

**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, JANUARY 21,  
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, Mrs. Moeller, Mr. Wood, Mr. Hall and Mrs. Glotzbach

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

**MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Phipps** moved to approve the Regular Meeting Minutes for January 4, 2016, **Mr. Caesar** second, all voted in favor.

**COMMUNICATIONS – PUBLIC (AGENDA ITEMS):**

**COMMUNICATIONS – COUNCIL:**

**Mr. Blair** stated that at the last council meeting he mentioned the sewer financials and he met with Mr. Ed Wilkinson to set up a work session on Monday, March 7<sup>th</sup> to go over those financials. He explained that we spent more money than we took in revenue and we decreased our cash balances and there are quite a few EPA mandated projects that we have to do so he just wants to make sure we have a plan to accomplish what we need to accomplish. He then mentioned that we have a new police committee on the council and he set up a meeting with Mr. John Hall and those representatives on Thursday, February 11<sup>th</sup> just as an informative session and to understand the contract from an educational standpoint. He said that the last thing he has is that he thinks the council needs to have a planning session with the administration and there are people who can facilitate those for us and wanted to get the council's thoughts on that.

**Mr. Caesar** stated that there are some of the council members that have mentioned that to him and he thinks it's a good idea. He added that he didn't think of a facilitator but feels that can be very helpful.

**Mr. Phipps** stated that he thinks that it is a good idea but doesn't want anything set in stone because other ideas may come up later that are more important so he would like to keep it flexible.

**Mr. Blair** asked Mr. Phipps if there is anyone at the university that could facilitate that.

**Mr. Phipps** stated that he would have to think about that and get back with him.

**Mr. Coffey** asked Mr. Blair if he thought of anyone from Southern Indiana One.

**Mr. Blair** stated that he could contact Wendy to see if she has a suggestion.

**Mr. Barksdale** stated that he was one of the council members that spoke with Mr. Caesar about that and thinks it is a good idea.

**Mr. Blair** stated that he is willing to research it and find a facilitator if the council is interested.

**Mr. Phipps** stated that he thinks that we should definitely have someone from the administration in on it as well and not just the council.

**Dr. Knable** stated that he had a meeting with members of the school corporation and they wanted him to extend an invitation to each council member to sit down and discuss the upcoming 2016 referendum. He said that they wanted to do that informally right now and do something formal later. He then said that he had a constituent that asked him whether or not there were any proactive plans with regards to traffic patterns on the Kennedy Bridge closure.

**Mr. Thompson** stated that hasn't involved the street department too much but the police have been handling that and have been monitoring the downtown in the mornings.

**Dr. Knable** stated that it hasn't been overwhelming at this point.

**Mr. Thompson** said that is correct.

**Dr. Knable** stated that he met with a constituent at their request and walked the Coyle site and they had some concerns about ADA and some of the sidewalks not being wheelchair accessible. He said that with the construction going on the south side of Spring Street, he didn't know if the corner project at 5<sup>th</sup> Street could be accelerated so that some ramps could be put in. He added that right now there is no continuous way for someone on a rascal or wheelchair to go east to west or vice versa. He thought maybe our attorney and the builder's attorney could look at it to make sure we are in compliance.

**Mr. Thompson** stated that he could look into it. He also stated that he told them that they could put up their fence but they had to keep one side open so if they closed the sidewalk on one side, the other side had to be accessible. He added that we also have the sidewalk project going on at 5<sup>th</sup> Street so they may have caused the problem.

**Dr. Knable** stated that there are a couple of areas where the ramps are accessible but there's clearly one gap about midway through that site that you can't get through.

**Mr. Thompson** stated that he is in contact with the manager of the project so he can get with him and look at it.

**Dr. Knable** recommended that it be treated like if it were downtown Indianapolis and everything done with wayfaring signs and access.

**Mr. Phipps** stated that on one of the signs on the riverfront that has a marquee has Elm Street and Market Street reversed and asked if that was something that we maintain.

**Mr. Wood** stated that those are Greenway signs and he will let Shauna Graf know.

**Mr. Barksdale** asked if there were any updates on the flooding issues over by I64 and Cherry Street.

**Mr. Thompson** stated that state has stepped up and they already have a contractor in and they are going to expedite this. He also stated that they have acknowledged that it is theirs and they are going to get it taken care of.

