

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 MONDAY, APRIL 4, 2016 AT 7:00 P.M.

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

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

**Work Session Meeting Minutes for March 7, 2016
Regular Meeting Minutes for March 7, 2016
Regular Meeting Minutes for March 17, 2016**

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

COMMUNICATIONS – COUNCIL:

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

REPORTS – COMMITTEES, BOARDS OR OTHER OFFICIALS AS REQUESTED BY A MAJORITY VOTE OF THE COUNCIL:

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

A-16-02	Ordinance for Appropriation of EDIT Money for Blessings in a Backpack	Phipps 1&2
A-16-03	Ordinance for Appropriation of Rainy Day Money for Paving and Sidewalks	Aebersold 1&2

INTRODUCTION OF RESOLUTIONS:

R-16-03	Resolution to Authorize the Use of a Planning Facilitator	Blair
R-16-04	Resolution Recognizing the New Albany High School Boys' Basketball Team for their 2016 State Championship	Council as whole
R-16-05	Resolution Regarding Transparency of Floyd Memorial Hospital Sale	Nash

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

INDIVIDUALS WITH DISABILITIES WHO MAY REQUIRE SPECIAL ASSISTANCE TO ATTEND THE ABOVE MENTIONED MEETINGS MAY MAKE THEIR REQUEST KNOWN BY CONTACTING THE CITY CLERK IN ROOM 332 OF THE CITY/COUNTY BUILDING OR BY CALLING 948.5336

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, HELD A COUNCIL WORK SESSION IN THE THIRD FLOOR
ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON MONDAY,
MARCH 7, 2016 AT 6:30 P.M.**

Mr. McLaughlin called the work session of the New Albany City Council to order at 6:31 p.m.

PRESENT: Council Members, Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. Nash, Mr. Blair, Mr. Aebersold, Mr. Barksdale and Dr. Knable and Mr. McLaughlin, president

OTHERS PRESENT: Mr. Lorch , Ms. Milburn, Mr. Hall, Mr. Duggins, Mr. Gibson, Mr. Brewer, Chief Juliot, Chief Bailey, Mrs. Moeller, Mr. Nash, Major Pop

Mr. Gibson made a presentation regarding the rental housing code. He discussed the percentage of owner-occupied housing units vs. renter-occupied house units as report by census data from 2000 and 2010 and explained that renter-occupied units have risen almost three percent in that time.

Mr. Coffey asked if it included the housing authority

Mr. Gibson stated that these are the numbers from the census so he is not sure if it is included.

Mr. Caesar asked if the trend is continuing to increase over the last six years.

Mr. Gibson stated that this is the most recent official document but he is sure there are some areas of town it may be higher in either area. He presented photos of rental properties that examples many of the issues that they have and problems that they deal with on a day-to-day basis. He stated that they think this ordinance will be able to help resolved these issues and help both the landlord and the renter.

Mr. Blair asked how many of these photos would be resolved through the rental ordinance and how many could be resolved through what is currently on the books.

Mr. Gibson stated that the fire safety is one that is up in the air because everyone can potentially have a fire, but if there are complaints of a non-working fire alarm this ordinance would allow them to get into residence to resolve the issues. He explained that the bigger areas that are addressed are the code violations and Mr. Brew can explain to them how many hours his office spends trying to research owners when there are the types of issues that they see in the photos. He stated that many times the landlords do not know about these problems and this registration will help with relaying that information.

Mr. Aebersold asked if they have a lot of landlord information from what they have in place now.

Mr. Gibson replied no and explained that a lot of times these properties are held by corporations to limit liability so they spend a lot of time tracking down the owner.

Mr. Coffey stated he doesn't think too many people have a problem with the registration aspect but they keep introducing ordinance after ordinance and it gets bigger each time. He stated that the question is how is creating another ordinance going to make a difference. He stated that they have what they need now on the books it just needs to be utilized. He explained that he worries about the landlords and asked if they would have something to protect the property owners in this new ordinance because they are getting left out to dry.

Mr. Gibson stated that their contracts should protect them to some degree. He explained that there isn't an easy answer on how to help the property owners to avoid bad tenants.

Mr. Coffey stated that they are going to spend their resources on this ordinance they should also put resources into a fund that these property owners can use to take care of some of the issues they have with tenants.

Mr. Gibson stated that the proposed ordinance follows state statute and explained that it isn't adding any extra burden on to the property owners.

Mr. Coffey asked if this was different than the one that was introduced last year by Mr. Zurschmiede.

Mr. Gibson explained that the biggest difference is that previous ordinance dealt more with the actual construction codes and standards where the current one deals more with registration.

Mr. Coffey stated that he feels like this was put together very quickly.

Mr. Gibson stated that they are free to make amendments. He explained that this is what the consensus was when they met with the committee and that is why they are here. He stated that it was written to be complaint driven and follows state statute regarding inspections.

Mr. Coffey asked how it is different than what is currently on the books.

Mr. Gibson explained that the biggest addition is the registration and it codifies so everyone knows where they are going to when it comes to rental properties. He stated that it offers a process for an appeal and due process by the courts if that doesn't resolve it. He stated that there are ordinances on the books but they are from 1969 and may not be applicable any longer so he doesn't feel comfortable with them.

Mr. Aebersold asked about the definition of a unit.

Mr. Gibson stated that it deals with the property footprint and one property is considered one unit.

Chief Bailey stated that the positive point of this ordinance is the registration. He explained that often times they come upon a property where the victim of a crime is the landlord and it is urgent for them to get ahold of property owner, but sometimes these properties are in the name of a trust or an attorney and it makes it hard to find the owner.

