

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR
ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON THURSDAY,
OCTOBER 15, 2015 AT 7:00 P.M.**

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Caesar, Mr. Phipps, Mrs. Benedetti, Mr. Blair, Mrs. Baird, Mr. Gonder, Mr. Zurschmiede and President McLaughlin.

ALSO PRESENT: Mr. Lorch, Mr. Gibson, Mrs. Moeller, Mr. Hall, and Ms. Milburn

Mr. McLaughlin called the meeting to order at 7:00 p.m. and asked if anyone was there to speak on the following:

INVOCATION: To be given by ministers of different faiths, if present. If none are present, then a moment of reflection.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Phipps moved to approve the Public Hearing Meeting Minutes for October 5, 2015, Mr. Caesar second, all voted in favor.

Mr. Caesar moved to approve the Regular Meeting Minutes for October 5, 2015, Mr. Phipps second, all voted in favor.

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

COMMUNICATIONS – COUNCIL:

Mr. Caesar stated that the next council meeting is the night before the election and there will be a lot of people out campaigning. He asked if they want to considering moving the meeting to the following Thursday, November 5th.

Mr. Coffey stated that this will be the first council that has ever changed the meeting date because of an election.

Mr. McLaughlin asked for a show of hands for the members that would like to move the meeting to November 5th, all voted in favor with the exception of Mr. Coffey and Mrs. Benedetti who voted no.

Mrs. Benedetti stated that the Redevelopment Commission adopted some resolutions that clarified some things for her but she is still concerned about how they set up the corporation for the bonds. She explained that she didn't understand the corporation because on the Secretary of State website says that it is a non-profit corporation and she doesn't understand why.

Mr. Coffey stated that he thought it was set up that way to facilitate the movement of the funds and as he understood it Dave Duggins would be on the board as well as Irving Joshua and one other individual.

Mrs. Benedetti stated that is not how it is set up with the Secretary of State. She explained that Mr. Gibson is the Agent of Record but she doesn't understand why it is set up as a non-profit when it is not facilitation through the city accounts so that they are accountable for the funds.

Mr. Gibson explained that Agent of Records simply means that his office is the one served with any documents but he will have to get back to her about her other questions because they were advised by the bond counsel to go through these steps.

Mrs. Benedetti asked if these projects go out to bid.

Mr. Gibson explained that this is not a redevelopment function to build this project so it doesn't follow the same procedures. He stated that the non-profit helps to ensure the improvements are being done and this is the way they were instructed to do it by the bond counsel from Indianapolis. He explained that if she has questions for the he would be happy to pass them along but he can't answer for them as they are the experts in this situation.

Mrs. Benedetti stated that it caught her attention because they have never done a bond this way.

Mr. Blair stated that instead of speculating they should get the bond counsel to answer any questions she may have and this might be as simple as removing liability, but it isn't a fair question for Mr. Gibson.

Mr. Gibson stated that he can get any questions she has answered but his understanding is that it has to be set up that way to administer the funds.

COMMUNICATIONS – MAYOR:

Michael Hall stated that Harvest Homecoming went really well this year and it seems to be one of the bigger crowds they have had. He explained that the city will be hosting the 4th Annual Trunk-or-Treat at the riverfront on the 24th and he invited them to all come down and bring their families.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mrs. Moeller presented the monthly financial report for the period ending 9/30/15, said report.

Mr. Brewer read a statement regarding the proposed property maintenance code ordinance. He stated that he has some real concerns about the ordinance having a third reading tonight. He explained that his office has worked tirelessly over the last four years to improve the city's neighborhoods and this ordinance does not and will not improve the conditions in the city. He stated that he can't support this because it isn't finalized and has not been approved by the state and is therefore unenforceable. He explained that in addition to this it doesn't address some of the real concerns that he has in the city and that is something that needs more time and effort, and while they are waiting on the state to approve what they pass that could negate the codes they already have on the books. He stated that the code books that are referenced in the document are not correct in the entirety and has to reflect the most current state codes and the wording in this document doesn't allow for that. He explained that he has been working to put together a document that he feels could get the city where it needs to be and he wants to continue to work with the council on this and put together and ordinance himself and he hopes to have that back to them shortly.

Mrs. Benedetti asked Mr. Brewer to answer a few questions.

Mr. Brewer stated that he has a family function and cannot stay if they have questions about his statement they can give him a call.

Mrs. Benedetti stated that she doesn't think it is right for him to come in and read a statement like that and then leave the meeting without being available to answer any follow up questions the council may have.

Fire Marshal Chris Koehler stated that he is also hear to speak about the properly maintenance code and explained that there are some concerns from his perspective that need to be addressed. He stated that he has never been contacted by the council or the attorney regarding any of the fire codes addressed in this ordinance. He went over a few items that reference the 2012 Fire Code and stated that this could cause a problem with enforcement when amendments are made to that code. He explained that there is wording and references in the language that limit what they can do so there are several things that need to be addressed before this moves forward. He stated that he called the state fire marshal office and was told this is not adopted by the state so even if they pass it he can't enforce it.

Mr. Zurschmiede stated that he is talking about fire codes and asked if they are updated every few years.

Fire Marshal Koehler replied that is correct.

Mr. Zurschmiede stated that the International Property Maintenance Code does the same thing and explained that this is just the current edition which will be updated and amendments.

Fire Marshal Koehler stated that it can't be enforced because it hasn't been adopted.

Mr. Zurschmiede stated that Jeffersonville is currently working under this code and it doesn't supersede the state fire code.

Fire Marshal Koehler stated that when he talked to the Fire Marshal from Jeffersonville he was told that they have not adopted this and if he is wrong about that he apologizes.

Mr. Zurschmiede stated that he was given bad information.

Mrs. Benedetti stated that she understands that he was never contacted about this and she appreciates his position but he could have communicated to them that there were issues when he found out it was going to be on the agenda.

Fire Marshal Koehler stated that they could have also let him know when they first started working on it and there wouldn't have been an issue. He suggested that they form a group and sit down to go over this.

Rob Sartell stated that there is a very brief section of this ordinance that pertains to the sanitary and storm water drain system that causes concerns for him with regards to sump pumps. He explained that the language doesn't give enough direction and leaves it open and this could interfere with their continued compliance with the EPA.

Mr. Zurschmiede stated that this is the International Property Maintenance Code and many people have spent a lot of time working on this. He explained that there is no licensed plumber that would be confused by the wording in this section.