**Mr. Coffey** stated that the state did accept full responsibility for it.

**Mr. Thompson** stated that is correct.

**Mr. Barksdale** asked Mr. Coffey if he had spoken with Ms. Roach anymore.

**Mr. Coffey** stated that he has spoken with several residents there and he was waiting to get information back from the state before he set up a meeting.

**Mr. Barksdale** stated that he tried contacting her but couldn't get through to her.

**Mr. Caesar** stated that the Clarksville pool will be closed this year for major renovations which should mean another banner year for us but that could create problems if we are not prepared for it. He said that he brought this to the attention of Mr. Duggins and Mayor Gahan and wanted to bring it to Mr. Nash's attention since he is on the parks board. He explained that we have parking issues that he believes are all being taken care of as well as traffic issues that are being taken care of.

**Dr. Knable** asked Mr. Caesar to briefly expound upon the fix for the parking issues.

**Mr. Caesar** stated that he is somewhat satisfied but not totally by the fix for the parking. He explained that there will be netting laid down where the grass is around the front and around the side where the fire department is and he doesn't have the exact number but there will be a significant number of spots. He thinks that we will still have to have the employees park somewhere else. He would like the employees to park in the lot at the southwest corner of Green Valley Road and Daisy Lane.

**Dr. Knable** asked if that lot is agreed upon for construction by the previous council.

**Mr. Caesar** stated that they will be building on that lot before long so he doesn't know if it will be there through the entire summer.

**Mr. Wood** stated that it will start in the spring.

**Mr. Caesar** stated that may be taken out of the equation all together. He also stated that he will be getting back with Mayor Gahan and Mr. Duggins on more specifics about it but he just wanted to bring it to everyone's attention.

**Dr. Knable** asked if we have ever talked to anyone formally about contractually renting spaces other than just a handshake deal. He said that he is speaking of Holy Family because it is the biggest venue there.

**Mr. Caesar** stated that he can't say that we have or that we haven't. He said there was an offer of some degree but he can't say exactly what that offer was.

**Mr. Coffey** stated that Holy Family didn't get any money in any part of this and people just took advantage and parked where they weren't supposed to park. He said that the school and church have different programs all of the time and he is not saying that they won't allow people to use it but it is not going to be used like it was last year. He said that it was just an overflow without any thought to what is was doing to that parish.

**Mr. McLaughlin** stated that they had permits for the staff at Holy Family.

**Mr. Coffey** stated that didn't work and it got out of hand.

**Dr. Knable** stated that it is a good problem to have but we do have to try to nail it down.

**Mr. Caesar** stated that the parking will be discussed in the next Redevelopment meeting.

**Mr. Barksdale** stated that all council members are invited Thursday, February 11<sup>th</sup> at 11:30 a.m. at the school corporation for an informational session. He added that they will be serving lunch.

**Mr. Coffey** stated that last year our sewer utility was in the black and they were going to do a rate decrease and now he has caught wind that they are going to do a rate increase and he really thinks that we need to get someone in her sooner than March 1<sup>st</sup>. He said that one of the arguments they are using is that there are EPA mandates on certain projects that go all the way back to the 90's. He said there was a \$90M bond to do them then a \$60M bond and then they refinanced bonds and borrowed more money to do these same projects that should've been done over a decade ago. He also said that we have had overflows again. He stated that we need to get in there and make sure things are being

done right because no one in this town can afford another \$150M in bonds to fix things that should've already been fixed.

**Mr. Caesar** stated that there will be no sewer rate increase in the next four years because the council would have to approve it.

**Mr. Coffey** stated that if EPA comes in and mandates that you have to fix it then you don't have a choice.

**Mr. Caesar** stated that there will be no sewer increase in the next four years.

**Mr. Coffey** stated that when Judge Cody granted those boards autonomy that gave them the right to do it themselves.

**Mr. Caesar** said that the council would have to approve it. He also said that he is fine with having Mr. Wilkinson come in to speak.

**Mr. Blair** asked if the 2014 audit is finished.

**Mrs. Moeller** stated that it is not.

**Mr. Blair** stated that it is usually in November or December and this time it is going on 13 months.

**Mrs. Moeller** said that the auditor stopped in and didn't give her any indication of anything and she asked about an exit conference and when it would be scheduled. She said he said he was waiting on his supervisor because they now have a new requirement that the supervisor has to be there for the exit conference also.