Chief Juliot explained that they inspect business every day and new constructions or change of occupancy and with the rental business, it is a way to have a communication with the owner and an open communication with the landlords. He explained that the rental units are a business and they have people move in and out on a whim who may do property damage and that includes smoke detectors and they have no way of knowing if they are put back in properly. He stated that this would protect the renters to make sure the rental properties are up to code.

David Brewer stated that there are serious ramifications when houses are allowed to continue to deteriorate and there is a disconnect between what is on paper and the reality of what they are trying to get done. He explained that they are trying to protect the structures, the landlords, and the tenants. He asked for the council's support and that they be mindful that this ordinance puts them in a position to be able to open the lines of communications. He stated that the first opportunity to contact someone shouldn't be through a violation notice that they may or may not get. He explained that being able to get a hold of the property owners is key so that they aren't spending a majority of their time looking for information but addressing the real issues. He stated that the inspection process adds another layer of mediation so that they don't have to send someone that is noncompliant directly to court and it also adds some accountability to his department.

Mr. Phipps stated that if he is hearing Mr. Brewer right they will have to take the individuals to court and that will end up costing the city more and the landlord.

Mr. Brewer stated that this would give them a mediation from a civil standpoint.

Mr. Phipps stated that it is complaint driven so they don't have to worry about someone coming in every year doing an inspection unless there is a problem.

Mr. Brewer stated that he is having a hard time getting the public to understand that.

Dr. Knable explained that the mayor's statement on the website did make note of an annual inspection.

Mr. Gibson stated that the wording is "may" and it is controlled by state statute, which says complaint driven and reasonable suspicion.

Dr. Knable stated that he thinks that needs to be clarified.

Mr. Nash stated that it is under the heading of complaint driven.

Dr. Knable stated that the current code states that the building commissioner's office will get the owners information from the county auditor and asked how many times they go down there and re unable to do that in a clear and orderly fashion.

Mr. Brewer stated that they work well with the auditor's office but the problem lies in the information that is given by the property owners and he can show them a stack of envelopes in the office right now that are "return to sender."

Dr. Knable asked how many complaints are they getting a month and what percentage of those are already complaint driven by the tenant or neighbor vs. reasonable suspicion.

Mr. Brewer stated that he doesn't have those numbers in front of him and hates to guess but he will get that information to the council.

Dr. Knable asked if he could get that information before the next vote.

Mr. Brewer replied yes.

Dr. Knable asked about anonymity of the complaint and if the property owner has the right to see that.

Mr. Brewer stated that they get tenants that call in all the time that have been having a problem for months and never contacted the city.

Dr. Knable stated that he would like for the landlords to know who the complaint is coming from if they are going to put a process in place.

Dr. Knable asked what percentage of his runs are rental properties vs. owner occupied.

Mr. Brewer stated that he would be happy to get that information to him but doesn't have it in front of him tonight.

Dr. Knable stated that he would like to have those numbers before the next meeting as well. He asked if they move forward with this and 5 years down the road the city isn't any cleaner to the casual observer, how much of his time will be freed up to make sure it isn't a waste of his time. He explained that he wants to make sure this is going to be used in the way it is intended and they need to know what resources he needs to make this successful.

Mr. Brewer stated that they obviously want a cleaner city and it has been moving towards that but they are at a point where they have to ask where do they go from here. He explained that right now most people will never know what they deal with because they haven't had any issues and the city did their job.

ADJOURN:

There being no further business before the board, the meeting adjourned at 7:05: p.m.

Pat McLaughlin, President

Mindy Milburn, Deputy City Clerk

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, HELD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR
ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON MONDAY,
MARCH 7, 2016 AT 7:00 P.M.**

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. Nash, Mr. Blair, Mr. Aebersold, Mr. Barksdale, Dr. Knable and President McLaughlin.

ALSO PRESENT: Mr. Lorch, Mr. Thompson, Mr. Duggins, Mrs. Moeller, Mr. Hall, Mr. Brewer, Chief Bailey, Mr. Gibson, Mr. Woos, and Ms. Milburn

Mr. McLaughlin called the meeting to order at 7:12 p.m.

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 Regular Meeting Minutes for February 18, 2016, Mr. Caesar second, all voted in favor. Blair abstained

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

Pat Harrison spoke in favor to G-15-05 and if she was in their position she would want to know who owns these properties. She spoke about the decline in the economy and how it has affected the quality of property and how this ordinance will be hitting the ones that have complaints against them.

Russell Kruer spoke against G-15-05. He stated that he understands that they need to do something without questions but this isn't something that is mandated by the state. He explained that he has reached out to the Mayor and Mr. Brewer without getting a return call and is tired of the city not addressing the issues he has

Warren Nash spoke in favor of the G-15-05. He stated that it isn't perfect but it is a good beginning and this needs to be passed for the health and safety of the tenant and is long overdue.

Ben Maddox spoke against G-15-05. He explained that human behavior is driven by fear and love and everything about this ordinance is being driven by fear and that doesn't motivate positive behavior. He stated that he doesn't think anyone objects to the registration but doesn't understand why they need another level of bureaucracy.

Angela Bower spoke against G-15-05 and brought up a lot of concerns about issues like simple questions that couldn't be answered tonight about how this ordinance is driven. She stated that those are things that they should have before they vote.

Chase Murphy stated that the city has a huge asset in David Brewer but they need 10 of him because he can't keep up with the work load he has now and this will only add to it. He explained that he feels as though this is anti-landlord and he has tried to do business in New Albany but every time he comes here he feels like it is very anti business where he is welcomed in other communities.

Ron Craig thanked the council for their time and attention on this matter. he stated that initially he did not agree with this ordinance because it creates another lever of government, but thinks if they move forward it should cover all houses, not just rental houses. He complimented the council and the building commissioner for taking the original draft and refining but worries that it doesn't address issues with vindictive tenants.

