

**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, MARCH 5, 2018 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:

Regular Meeting Minutes for February 15, 2018

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:**

**Horseshoe Board – Mr. Aebersold and Mr. Nash
Plan Commission – Mr. Phipps
Redevelopment – Mr. Barksdale**

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

INTRODUCTION OF RESOLUTIONS:

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 REGULAR COUNCIL MEETING IN THE THIRD FLOOR
ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON THURSDAY,
FEBRUARY 15, 2018 AT 7:00 P.M.**

MEMBERS PRESENT: Council Members Mr. Caesar, Mr. Phipps, Mr. Nash, Mr. Blair, Mr. Aebersold, Mr. Barksdale and President Knable. Mr. Coffey and Mr. McLaughlin were not present.

ALSO PRESENT: Ms. Stein, Police Officer Korte, Mr. Hall, Mr. Thompson, Mr. Wood, Mrs. Moeller and Mrs. Glotzbach

President Knable called the meeting to order at 7:00 p.m.

MOMENT OF REFLECTION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Barksdale moved to approve the Public Hearing Meeting Minutes for February 5, 2018, Mr. Phipps second, all voted in favor with the exception of Mr. Coffey and Mr. McLaughlin who were not present.

Mr. Phipps moved to approve the Regular Meeting Minutes for February 5, 2018, Mr. Barksdale second, all voted in favor with the exception of Mr. Coffey and Mr. McLaughlin who were not present.

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

COMMUNICATIONS – COUNCIL:

Mr. Barksdale stated that he has been discussing with Mr. Phipps inviting Dr. Brad Snyder with the school corporation to give the council a brief update on school projects, etc. at the Thursday, May 17th meeting. He also stated that the tree board had a meeting last night and Mr. Krisjans Streips is hoping to have the total tree inventory, plan, etc. all finalized in the next month to month and a half and would also like to come in and present that to the council. He said that he does not know the date yet because it is still not finalized.

Dr. Knable asked if they are working through the budget that was laid out or if they will be looking for extra funds.

Mr. Barksdale stated that they are not going to ask for funds at this time because they want to get the actual plan finished first but that will probably be the next step.

Mr. Caesar stated that the winter weather has not been kind to us as far as potholes but he has Mr. Thompson on speed dial and Mr. Thompson has been taking very good care of the things he has called him on. He said that he just wanted to tell the other council members that if they see problem areas to get in touch with Mr. Thompson or Mr. Ham. He then explained that the only bad thing about the potholes is that they have to be cold patched and that does not hold at all but he assumes they will go back and hot patch those when it is time. He said that he has not looked at the updated paving schedule to see what is going to be started but if there seems to be a willingness, he would like to look into paving to see how much money is left and if they may want to add to that.

Dr. Knable stated that he spoke with the mayor late this afternoon and one of the things they specifically talked about was paving and the mayor would like to get an early jump this year and wants to encourage the council members to create their lists for anything that they know of priority wise throughout the city. He suggested doing something a little more formal like collecting and collating the lists to see what the council comes up with.

Mr. Caesar said he would be happy to do that.

Mr. Barksdale asked Dr. Knable if he is suggesting that they send their items to Mr. Caesar.

Dr. Knable stated that he is suggesting that they all bring them to the next meeting and hand them over to Mr. Caesar.

Mr. Caesar said that he will have some hard numbers for the next meeting.

Mr. Blair stated that last term each member compiled a list for their district and prioritized them. He said that they then gave those to the street department and they went through them to confirm the areas and that's how they worked paving.

Dr. Knable stated that he understands but would like to compile the list before it leaves this body.

Mr. Blair stated that is what they did.

Mr. Caesar thanked Mr. Thompson for taking his calls and getting the jobs done immediately.

Mr. Blair thanked Ms. Moeller for the financial reports and stated that when he reviewed the December report he couldn't find the fund equity report for the parks department. He asked if he just missed it or if it was not included.

Ms. Moeller replied that it should've been included and she would check into it.

Mr. Nash stated that he would like to address Mr. Smith's comments at the previous meeting about live streaming meetings. He said that as the new city hall is built, he would like to discuss the technology that is going to be installed and feels that the council should have has some input or voice on that as well as the technology that is available.

Dr. Knable stated that he agrees 100% and that he met with the mayor and they discussed budgeting, telecommunication equipment and audio/visual within the new facility.

Mr. Nash pointed out that we only have ten meetings left in this room if we move at the first of next year.

Dr. Knable said that his gut tells him that it will be early 2020 and that's okay. He also said that he really should have voiced appreciation for Mr. Smith's comments last week because he does feel it is very important for us to be doing that in 2018. He then explained that he has opened discussions with WNAS and will be meeting with them, the new superintendent and the school's principal to see if they could provide some sort of coverage for the short-term. He stated that in the future, he feels that we need to get our own capability of doing that whether it be live or delayed and it needs to be built into the hardwiring of the new facility along with equipment to pull up documents electronically, etc. He said that probably needs to be addressed in the 2019 budget process but agrees with Mr. Nash wholeheartedly and believes that it will happen.