**Mr. Blair** stated that he is surprised that it is taking so long to complete that audit.

**Mr. Phipps** stated that there are actually five members on the Human Rights Commission and the council appoints two, the mayor appoints two and then when they meet they collectively elect the fifth member. He said that there are two members who wish to remain on the commission and he believes that you need to have some degree of continuity so that will mean that the council has one appointment and mayor has one appointment. He said he is gathering some names and talking with some people and hopefully at the next meeting we will have one to put forth and the mayor will have the other to put forth.

#### **COMMUNICATIONS – MAYOR:**

**Mr. Hall** stated that Mayor Gahan wanted him to relay that the state has been great to work with on the storm water pipe and has accepted full responsibility. He also said that a lot residents raised some concerns about the bridge signage coming into New Albany and the mayor met with INDOT and came to a compromise. He said they typically don't mix street names with city names on a sign but they were going to make an exception to have some signs point to New Albany.

#### **COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:**

**Mr. Thompson** stated that salt is in the barn, trucks are ready and the drivers are lined up. He said that he had a teleconference with the National Weather Service today and they are not calling for any ice for our area but probably significant snow.

**Mr. Nash** stated that there is a piece of metal plate over a corner at Twin Oaks and the fire station that was moved a little bit a couple of weeks ago. He asked Mr. Thompson if he moved it back.

**Mr. Thompson** stated that it has moved a couple of times and he thought maybe it was being hit with the plow.

**Mr. Nash** stated that he is worried about a plow hitting it because there is a hole there.

**Mr. Thompson** stated that he put a barricades on it and notified storm water.

**Mrs. Moeller** presented the December financial reports to the council.

**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-16-01            Ordinance Amending the 2016 Budget for            Blair 1&2**  
**Capital Improvements and Capital Outlays**

**Mr. Blair introduced A-16-01 and moved to approve the first and second readings, Mr. Coffey second, the first and second reading fails with all voting no with the exception of Mr. Coffey and Mr. Blair who voted yes.**

**Mr. Blair** stated that he looks at this ordinance as a cleanup item that removes some vagueness in some language that we did when we set the budget for 2016. He feels like it was the intent of the council to bring back capital projects for a vote. He explained that in October 2015 during the budget process, the administration came to the council and wanted to allocate some funds for some large capital projects in the EDIT and Riverboat funds. He said the council approved the budget and appropriated \$975,000.00 out of EDIT and \$965,000.00 out of Riverboat and the council agreed to this because they streamlined the process through one vote with a resolution versus two votes through an ordinance. He stated that we wanted the projects to come back to us for a final vote before funds were appropriated. He said that in R-15-17 it says the council has input and also that the project would be presented in a work session. He explained that after he reviewed the language and conferred with our attorney it was determined that language was not specific enough because it doesn't really say that we have the final decision or input. He said that he was very clear in the minutes of the meeting that it needs to come back to the council for a vote. He also said that in the December 17<sup>th</sup> meeting five members did say that they thought these items were supposed to come back in for a vote. He just wanted to remind people that the dog park bid was awarded without coming back to the council. He stated that we had a similar resolution that was passed in 2014 for the 2015 budget that said those items should come back to the council. He said that the administration put the plan together and spent the money without coming back to the council. He said there was \$300,000.00 spent on that facility that was never voted on by the council and we gave away our right to vote because of what we did in the budget process. He stated that this ordinance is intended to clear up that vagueness and to make sure that those items get brought back into the budget by removing those specific line items from EDIT and Riverboat and put them back into the General Fund. He said that it doesn't change anything and we can still do projects but they will have to go through an ordinance. He added that he is just trying to clean up any misconceptions. He also added that he was elected by his constituents and he feels they expect him to have input and decisions on projects and not to just give that money or authority away to someone else. He said that we have basically given away a \$1.9M blank check and all they have to do is show us what they are doing and we don't have any right or authority to make changes or vote it up or down.

**Mr. Caesar** stated that he understands Mr. Blair's concerns but everyone worked very hard on the budget and we agreed on the projects. He said that the language in the

resolution probably wasn't what it should have been but he hates going backwards and redoing everything. He stated to redo everything as it is written in the ordinance will take at least six to nine months to do it. He also stated that he is really worried because the state is looking at our budget right now for 2016 and if they see an ordinance like this that does away with almost \$2M worth of projects, they may cut our budget \$2M before we get a chance to enact all of these.