Kay Wright stated that she appreciates the fact that they are trying to clean up New Albany but she doesn't understand what the end goal of this is. She explained that she believed that the ordinances should apply to everyone and has concerns about how it will be enforced.

David Brown expressed concern over who would be making the inspections. He stated that he doesn't understand how bad a property is without statistical data, and asked about hotels and motels and if this would affect their properties as well.

Shirley Baird stated that this is something that has been close to her heart for many years. She explained that she has had a lot of calls from tenants that need help and need someone to speak up for them. She stated that she is so happy that this ordinance is back on the agenda tonight and those people that are taking care of their properties aren't going to be penalized for this.

Sandy Haenisch stated that some of her tenants have said they will move if people are going to walk through their houses and her group will sell their rental houses and move out of New Albany if this is done. She explained that there are already codes and laws on the books that deal with this issue and that should be good enough. She stated that they are not against giving anyone a list of contact information but that isn't what this ordinance is about.

Noah Schaefer spoke against G-15-05 and stated that as a rental property owner this makes him feel as though the city doesn't want people like him to come in and spend money on these properties. He stated that the another big problem is how they office will keep up with the additional work that this would burden them with.

John Kettler stated that he owns several rental properties here in town and every time he turns around the city is trying to pass something to make his job harder. He explained that he doesn't have a problem with a registration if it is a one-time thing but if this ordinance is passed it is only going to increase the vacant houses and lots in the city which causes further blight.

Robert Thornton stated that he understands the city wanting to get rid of blighted properties in but there might be some other ways that it could be done. He explained that there are already laws on the books and there seems to be many unanswered questions about the ordinance that they are considering tonight. He thanked the council for listening to all of their concerns.

Kay Hartman stated that she thinks there are a lot of questions about this ordinance that aren't answered and would urge them not to considering voting until they have more information. She explained that she has no problem with the registration aspect but if they are going to have these rules they should be universally applied.

John Edrington spoke in opposition to G-15-05. He expressed concerns over the three strike rule and stated that sometimes the cause and effect isn't as simple as being able to fix it in three times. He explained that there are major loopholes in the ordinance and he would like to see the city use see tax breaks or other positive reinforcement

Robert Fouts spoke in opposition of G-15-05 and stated that he has a lot more questions than answers. He stated that he understand the need for something like this but doesn't think the council has the statistics to make decisions on this ordinance.

Michelle Fosskule spoke in opposition to G-15-05. She stated that renters pay higher property taxes because they don't get a homestead exemption and she has issues with the three strikes. She explained that tenants may have vindictive nature and no one is concerned about how this will affect the landlords.

Gretchen White Indiana Apartment Association stated that they have over 1100 units in the city and asked that they council would take into account their concerns with this ordinance before making any decisions. She stated that it seems to be more directed towards single family units and that raises a lot of concerns for them with the three strike rule. She asked that they consider adjusting it three violations per tenant or something along those lines. She stated that there is language in a couple of sections that requires that the units be up to standards with current codes and when properties are constructed they are done so using the standards at the time and doesn't require them to be brought up with every change in those codes. She explained that she didn't see any language under the penalty section to give landlords time to cure the issues and asked that they consider looking at that as well.

Scott Rhodes spoke against G-15-05 and stated that the ordinance is unreasonable and is against landlords. He stated that he doesn't own any rental property but there is a neighboring property that is in disrepair and is owned by a city employee. He stated that he has spent \$25,000.00 fixing up his home and if it were a rental property would fail this ordinance.

Greg Roberts stated that they have slumlords and landlords but blighted rental property has been a problem in New Albany for a number of years and now it is time to do something about it. He explained that the registration program will give the city another tool, improve accountability of the landlords, and in turn attract better tenants.

Allen Ruffra stated that Portsmouth Ohio passed an ordinance a lot like G-15-05 only it was a lot less restrictive, and the court found against the city saying that it violated the 4th, 5th and 14th ammendment of the constitution. He explained that if they pass this he doesn't see how it is going to stand up in court if challenged or be enforced.

Brian Haesley spoke in opposition to the G-15-05. He stated that it seems like everyone would be on board with the registration aspect but the rest of it makes it feel like they are getting railroaded because they weren't allowed to discuss the issues or be part of the committee that was making these decisions.

Renee Barrow explained that her mom owns a house at 318 Cherry Street and with the flooding issues going on in the neighborhood she is concerned that her parents aren't dealing with clean water coming into their home. She stated that she appreciated Mr. Brewers help in drying up the basement but her mother is asthmatic and this has caused a major heath concern for her. She stated that her parents are property owners and have been there since 1976 and she urged the council to look at the drainage in that area and work with them to get this under control.

COMMUNICATIONS – COUNCIL:

Mr. Barksdale spoke about Cherry Street flooding and stated that he knows a family that lost three vehicles during the last flooding. He expressed concern with the advent of rain predicted to come in this week.

Mr. Thompson stated that the city set a pump in the alley and he spoke with the state today. He explained that they are attempting to open a hole on the upstream side of the pipe so they could get a pipe in there and bypass it with a pump. He explained that the area that was excavated had huge boulders that started coming in and the slope started to give way on them so they couldn't get to the pipe safely. He stated that they put the rigging in to do the sheet piling to help get the other equipment back in there and they found some other areas of the pipe that was failing on the other side so they may have to replace the whole pipe. He explained that they contacted the state and asked them to start the process of having the pump put in so they can have it set up tomorrow.

Mr. Barksdale asked if it would be possible to try to get the pump on the opposite side of the West Street from the houses and pump the water into the ball fields and the parking lot.

Mr. Coffey stated that the whole area has serious problems but bringing it up isn't going to help the situation so he is asking this council to appropriate the money to address the flooding issue.