Mr. Nash pointed out as an example that Mr. Lorch has been filming the NAHS basketball games and putting them on Facebook Live and has had very good coverage. He said that something that simple can be done for the meetings and it cost nothing.

Dr. Knable stated that on Tuesday, February 13th, he attended the county's animal shelter meeting and found their request to be rather straight forward and really just common sense because they are a business partner of us and they write a check to us once a year so they are asking for data to substantiate their expenditures. He said that he will be speaking with the city attorney as well as the mayor to see whether or not we can make a breakthrough on that. He explained that at present, the city attorney and the mayor are very certain that we are basically holding the letter of the current agreements with the county and as such, he is of the mind to reopen those interlocal agreements and renegotiate them. He also explained that the letter does require us to provide data to the county because they are responsible for \$300,000.00-\$400,000.00 a year and feels it would be fair for them to have that data. He then stated that he met with Mr. Brad Striegel, the county council president, at length on trying to find common ground and they would like to unofficially have a greater presence at each other's meetings and pointed out that County Councilmember Bagshaw was present tonight. He said that perhaps between now and the next meeting, one of us would come forward to try to attend the meetings more frequently and if not, he would be happy to try to get down there to most of them. He confirmed that their meetings are on the second Tuesday of every month at 6:00 p.m. He then said that if we are going to have more cooperation between the city and county government, we need to have an unofficial presence at those meetings. He stated that the storm water work session is scheduled for 6:30 p.m. on Thursday, April 19th and he has requested that at least one, if not all three, board members be present as well as Mr. Gardner from flood control. He said that he thinks the session would be much more meaningful if the council members submit questions in writing to them and have them ready to turn into them no later than two weeks before the session but preferably three or four weeks before. He stated that we will be able to ask questions that night as we have in the past but thinks that if specific questions are sent to them beforehand, then we can avoid the board having to get back with us at a later time. He then said that he has had questions on whether or not it would be prudent for the council to redistrict council districts so he ran it by the council attorney and we are not required to do so no less than once every ten years on a non-election year. He said that it was done in 2014 so by her estimation the next time should be 2022 and asked Ms. Stein if that is correct.

Ms. Stein replied yes and stated that it is supposed to take place in the second year after the census is provided and it is not an election year.

Dr. Knable stated that there probably hasn't been a huge change in influx or outflow of people that would require that but he is still open to looking at it if someone can provide him with data or a compelling reason to do it.

Mr. Blair stated that he would concur with that unless there is a good reason because it is expensive, time consuming and confusing to the voters.

Dr. Knable stated that at this point, he would hate for it to be viewed as politically motivated. He stated that he also spoke with the mayor regarding the new zoning ordinance and that it should be in the council's hands in the relatively short term and that the mayor wants the council's planning committee to look at it very hard and come up with some way to contribute to it as far as the council's thoughts on it. He said that he told him that we would require at minimum 30 days before it actually lands on the councilmembers' desks before there could be any kind of meaningful vote on it. He also said that he really liked the way that the council did the 20-year comprehensive plan and would like to have a work session on this in the same way.

Mr. Wood stated that it is about 220 pages and that Mayor Gahan asked him to come and invite the council to create an ad hoc committee of about three members today to get out in front of it. He said that he knows Mr. Phipps has been with the steering committee and has been an outstanding resource as a former chairman on the board of zoning appeals which brings unique insight. He suggested that he meet late next week or early the week after with two or three members that are interested in it to spend maybe an hour going through the draft and let them take it to have for two to three weeks to consume and then get back with our consultant to go into it in detail. He stated that the process for the ordinance will be a public hearing at the city plan commission which they are now looking at the April meeting and then the first and second readings by the council will be at their second meeting in May with the third reading taking place at their first meeting in June.

Mr. Phipps asked Mr. Wood if he would prefer him to be on this committee or since he has already been in the loop of it, stay off this one.

Mr. Wood told Mr. Phipps that is entirely up to him.

Mr. Caesar stated that he thinks if Mr. Phipps has the time, he would be quite beneficial because of his knowledge on the history of the plan.

Mr. Wood stated that the consultant really focused on the comprehensive plan and translated that into the zoning ordinance. He said that it is a very technical document and he wants to make sure the council has plenty of time with it.

Dr. Knable stated that as long as there is some flexibility in meeting times, he would like to volunteer to be on the committee.

Mr. Blair asked if we already have a standing committee for that.

Mr. Wood stated that there is a development and annexation committee but no planning committee.

Mr. Blair stated that he would like to be on this committee if that is possible.

Dr. Knable stated that the committee will consist of Mr. Phipps, Mr. Blair and himself.

Mr. Wood told them that he would be in contact via email and suggested meeting at 4:00 p.m. on a weekday.

Mr. Barksdale stated that the director of redevelopment for the county came to the city's redevelopment meeting this past week and introduced himself and proposed that possibly a couple of their redevelopment people and ours get together for a meeting just to talk things over. He said that Mr. Gibson said that he would get some people together.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that Mayor Gahan wanted to report on Summit Springs and that they broke ground today on the first hotel which is Fairfield Inn & Suites by Marriott so that was very exciting. He also stated that the plan is for a few restaurants to go in as well as a second hotel.