**Mr. Blair** stated they are cutting general fund budgets and these are other allocations in their discretionary budget so Mr. Caesar knows as well as he does that they are not cutting these two funds. He also stated that when he polled the council back on December 17<sup>th</sup>, Mr. Caesar was the one that spoke up and said that they should come back to the council for a vote.

**Mr. Caesar** stated that he did but it worked out differently than that but we are into a new year now with a new council and he just thinks it would be bad form to vote on this tonight.

**Mr. Blair** asked Mr. Caesar to not mislead the group in saying that the state is going to cut our General Fund because these are not General Fund budgets. He added that EDIT and Riverboat do not come from the state through property taxes.

**Mr. Caesar** stated that it is a very strong possibility.

**Mr. Coffey** stated that if they were going cut our General Fund then we would have to shore it up with EDIT, Riverboat and Rainy Day. He asked why they would want to give a blank check and not have any say on how that money is spent if we need it to shore up the General Fund that Mr. Caesar is worried about the state cutting. He wanted to point out that there was a cost overrun and they kicked it out over into the following year and we knew that there was a possibility of having new council members and why shouldn't they have a say in how that money is spent and this will give them that right.

**Mr. Phipps** stated that he thinks what we learned is that the language needs to be firmed up in the future but he doesn't feel comfortable with going back and messing with last year's budget once it has been approved for some of the reasons that Mr. Caesar brought up. He also feels that it sets a terrible precedent particularly when you could get a new council and he is not saying that any of the new council members would do this, but they could come in and undo everything a previous council had set in place for the next year. He explained that we learn to spell it out word for word in a future ordinance if we want to have that ability to come back. He added that he agrees that many of us felt the spirit was there but he doesn't feel that legally it was firmed up enough and it needs to be in the future if that's a concern.

**Dr. Knable** asked if that would need to be done on every ordinance.

**Mr. Phipps** replied only in cases like this where you feel there may be a significant change.

**Dr. Knable** stated that there could be a change in almost anything once they've allocated the money.

**Mr. Phipps** stated that is a good point too.

**Dr. Knable** stated that he feels that they should be able to form some sort of super majority or some sort of vote so that any blank check that we send out would be able to be reevaluated if we feel as a majority that they have strayed too far from the original intent. He explained that he does not like how the money was allocated and then repurposed but he is very leery about going backwards and losing faith with some of the contracts.

**Mr. Coffey** stated that he didn't think they were going to go back to projects that were already approved but the remainder of the money would have to come back before the council.

**Mr. Blair** stated that is correct but explained that they are the fiscal body and they have a right to move funds as they see fit and this is staying with the original intent of the resolution and he would be cleaning that wording up to make it more ironclad.

**Mr. Coffey** asked for clarification that this is only moving forward and not going back on projects that have already been allocated.

**Mr. Blair** replied yes.

**Dr. Knable** asked Mr. Caesar if that was his interpretation of this.

**Mr. Caesar** stated that we are definitely going backwards and explained that he wasn't satisfied with how things came down but it came down that way and he hates going backwards. He explained that there is no question that the way this is written they would have to re-vote on everything.

**Dr. Knable** asked Mr. Blair what he thinks would be the worst possible scenario if this isn't passed.

**Mr. Blair** stated that there where will be a project that gets decided on and money is spent without them having any say in what happens and he wants to make sure that they council has a say.

**Mr. Coffey** explained that there was a list given and an amount of money given. He stated that not everything on the list was guaranteed and/or they were open to bringing something else in so he is at a loss regarding this because the way it was worded these things would come back to them. He explained that he doesn't want to micromanage but when they are talking about this much money they have a responsibility to know what is going on with the money before and not after the fact.

**Mr. Barksdale** stated that this could possibly be cleaned up when they get to the next budget session but he thinks this would show a bad precedent of undoing something and he feels very uncomfortable doing that when he had no say in the original decision.

**Dr. Knable** asked Mr. Lorch has an opinion to the validity of Mr. Caesar's concerns over the potential for losing this money.