Dr. Knable stated that several of the new members have visited the Cherry Street area so there is an opportunity to address the issue with fresh voices. He explained that there are 6 more lights going up on Spring Street with Duke and he is working on the lights at the federal building and behind the post office. He stated that he is working with Mr. Nash and the mayor to get Smoking on the River downtown.

Mr. Thompson stated that he spoke to a supervisor there at the post office and a pole was damaged by a Rumpke truck and they working with them to try to get it fixed.

Mr. Blair stated that Christy Smallwood seems to meet the criteria for a facilitator the best and he would like to ask her to come to the next meeting and give them a short proposal. He asked Mr. Lorch if they have the money in professional services if they could do that without an ordinance.

Mr. Lorch stated that as long as they vote to appropriate it he thinks that would be okay but he thinks it is always a good idea to have a formal document.

Dr. Knable stated that the person that they chose is clearly the person most in tune with their needs.

Mr. Coffey suggested that they have a resolution set up for this so it won't be a stumbling block.

Mr. Blair stated that he mentioned before about the sewer financials and he was hoping to have Ed Wilkinson to come in and speak. He explained that Mr. Wilkinson wanted to make it more of a comprehensive discussion but he still has issues and questions that he wants to have addressed. He stated that the aquatic center will have their first full operational year this year and he had a conversations about financials with Mrs. Moeller about this and asked for budgets and reports and he would like to see more of an income statement for that. He explained that they compared it to the Clarksville facility and stated that they were kind enough to share that information with them so he would like to pass that on to the administration as a model for the kind of information that he would like to see.

COMMUNICATIONS – MAYOR:

Michael Hall stated that the mayor wanted to thank the committee for their work on the rental property ordinance and explained that Mayor Gahan is the 4th mayor that has asked for an legislation on this topic so this isn't something that was brought about at the last minute. He read press release into the minutes regarding the G-15-05, said press release is on file with the city clerk's office.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

REPORTS – COMMITTEES, BOARDS OR OTHER OFFICIALS AS REQUESTED BY A MAJORITY VOTE OF THE COUNCIL:

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

G-15-05 Ordinance Adopting Chapter 160: Rental Housing Code

Phipps 1&2

Mr. Phipps introduced G-15-05 and moved to approve first and second readings, Mr. Caesar second, all voted in favor.

Mr. Caesar withdrew his second,

Mr. Phipps introduced G-15-05 as amended including 160.01-160.07 omitting 160.05 and moved for first and second readings, Mr. Nash second, all voted in favor.

Mr. Phipps clarified that they aren't asking for tenant information and stated that he would be happy to work with Mr. Brewer to get him whatever staff he needs to make this work. He explained that they will be addressing concerns regarding erroneous reporting and while he understands the concerns about enforcement, they can't sit back and do nothing just because people think it will not be enforced. He stated that that the issue with the Portsmouth Ohio was that they were doing searches without a warrant but he will have the legal team look into that. He stated this is up for first and second reading tonight and they will get more information and try to answer all the questions brought up tonight before they vote on this for the final reading. He stated that all businesses have certain cost associated with them and this is one of the cost of doing business. He explained that the government provides order, builds roads, protects nation, ensures rights, so it is necessary in a modern and civil society.

Mr. Aebersold stated that it doesn't sound like the registration is an issues but he does understand the concerns with rental vs. private property. He explained that both are in bad shape and asked what the city doing to the properties that are private and aren't in compliance. He explained that the three strikes seems to be to be very difficult to enforce and he thinks they need help in looking at this and it sounds like the realtors and rental property owners are willing to assist them with this.

Mr. Phipps stated that there are owner occupied spaces that are in horrible shape but the difference is when you are renting a property you are a business and are subject to more stringent regulations. He stated that the registration component is critical but he thinks they need to have both in order for this to work effectively

Dr. Knable stated that he has read the existing building codes and would suggest that all those concerned make themselves familiar with it. He stated that they definitely need to be brushed up but the bigger question is why are they not being enforced. He explained that he has heard a lot of great things about Mr. Brewer tonight so he has to believe he is doing the best job that he can and registration seems to be an immediate necessity. He stated that if they proceed with registry it needs to be user friendly as possible and enforceable no sooner than 9-10 months to give the city time to get prepared and notify the owners. He explained that he thinks there needs to be amendment that protects people against false reporting if it is allowable by the state and to alleviate the burdens of the owners with some sort of hardship clause. He recommended that they take this back to committee and separate the registration part out and then they can work on the ordinance part of it.

Mr. Caesar stated that his fairly certain that people will be able to register online and he would be willing to do more work on this if they feel like it is going in the right direction. He explained that they aren't trying to target anyone or make a lot of money but they are looking for those not abiding by the law and unfortunately it has to apply to all.

Mr. Coffey stated that they looked at building codes last year and found out the worst properties in the city were owned by the banks who will sit on them for five years. He explained that he thinks that the three strike rule is ridiculous when the city has been working on sewers for years so they are holding these landlords to a different standard. He stated that he thinks they should separate the two and then go forward from there.

Mr. Blair stated that Mrs. White had three real concerns and would like to see what she had to say incorporated in the inspection aspect of the ordinance. He explained that it is hard for him to support the inspection piece and stated that he would like to see them separated.

Mr. Caesar stated that they have all these ordinances and most of the time never have a penalty for failure to comply and now that they finally have an ordinance that stands for something and people don't want the penalties and he doesn't understand that at all.

Dr. Knable stated that he is for the penalty but he thinks that the ordinances need to be separated because it needs a lot of work.

There was a lengthy discussion about separating the registration and inspection component of the proposed ordinance.

