land as it now exists, or in an altered or modified condition compatible with all the surrounding properties;

(c) In the case of a new asset on Public Land, whether or not such asset will materially impair the value of the adjacent properties within the Town of Nashville.

(d) In all cases, the proposed modifications must be in compliance with all applicable county, town, and historic district regulations. Any and all exceptions to these regulations must be reviewed by the Commission and approved by the Town Council and any other relevant jurisdiction. A written copy of such variance to regulations must be published and available in the Commission Design Guidelines to be administered by the Commission and the Town Council.

After review, the Commission shall report its findings of fact and its recommendations in writing to the Town Council without undue delay.

**Section 2.01 PROCEDURES:** The Commission shall observe the following procedures regarding special public meetings and hearings:

- (1) Business shall be conducted by the Commission at regularly scheduled public meetings as prescribed in the Indiana Open Door Law. The Commission shall make every effort to preserve the public nature of its meetings.
- (2) When the Commission deems an issue to be of significant public concern, the Commission may call for a Special Public Hearing. A notice of the time, place and purpose of the hearing shall be published in the local newspaper of the Town/County at least 10 days before the date of the hearing, and be sent to property owners whose property abuts the property directly related to the issue of significant public concern.

For the purpose of notifying property owners, the person responsible for the notification may use any appropriate records to determine the names and physical or email addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property

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owners, or defects in the notice shall not invalidate the proceedings, provided a bonafide attempt to comply with this section has been made.

**Section 2.02 MANAGEMENT OF FUNDS:** The Clerk-Treasurer of the Town charged by law for the performance of duties in respect to the funds and accounts of the Town shall perform the same duties with respect to the funds and accounts of the Park Commission.

**ARTICLE III. SEVERABILTY AND EFFECTIVE DATE:**

**Section 3.00 SEVERABILITY:** If any part of this Ordinance shall be adjudged to be invalid by a Court of proper jurisdiction, it shall be conclusively presumed that the Town Council would have passed the remainder of the Ordinance without such invalid part.

**Section 3.01 EFFECTIVE DATE:** This Ordinance shall be in full force and effect upon adoption.

IT IS SO ORDAINED THIS 18th DAY OF OCTOBER 2018

Approved as to form:  
James T. Roberts  
Attorney for the  
Town of Nashville

[Signature]  yea     nay     abstain  
Council President Charles B. King

[Signature]  yea     nay     abstain  
Council Vice-President Jane Gore

[Signature]  yea     nay     abstain  
Council Member Alisha Gredy

[Signature]  yea     nay     abstain  
Council Member Arthur Omberg

[Signature]  yea     nay     abstain  
Council Member Dave Rudd

ATTEST:

[Signature]  
Clerk-Treasurer, Brenda K Young