**Mr. Lorch** stated that he doesn't think that what they are attempting to do with this ordinance is illegal.

**Mr. McLaughlin** stated that they made a decision last year as a council to go forward with the budget. He explained that they can correct issues moving forward and get more input from the administration but and he has reservations about going backwards and rescinding something that has already been decided.

**Mr. Blair** stated that he looks at it as they made a mistake regarding their intent and weren't specific enough in the resolution and this is an attempt to clean that up.

**Mr. Coffey** stated that if they want a true idea of what happened they need to go back and listen to the minutes and the promises that were made by the administration because they were misled. He explained that this isn't going backward but it is strengthening the process and this doesn't have any influence on the state cutting the budget.

**Mr. Aebersold** asked if the projects were brought before the council to vote on whether or not they were going to move forward with the projects like the dog park.

**Mr. Coffey** stated for example they appropriated \$225,000.00 for the farmer's market and they came back later like they did with the dog park and wanted to spend more money.

**Mr. Aebersold** asked why the council doesn't have any say when these projects are coming in so much over what was appropriated.

**Mr. Blair** stated that they gave away their say in the matter because they didn't word the resolution properly and he is trying to fix that error.

**Mr. Phipps** stated that they came back with a line item wanting an extra \$100,000.00 but in this case they essentially approved a blank check with specific parameters.

**Mr. Coffey** stated that he is referring to the dog park because they got smart so they wouldn't have to come back in, the work was already done.

**Mr. Aebersold** stated that is the council's mistake then.

**Mr. Blair** stated that is what he is trying to correct with this ordinance.

**Mrs. Moeller** stated that it is really unusual to go back and undo what was worked on for 120 days in budget workshops. She explained that all the projects were brought to them at these budget sessions during the EDIT and Riverboat discussions and each project was discussed along with approximate expenses and revenue. She stated that they are still waiting on DLGF to approve the final budget.

**Mr. Blair** asked if the DLGF approves EDIT and Riverboat.

**Mrs. Moeller** explained that on the 1782 she gets a breakdown on Riverboat and EDIT.

**Mr. Blair** stated that he knows that she gets a break down but as far as the allocation and how much funding they get, does DLGF tell them the money they get in Riverboat and EDIT.

**Mrs. Moeller** replied that they do not. She explained that based on what he said, if they take the money back out it is not going to go into the General fund.

**Mr. Blair** explained that what he meant to say was that it removes it from a line item in the budget and stays in Riverboat and EDIT.

**Mrs. Moeller** stated that she isn't even sure that she can amend it before the DLGF approves it because until they get final approval they aren't allowed to do much with the funds.

**Mr. Coffey** stated that they aren't amending the budget and explained that all they are saying is that they wish projects that are there have to come back to the council before they can spend any money on them. He stated that the EDIT and Riverboat have nothing to do with the General Fund other than if they run short and that is what they are skirting around.

**Mrs. Moeller** stated that she doesn't know what he is alleging to but they all agreed to these projects during the budget hearings and when the budget was adopted. She explained that a resolution was put into place and the police software and dog park both came back in December. She stated that any project that came before them that died went back into that fund.

**Mr. Coffey** stated that the dog park was approved and the money didn't get spent until the last minute and he assumed that they were carrying what they originally appropriated over but that wasn't the case, it was almost 50% more.



**Mrs. Moeller** stated that in her opinion doing this is going to slow down the process and she would hope that the council members would have a good line of communication with the administration to talk about these things before there is an issue. She explained that as a controller she is already planning for 2017 and there is already a resolution in place and the administration will follow the guidelines of that resolution. She stated that she wants to make it clear especially to the new members that the administrations door is always open if they have any questions or want to discuss any projects so that they can try to keep the progress for the city moving.

**Mr. Coffey** stated that she is talking about the resolution as if it is part of the budget but it isn't. He explained the money is the budget and the resolution dictates how it is going to be spent. He asked Mrs. Moeller if she would feel comfortable as a councilperson to put money on the table without knowing when and how it was going to be spent.

**Mrs. Moeller** stated that if that situation existed then no but that is not what is happening. She explained that the administration does come to the council to present their plans and they have an open door policy if there are any questions regarding any of the ongoing projects. She stated that the wish list for the city includes input from the council as possible projects for 2016 and they were discussed at length as much as it could be at the time.

**Mr. Blair** stated that the problem is that the list never made it into the budget it only said capital improvement and capital outlays and that means that they have no say in how that money is spent.