**Z-16-02 Ordinance Amending the Code of Ordinances of Phipps 1&2
New Albany, Indiana Title XV Chapter 156
(Docket P-01-16 Thorntons, Inc., requests a PUDD
at 2250 State Street)**

Mr. Phipps introduced Z-16-02 and moved to approve first and second readings, Mr. Caesar second, all voted in favor with the exception of Mr. Coffey who was absent.

Mr. Wood explained that they have acquired a residential property that they share a property line with and they would like to demolish the residence and build a new store.

Joe Watson American Engineers, presented a drawing of the location to the building and went over the changes that would be made to the property.

Dr. Knable asked for the years of the original property

Joe Ballard stated that the original PUD was granted in 1993

Dr. Knable asked if they have to move the tanks back

Mr. Ballard stated that they have to modernize them.

Mr. Blair asked about the cross connection to Wesley Commons and disclosed that he works for First Savings who owns Wesley Commons.

Mr. Ballard stated that they would love to have the cross access connection but it doesn't appear there is any realistic way to make that connection.

Mr. Blair stated that he would be happy to put him in touch with the bank to at least have another conversation about it.

Mr. McLaughlin asked about lighting.

Mr. Wood explained that one stipulation that they have is that the lighting not exceed the level of the equivalent of a full moon on a cloudless night and it can't cause any glare into a residential property.

Mr. Barksdale asked about the residents across the street and if they are on board

Mr. Wood stated that no one has spoken in opposition.

INTRODUCTION OF RESOLUTIONS:

**R-16-01 Resolution of the Common Council of the City Caesar
of New Albany, Indiana, Approving the Order of
the New Albany Plan Commission and the
Amendment by the New Albany Redevelopment
Commission of the Declaratory Resolution for the
Park East Industrial Park Economic Development Area**

Mr. Caesar introduced R-16-01 and moved to approve, Mr. Phipps second, all voted in favor.

Mr. Caesar explained that Park East was founded in 1994 and later Beach decided to expand the facility to double their employment. He stated that after everything was voted on in was decided that all properties must be in the tax abatement and Beach had purchased a property to the west of where they built the building so it has to be included in the Park East TIF because of the abatement.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 10.09 p.m.

Pat McLaughlin, President

Mindy Milburn, Deputy City Clerk

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, HELD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR
ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON THURSDAY,
MARCH 17, 2016 AT 7:00 P.M.**

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. Nash, Mr. Blair, Mr. Aebersold, Mr. Barksdale, Dr. Knable and President McLaughlin.

ALSO PRESENT: Mr. Lorch, Mr. Thompson, Mr. Wood, Mr. Gibson, Mrs. Moeller, Officer Davidson, Police Chief Bailey, Mr. Hall, Mr. Brewer and Mrs. Glotzbach

Mr. McLaughlin called the meeting to order at 7:00 p.m.

INVOCATION

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

COMMUNICATIONS – COUNCIL:

Mr. Barksdale stated that he was hoping that Mr. Thompson would be here to give an update on the Cherry Street flooding issues and explained that he has been keeping an eye on things down there and it seems that they are continuing to work in the area.

Mr. Coffey stated that Mr. Barksdale brought up that the water needed to be pumped from one side to the other and it worked so he thanked Mr. Barksdale for that.

Mr. Blair stated that he had a discussion with Mrs. Moeller about reporting the revenue and expenses on the aquatic center and he provided Mrs. Moeller with an income statement that Clarksville provided them. He explained that he thinks it is important for them to have this kind of information in order to manage the project appropriately and this will be a good change for Ms. Moeller to get that set up in her system.

Dr. Knable stated that he has been stopped and called numerous times about paving updates and he will be asking Mr. Thompson about an update on these, especially Bono Road, when he is here to answer. He explained that he has received several calls about cars for sale parked in lots and is floating the idea of pursuing an ordinance about this issue and welcomes any input from the council or the public.

Mr. Phipps stated that he thinks it is a great idea.

Mr. Blair stated that he believes there is a code on the books that deals with vehicles being parked overnight so there may be something already on the books to address it

Dr. Knable stated that he would love to see it and see the ordinance being enforced.

Mr. Coffey stated that the work being done on Bono Road is through redevelopment. He explained that the money was there for the first phase and hopefully it will get started this spring. He explained that the base has to be completely redone

Mr. Barksdale stated that he and Mr. Caesar can keep tabs on that since they are on the board and they should find out something next week.

COMMUNICATIONS – MAYOR:

Mike Hall stated that there have been quite of few new businesses opening up downtown and encouraged the council members to check them out.

Mrs. Moeller passed out the monthly financial report.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mr. Gibson stated that he handed out the amendments that were made at the last meeting on the rental registration ordinance and also passed out other amendments that he recommends adding tonight. He said that it is all explained in in a memo that is attached. Said memo and amendment documents are on file in the city clerk’s office. He explained that state statute requires that when you do these types of programs that you set up a fund to collect fees, fines, etc.

Dr. Knable stated that the leading sentence in section 160.04, paragraph 5 is not a complete sentence and he believes that it needs to end with “shall be given”, “may be used” or “must be designated”.

Mr. Gibson stated that he will make that change.

Dr. Knable stated that where it talks about the fund it should include that it is pursuant to oversight by the council with an annual budget report.

Mr. Gibson stated that it would be set up like any other fund which would have to have the council’s approval in the budget and/or go through the additional appropriation process but this will not be in effect until next year so it will go through the budgetary process this year.

Dr. Knable asked about the \$100.00 per day fine and stated that the council may need to discuss a maximum amount.

Mr. Gibson stated that he has seen other areas that have a maximum so that is definitely something they can discuss.

Mr. Coffey stated that Indiana code tells them how to create the fund but not how to allocate it and as they have seen in the past there are some issues with that.