Mr. Phipps asked if there is any idea what is happening where they tore the bowling alley down.

Mr. Hall stated that they do not know yet. He said that he checked with Mr. Brewer to see if any building permits had been filed and they hadn't yet.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mr. Thompson reported that in March the asphalt plants will be opening so obviously we will start getting things together for paving and as always they want input on complaints that the council members receive or places that they actually see that need attention.

Mr. Phipps asked if sidewalks are part of that as well.

Mr. Thompson replied yes and requested that some sort of list be compiled.

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

Ms. Moeller presented the financial reports for January 2018 for the council to review.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

G-18-01 An Ordinance Amending City Ordinance 37.02 Phipps 3

Mr. Phipps introduced G-18-01 and moved to approve the third reading, **Mr. Barksdale** second, all voted in favor with the exception of **Mr. Coffey** and **Mr. McLaughlin** who were not present. **Bill G-18-01** becomes **Ordinance G-18-03**.

Mr. Phipps stated that all amendments were made that were passed at the last meeting so that has all been updated in the document.

Mr. Barksdale thanked **Mr. Phipps** for taking care of this.

Dr. Knable stated that it was suggested that the council take a comprehensive look at all parking issues. He thought it would be best to do that after the new zoning ordinance because some of those issues may be taken care of by that document.

G-18-02 An Ordinance Removing City Ordinance 72.99 Phipps 3

Mr. Phipps introduced G-18-02 and moved to approve the third reading, **Mr. Barksdale** second, all voted in favor with the exception of **Mr. Coffey** and **Mr. McLaughlin** who were not present. **Bill G-18-02** becomes **Ordinance G-18-04**.

Mr. Phipps stated that this is just the verbiage indicating that the change has been made.

G-18-03 An Ordinance of the City of New Albany, Indiana, Caesar 3
Authorizing the Issuance of its Capital Development
Tourism Fund Revenue Bond, Series 2018;
Authorizing the Solicitation of Competitive Bids for the
Purchase of the Bond; Authorizing the Execution and
Delivery on Behalf of the City of a Pledge Agreement
Between the City and the Clark-Floyd Counties
Convention and Tourism Bureau, in Order to Provide
Security and a Source of Payment for the Bond; and
Taking Other Related Action

Mr. Caesar introduced G-18-03 and moved to approve the third reading, Mr. Phipps second, all voted in favor with the exception of Mr. Coffey and Mr. McLaughlin who were not present. Bill G-18-03 becomes Ordinance G-18-05.

Mr. Caesar stated that this was discussed at the last meeting and is \$825,000.00 that the tourism bureau has given us and part of it will go to the Culbertson Mansion for fencing and part of it will go to the greenway for a number of different projects. He said that the city is not responsible and is just an agent. He then stated that the tourism bureau has been very gracious and professional in taking care of matters like these in the past.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

Dr. Knable stated that he spoke with Mr. Terry Pennington and Mr. Nathan Grimes and re-appointed them to the stormwater board and they are anxious to continue on.

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:38 p.m.

Al Knable, President

Vicki Glotzbach, City Clerk



City of New Albany, Indiana
Shane L. Gibson, Corporate Counsel

MEMORANDUM

TO: City Council
From: Shane L. Gibson, Corporate Counsel
Date: February 20, 2018
Re: Tax Act Effect on Tax Abatement

A handwritten signature in black ink, appearing to be "S. Gibson", is written over the "From:" line of the memorandum.

Pursuant to our discussion last month, please find attached a memorandum from Frost Brown Todd regarding the new federal tax law and any effect it would have on the City's tax abatement.

MEMORANDUM

To: Shane L. Gibson, Corporate Counsel for City of New Albany, Indiana

From: Frost Brown Todd LLC

Date: February 14, 2018

Re: Tax Act Effect on City Tax Abatement Program

We have reviewed the City of New Albany's (the "City") existing framework for providing real and personal property tax abatements in accordance with the relevant sections of the Indiana Code. We have also reviewed the Federal Tax Cuts and Jobs Act of 2017 (the "2017 Tax Act").

The 2017 Tax Act will not directly impair the City's ability to provide real and personal property tax abatements to eligible recipients.

For purposes of determining Federal income tax, the 2017 Tax Act may indirectly affect the potential value of a tax abatement to recipients due to 2017 Tax Act provisions such as the revised cap on state and local property tax deductions. We strongly recommend though, that the City refrain from providing any advice, recommendation or counsel to City tax abatement recipients regarding the Federal income tax consequences of such an abatement.

In order to avoid any potential liability, and due to the unique financial circumstances of each City tax abatement recipient, the City should encourage those recipients to consult their own tax advisors with respect to the Federal tax consequences of a real or personal property tax abatement.

CIRCULAR 230 DISCLOSURE

To ensure compliance with requirements imposed by the Internal Revenue Service under 31 CFR Part 10, Section 10.35, we inform you that, unless specifically indicated otherwise, any tax advice contained in this communication was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Code, or (ii) promoting, marketing, or recommending to another party any tax-related matter addressed herein.