**Mrs. Moeller** stated that her opinion as controller is that it would slow the city's progress to move forward on projects that are very worthwhile and go to the health and safety of the citizens.

**Mr. Blair** encouraged the council members to go back and listen to the minutes before they vote because it was very clear that the intentions was to have the projects come back to the council to be voted on before they move forward.

**Mr. Phipps** stated that he remembers approving it with a wish list that included approximately half a dozen items and had all those projects gone forward there would have been enough money to pay for them. He explained that some of those projects died which meant that the surplus went back into that pool and could be used to enhance the projects that were being done, but they didn't spend any more than what was approved by the council. He stated that they need to be more specific as they move forward and this supports the idea of having a planning session so that the council and the administration can work together and agree on what they want to spend the money on.

**Mr. Blair** replied that it would be for 2017 and he is talking about 2016 because they have thrown that power away and there is no point in having any more council meetings if they aren't going to have a say in how the money is spent for 2016.

**Mr. Phipps** stated that he doesn't agree with that.

**Mr. Coffey** stated that he would rather see some of that money go towards things like the flooding in the west end and other quality of life issues.

**Dr. Knable** stated that a mistake was made and it can be corrected but at a cost. He explained that it would tie the hand of the mayor and the administration as well as possibly setting a pretty nasty precedent for any future mayor. He explained that while this body was all elected so was the mayor, and by a pretty comfortable margin, so the citizens must have a good amount of trust in him as well. He stated that this discussion is regarding one year and the flooding issues have been going for the last 150 years and

they need to make it a priority going forward, but he thinks it will be very detrimental to go backwards and derail the day-to-day running of the city.

**Mr. Blair** read the meeting minutes from 2015 regarding 2016 capital projects in EDIT and Riverboat and explained that the discussion happened quickly but it is clear that he intended for the projects to come back to the council for approval

**Mr. Aebersold** stated that from what was said the projects did come back to the council for approval and the council approved them.

**Mr. Coffey** stated that they didn't approve the overrun.

**Mr. Aebersold** stated that is the mistake of the council.

**Mr. Phipps** stated that it wasn't a total overrun it was just an overrun on one project.

**Mr. Aebersold** asked if this is the way it has always operated.

**Mr. Blair** stated that this was a change made in 2015 and a mistake was made in the way it was handled. He suggested that they go back to the way they have done it in the past to avoid this issue in the future.

**Z-16-01 Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV Chapter 156 (Docket P-03-15: Town Center North, LLC) Phipps 3**

**Mr. Phipps introduced Z-16-01 and moved to approve the third reading, Mr. Caesar second, Mr. Caesar withdrew his second**

**Mr. Phipps moved to amend the ordinance to include a traffic study and traffic signal warrant analysis, Mr. Barksdale second, all voted in favor.**

**Mr. Phipps introduced Z-16-01 and moved to approve the third reading as amended, Mr. Barksdale second, all voted in favor. Bill Z-16-01 becomes Ordinance Z-16-01.**

**Mr. Phipps** stated that they had quite a bit of discussion about this at the last meeting and there were some concerns brought up about the entrances in the hill and the traffic in that area. He asked if anyone was here tonight that could tell them if these concerns have been addressed and give them an update.

**Jason Copperwaite** apologized for not being at the last council meeting. He explained that Mr. Wood informed them that there were some questions and they met with Councilman Barksdale to talk about the concerns the council had over the entrances. He gave a brief history of the project and stated that they need to get approval for the PUD for 216 units with some mini storage at the rear of the property near CSX Railroad. He explained that in the past they had numerous discussion with INDOT regarding what they wanted the driveway to look like and they expressed that they wanted a right turn lane coming southbound on Grant Line Road to accommodate right turns into the development and a passing blister to allow northbound traffic to continue if someone were to turn left. He stated that there was an issue with the passing blister because it would have ended about where St. Joseph road takes off and turns right so they wanted a full width lane, a taper-over, a passing blister, and a full width lane that would act as a right turn as part of the project. He explained that this is no longer a county road so Mr. Summers will need to review and agree with what INDOT proposed, but it does meet all their standards and they feel confident that it will happen. He stated that their previous plans for the property included detailed construction plans for detention basins to address any drainage issues in that area and they were all designed in accordance with the old

storm water master plan, but they will have to tweak it to comply with the new master plan.