Mr. Gibson stated that they go through the budgetary process every year as it is set up by state statute. He explained that it dictates how they can spend the funds and the council approves it every year so he doesn’t understand the issues.

REPORTS – COMMITTEES, BOARDS OR OTHER OFFICIALS AS REQUESTED BY A MAJORITY VOTE OF THE COUNCIL:

Dr. Knable stated that Mr. Phipps would like for him to take over the ordinance inspections and penalty phases and he has some volunteers lined up to help out if they want to make that official.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

G-15-05	Ordinance Adopting Chapter 160: Rental Housing Code	Phipps 3
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Mr. Phipps introduced G-15-05 and moved to approve third reading, Mr. Caesar second, all voted in favor. Bill G-15-05 becomes Ordinance G-16-02.

Mr. Caesar moved to amend Bill G-15-05 to reflect the following changes: 160.04 #5 add "an individual" in the first line and to add "shall be required" after process in the fourth line, 160.07 Penalties A) \$1000 C) after chapter add "maximum of \$7,500.00", 160.08 A) establish a rental housing non-reverting fund required by Indiana Code 36-1-20-3, Mr. Phipps second, all voted in favor.

Mr. Phipps stated that the council amended this at the last meeting to keep in 160.01-160.07 omitting 160.04. He explained that they inadvertently failed to leave in the last section which was 99: Penalties so that is one of the amendments that they have before them tonight

Mr. Caesar stated that he would like to amend 160.04 #5 to add "an individual" and after process add "shall be required".

Mr. Blair asked how they would have to register if it was the case that an LLC owned the property.

Mr. Caesar stated that we would need to have a designated agent.

Mr. Aebersold asked how they guarantee that the agent is going to pass the information along.

Mr. Nash stated that if they designated the agent then they should trust them to do their job.

Mr. Brewer stated that he thinks that affidavits will be kept on file detailing that the agent has the authority to facilitate this process.

Mr. Coffey asked if we are going to contact the LLC as well as the agent.

Mr. Aebersold stated that if it is on record that the owner has given the agent the authority to receive the information then they are covered but that needs to be kept on record with the registration.

Mr. Brewer stated that the legal notification will reach the address of record as well as the agent of record.

Mr. Caesar stated that the penalties were inadvertently left out and need to be re-inserted as 170.00 and if they would like to add a maximum of \$7,500.00 he is okay with that change.

Mr. Coffey asked about a time frame to issue and if they are going to send out notices.

Mr. Nash asked if this is going to be staggered so that everyone is not doing it at the same time.

Mr. Brewer stated that they will and this gives everyone the ability to go online a register at their convenience or to mail it in. He explained that there are several options that they can use to help notify and they will hopefully have the software soon to aid in this.

Mr. Caesar stated that there will be a reminder notice sent out.

Mr. Nash asked if everyone is renewing at the same time will it be overwhelming.

Mr. Brewer replied no and explained the registration is the easy part with the new software system.

Mr. Blair asked if they are going to ask for funds at budget time for the software system.

Mr. Gibson stated that if they want to pay online they will have to have a vendor for the collections but will probably use the one they already have.

Dr. Knable asked if someone signs up in August will all of them have the same renewal date as everyone else or will it be a year from that date.

Mr. Gibson stated that the first of the year will be best internally and the way they are interpreting the ordinance is that when you buy the property you need to register the property

Mr. Phipps asked if they would like to clarify the ordinance to add a 30 or 90 day limit.

Mr. Gibson stated that he is fine with that.

Mr. Coffey asked what if it is a six month process.

Mr. Gibson stated that it doesn't change their stance on registering the property and it is per property not per unit on the property.

Mr. Aebersold asked if an individual buys two houses and then decides later that he wants to rent it, how the city knows that is going on.

Mr. Gibson stated that code enforcement could notice and they have ways to check homesteads on a regular basis.

Mr. Caesar said that 160.08 needs to be added because state statute requires that a fund be set up.

Mr. Gibson stated that it will be a non-reverting fund.

Dr. Knable asked Mr. Gibson if he is confident that this can all be set up and ready to go

Mr. Gibson replied yes and stated that they could send notification out in the sewer bills.

Mr. Barksdale stated that real estate agents may be able to relay the information to buyers

Z-16-02	Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV Chapter 156 (Docket P-01-16 Thorntons, Inc., requests a PUDD at 2250 State Street)	Phipps 3
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Mr. Phipps introduced Z-16-02 and moved to approve third reading, **Mr. Caesar** second, all voted in favor. **Bill Z-16-02** becomes **Ordinance Z-16-03**.

INTRODUCTION OF RESOLUTIONS:

R-16-02	Resolution Concerning Anticipated State Funds from Passage of Indiana Senate Bill 67	Knable
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Dr. Knable tabled this item.

R-16-03	Resolution to Authorize the Use of a Planning Facilitator for the Common Council and City Administration Officials	Blair
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Mr. Blair stated that Ms. Christi Smallwood couldn't make the meeting tonight and tabled the resolution until the next meeting.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Pat Harrison thanked the council for passing the ordinance and explained that she would like to start some neighborhood associations to try to coordinate with the ordinance and build communities they can be proud of.

Greg Sekula thanked the council on behalf of Indiana Landmarks for taking this important first step on the registration program. He stated that they strongly believe that an inspection component is necessary and that they will see some action on that in the future.

Mrs. Ashley, on behalf of Jason Ashely, thanked the council for passing the ordinance tonight and stated that it will go a long way in drawing them back to the community.

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:15 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk

Bill No. A-16-02

Ordinance No. _____

**ORDINANCE FOR APPROPRIATION OF EDIT MONEY
FOR BLESSINGS IN A BACKPACK**

WHEREAS, the City's legislative and fiscal body, the New Albany City Common Council (hereinafter "City Council") has the discretion to evaluate and determine which funds the City can rely on to fund and participate in projects such as the Blessings in a Backpack program and its efforts;

WHEREAS, the City Council may utilize Economic Development Income Tax (hereinafter referred to as "E.D.I.T.") so as to provide consistent services and operations for public benefit;

THEREFORE, the City Council finds it necessary and proper to appropriate \$35,000.00 from the EDIT to participate in the Blessings in a Backpack

NOW, THEREFORE, BE IT ORDAINED BY THIS COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA, that an appropriation of Thirty-Five Thousand Dollars (\$35,000) shall be made from the E.D.I.T. fund for participating in the Blessings in a Backpack efforts.

SO ORDAINED by this Common Council of the City of New Albany, Indiana, this _____ day of _____, 2016.

**COMMON COUNCIL OF THE
CITY OF NEW ALBANY,
INDIANA**

PAT MCLAUGHLIN, PRESIDENT
COMMON COUNCIL, NEW ALBANY

Attested by:

Vicky Glotzbach,
New Albany City Clerk

CERTIFICATE OF PRESENTATION TO MAYOR

The undersigned hereby certifies that on the ____ day of _____, 2016, the above Resolution was PRESENTED by me, as the duly elected Clerk of the City of New Albany, Indiana, to the Mayor of the City of New Albany, Indiana.

Vicky Glotzbach,
New Albany City Clerk

APPROVAL BY MAYOR

The undersigned, as of this ____ day of _____, 2016, and as the duly elected Mayor of the City of New Albany, Indiana, hereby APPROVES the above Ordinance as authorized by the provisions of IC 36-4-6-16 and as evidenced by my signature affixed below.

Jeff M. Gahan, Mayor of the City
of New Albany, Indiana

Attested by:

Vicky Glotzbach,
New Albany City Clerk

Bill No. A-16-03

Ordinance No. _____

**ORDINANCE FOR APPROPRIATION OF RAINY DAY MONEY
FOR PAVING AND SIDEWALKS**

WHEREAS, on March 23, 2016 Governor Mike Pence signed SEA 67, Local Income Tax Distributions, which is expected to release \$3,870,206.00 to the City of New Albany. These funds are to be used for local road construction, maintenance, or repair. Funds are to be deposited into the City of New Albany's Rainy Day Fund.

WHEREAS, the Common Council of the City of New Albany deems it necessary and appropriate to implement street paving, sidewalk improvement or other infrastructure projects;

WHEREAS, the City can use Rainy Day Fund for services, purchase and other items;

THEREFORE, the City Council finds it necessary and proper to appropriate \$2,000,000 from the Rainy Day for the purpose of street paving and sidewalks.

SO ORDAINED by this Common Council of the City of New Albany, Indiana, this _____ day of _____, 2016.

**COMMON COUNCIL OF THE
CITY OF NEW ALBANY,
INDIANA**

PAT MCLAUGHLIN, PRESIDENT
COMMON COUNCIL, NEW ALBANY

Attested by:

Vicky Glotzbach,
New Albany City Clerk

CERTIFICATE OF PRESENTATION TO MAYOR

The undersigned hereby certifies that on the ____ day of _____, 2016, the above Resolution was PRESENTED by me, as the duly elected Clerk of the City of New Albany, Indiana, to the Mayor of the City of New Albany, Indiana.

Vicky Glotzbach,
New Albany City Clerk

APPROVAL BY MAYOR

The undersigned, as of this _____ day of _____, 2016, and as the duly elected Mayor of the City of New Albany, Indiana, hereby APPROVES the above Ordinance as authorized by the provisions of IC 36-4-6-16 and as evidenced by my signature affixed below.

Jeff M. Gahan, Mayor of the City
of New Albany, Indiana

Attested by:

Vicky Glotzbach,
New Albany City Clerk

RESOLUTION NO. R-16-03

RESOLUTION TO AUTHORIZE THE USE OF A PLANNING FACILITATOR

WHEREAS, the City of New Albany Common Council (hereinafter "Council") is the fiscal body of the City of New Albany and is involved in the planning and implementation of many city projects and expenditures;

WHEREAS, the Council believes that it is prudent to hire a professional planning facilitator to assist in developing a plan to help guide and prioritize projects and expenditures;

WHEREAS, the Council has determined these professional facilitator services to be in the best interests of the City and that it has budgeted funds in the Council's budget for professional services;

NOW, THEREFORE, BE IT RESOLVED by the City of New Albany Common Council that funds from the professional services line item of the Council's budget shall be expended for hiring and use of a facilitator, and the Council grants the authority to its President to execute any documents necessary to carry out the hiring and use of a planning facilitator chosen by the Council at a rate approved by the majority of the Council;

SO RESOLVED by the Common Council of the City of New Albany, Indiana, on this ____ day of _____, 2016.

**COMMON COUNCIL OF THE
CITY OF NEW ALBANY, INDIANA**

Pat McLaughlin, President

Attested by:

**Vicki Glotzbach,
New Albany City Clerk**

CERTIFICATE OF PRESENTATION TO MAYOR

The undersigned hereby certifies that on the ____ day of _____, 2016, the above Resolution was PRESENTED by me, as the duly elected Clerk of the City of New Albany, Indiana, to the Mayor of the City of New Albany, Indiana.

**Vicki Glotzbach,
New Albany City Clerk**

APPROVAL BY MAYOR

The undersigned, as of this ____ day of _____, 2016, and as the duly elected Mayor of the City of New Albany, Indiana, hereby APPROVES the above Resolution as authorized by the provisions of IC 36-4-6-16 and as evidenced by my signature affixed below.