**Mr. Caesar** asked if there is any more storm water detention put in underground on this site.

**Mr. Copperwaite** stated that it is all dry bottom detention basins so they aren't proposing any underground basins.

**Mr. Caesar** asked if it will be all asphalt where the storage units are.

**Mr. Copperwaite** replied yes.

**Mr. Caesar** asked if the traffic study was done.

**Mr. Copperwaite** replied yes.

**Mr. Caesar** explained that he is incredibly worried about the potential traffic issues at this location and stated that he would love to see a traffic light there. He stated that they are also concerned because if the industrial park fills up it will result in even more traffic on that road. He asked about how many cars it takes to warrant a traffic signal.

**Mr. Copperwaite** stated that it is very difficult with a three legged intersection. He explained that when they did the traffic study they were using a 50 mph speed limit which has been changed to 40 mph and he doesn't know if that has controlled the speeding but the standards today that they would use for these turn lane lengths would be even less today than what they are showing. He stated that if they council wants them to update the study that is something they would be happy to do.

**Dr. Knable** asked when the previous study was conducted.

**Mr. Copperwaite** replied 2008 for a higher speed limit and more units.

**Mr. Aebersold** asked what income they are aiming for with this group.

**Mr. Copperwaite** stated that the proposed rent will be \$900.00 per month and will be high-end units and from a planning stand point it makes sense.

**Mr. McLaughlin** asked if there is a barrier fence for the pool.

**Mr. Copperwaite** stated that the clubhouse will be up on a higher level and the pool will be fenced.

**Dr. Knable** asked if there is any safe accommodation for a child that may walk from their home to the school without having to venture out on Grant Line Road.

**Mr. Copperwaite** explained that one of the conditions that the Planning Commission attached to the approval of this PUD is that they approach the school corporation to provide a bridge for safe pedestrian access but they can't force the school corporation to allow them to do it.

**Mr. Phipps** stated that there is another project just up the road so that might be an added incentive to get an updated traffic study because it would benefit both projects.

**Mr. Caesar** asked Mr. Wood if he is fully satisfied with the storm water detention for the people downstream.

**Mr. Wood** replied yes and explained that this is two mile fringe area and while they do have planning and zoning jurisdiction, they do not have storm water jurisdiction so it will have to satisfy the Floyd County storm water master plan. He stated that the city wrote their storm water plan with the county so they are virtually identical and he is satisfied with the work they have done with them in the past to be confident in their requirements.

He explained that the standard is that post-construction runoff can't exceed pre-construction runoff and Mr. Copperwaite's firm has done the test to confirm this.

**Mr. Copperwaite** stated that they are also required to ask for voluntary annexation and depending on the timing it might be they city storm water that reviews it.

**Mr. Wood** stated that they will probably apply for annexation fairly quickly.

**Mr. Barksdale** stated that they discussed the northern storage unit and the possible elimination/moving of this unit so that they could have access over the railroad in the future if they needed it.

**Mr. Wood** stated that they are going to try to accommodate that with the development but the issue is when you create a new crossing you have to exhaust five others.

**Mr. Barksdale** stated that it would be better to move it or eliminate it now than trying to do so in the future.

**Mr. Wood** stated that they can do that in the secondary PUD review phase.

**Mr. Caesar** asked if there is some kind of fund set up to redo these apartments in 10 or 15 years.

**Mr. Copperwaite** stated that there isn't but part of the reason to build an apartment complex is for retirement or to go to a secondary market so there is every incentive to keep them in great shape.

#### **INTRODUCTION OF RESOLUTIONS:**

#### **BOARD APPOINTMENTS:**

**Mr. McLaughlin** stated that they need to move forward on Mr. Lorch's contract to retain his services.

**Dr. Knable moved to approve Mr. Lorch's contract and to include a 3% raise that is in line with the rest of the city employees, Mr. Barksdale second, all voted in favor.**

#### **COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):**

**Brad Bell** introduced himself to the new members and stated that he is president of Indiana Southern Equality. He explained that they are having their first quarterly meeting on Thursday at the New Albany Roadhouse at 7PM. He invited all the council members to join them.

#### **ADJOURN:**

There being no further business before the board, the meeting adjourned at 8:40 p.m.

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Pat McLaughlin, President

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Vicki Glotzbach, City Clerk