**JEFF GAHAN, Mayor of the City of New
Albany, Indiana**

Attested by:

**Vicki Glotzbach,
New Albany City Clerk**

Resolution No. R-16-04

**RESOLUTION RECOGNIZING THE NEW ALBANY HIGH SCHOOL BOYS' BASKETBALL
TEAM FOR THEIR 2016 STATE CHAMPIONSHIP**

WHEREAS, the City of New Albany Common Council (hereinafter "Council") is the fiscal and legislative body for the City of New Albany;

WHEREAS, the City's public high school, New Albany High School, is recognized as the first public high school in Indiana with a rich, storied history;

WHEREAS, another chapter was added to that history when the New Albany High School Bulldogs Boys' Basketball team finished a historic season on Saturday, March 26, 2016, culminating in a 27-1 record and defeating McCutcheon 62-59 at the Banker's Life Fieldhouse in Indianapolis, Indiana to become the Indiana High School Athletic Association's Class 4A 2016 State Champions;

WHEREAS, the full roster of coaches and players are as follows:

Head Coach

Jim Shannon

Assistant Coaches

B.J. McAlister
Matt Lynch
Ryan Wheeler
Derek Hobbs
Martin Luther
Matt Denison

Players

Romeo Langford
Adrian Pratt-Thomas
Savion Southers
Sean East
Peyton Martin
Rondale Moore
Isaac Hibbard
Michael Maxwell
Joshua Jefferson
Kameron Guess
Blake Murphy
Seth Short

WHEREAS, Common Council notes that this event was attended by many thousands of fans who brought the "Doghouse" to the game, who have enjoyed watching this team come together, and

we are all proud of how this team represented the City of New Albany throughout their athletic achievements with grace, humility, and respect;

THEREFORE, the Council hereby honors and congratulates this team, its players, its coaches, its fans, and the entire New Albany High School community on winning the IHSAA 4A Boys' Basketball Championship by joining New Albany's Mayor Jeff Gahan in proclaiming the week of April 4, 2016, to be "New Albany Bulldog Week" for their accomplishments. Go Bulldogs!

SO RESOLVED by this Common Council of the City of New Albany, Indiana, this _____ day of _____, 2016.

**COMMON COUNCIL OF THE
CITY OF NEW ALBANY, INDIANA**

Pat McLaughlin, President

Attested by:

**Vicki Glotzbach,
New Albany City Clerk**

CERTIFICATE OF PRESENTATION TO MAYOR

The undersigned hereby certifies that on the ____ day of _____, 2016, the above Resolution was PRESENTED by me, as the duly elected Clerk of the City of New Albany, Indiana, to the Mayor of the City of New Albany, Indiana.

**Vicki Glotzbach,
New Albany City Clerk**

APPROVAL BY MAYOR

The undersigned, as of this _____ day of _____, 2016, and as the duly elected Mayor of the City of New Albany, Indiana, hereby APPROVES the above Resolution as authorized by the provisions of IC 36-4-6-16 and as evidenced by my signature affixed below.

JEFF GAHAN, Mayor of the City of New Albany, Indiana

Attested by:

**Vicki Glotzbach,
New Albany City Clerk**

RESOLUTION NO. R-16-05

BEFORE THE COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA

**RESOLUTION REGARDING TRANSPARENCY OF FLOYD
MEMORIAL HOSPITAL SALE**

WHEREAS, a self-appointed task-force of Floyd County Commissioners, Floyd County Council Members, and Floyd Memorial Hospital Staff was formed to negotiate the sale of the publicly-owned Floyd Memorial Hospital.

WHEREAS, the City of New Albany represents about half of the population of Floyd County.

WHEREAS, Floyd Memorial Hospital is one of the city's largest employers, and the council has an obligation to protect the citizen employees.

WHEREAS, the Common Council is the fiscal body of the City of New Albany, and has an interest in the relinquishment of the county's most valuable asset.

WHEREAS, the details regarding the sale have not been disclosed, nor have the offers from other providers and organizations.

WHEREAS, constituents of council members have raised concerns and questions, to which council members cannot answer due to the lack of transparency.

WHEREAS, the Common Council believes it is in the best interest of the public for important details regarding the sale of the publicly-owned Floyd Memorial Hospital to be disclosed.

WHEREAS, after a year of \$2 million in reported surplus revenue, and reports of the Hospital on strong financial footing, the timing of the sale is of great public concern.

WHEREAS, no agreed-upon plan for how this proposed sale will benefit the citizens of the City of New Albany and Floyd County has been brought forward.

THEREFORE, the City of New Albany Common Council asks for full disclosure regarding the proposed sale of the publicly-owned Floyd Memorial Hospital through a series of public work sessions where hospital administrators present the New Albany City Council and the members of the public with information regarding the sale of Floyd County's most valuable asset.

**COMMON COUNCIL OF THE
CITY OF NEW ALBANY, INDIANA**

PAT MCLAUGHLIN, PRESIDENT
COMMON COUNCIL, NEW ALBANY

Attested by:

Vicky Glotzbach, New Albany City Clerk

CERTIFICATE OF PRESENTATION TO MAYOR

The undersigned hereby certifies that on the ____ day of _____, 2016, the above Resolution was PRESENTED by me, as the duly elected Clerk of the City of New Albany, Indiana, to the Mayor of the City of New Albany, Indiana.

Vicky Glotzbach, New Albany City Clerk

APPROVAL BY MAYOR

The undersigned, as of this _____ day of _____, 2016, and as the duly elected Mayor of the City of New Albany, Indiana, hereby APPROVES the above Resolution authorized by the provisions of IC 36-4-6-16 and as evidenced by my signature affixed below.

Jeff M. Gahan, Mayor

Attested by:

Vicky Glotzbach, New Albany City Clerk