

THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA, HELD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY ROOM IN THE CITY/COUNTY BUILDING ON THURSDAY, FEBRUARY 21, 2019 AT 7:00 P.M.

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

ALSO PRESENT: Ms. Stein, Mr. Staten, Mr. Gibson, Mr. Hall, Mrs. Moeller and Mrs. Glotzbach

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

MOMENT OF REFLECTION:

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Caesar moved to approve the Regular Meeting Minutes for February 4, 2019, Mr. Barksdale second, all voted in favor with the exception of Mr. McLaughlin who was not present at the time of vote.

COMMUNICATIONS – COUNCIL:

Mr. McLaughlin entered the meeting at 7:05 p.m.

Mr. Caesar referenced a memo from Larry Summers regarding Old Vincennes Road emergency repair that was in their packets. Said memo is on file with the City Clerk's office. He stated that Spring Street Hill had to be done as well as Moser Knob and various other locations, so it is an ongoing problem in this area due to the freeze/thaw weather. He added that the repair on Old Vincennes will be extensive and go through the full bidding process. He stated that they would like to get started over spring break to mitigate interference with school traffic and Mr. Gibson will be talking about this more later in the meeting.

Mr. Phipps stated that the Human Rights Commission met and they had a packed house full of people concerned about the hate speech flyers popping up around town. He explained that from what he gathered from the speakers, hundreds of these were placed around town and one was even placed in the National Cemetery, which he found the most troubling. He stated that people have been taking these flyers down when they encountered them but Chief Bailey has instructed them to take a photo and send to him so that he can send an officer out to document the incident. He reported that the Plan Commission met on Tuesday night and they approved a preschool at Silver Street United Methodist Church, a daycare on Grant Line Road and preliminary plat approved for the subdivision on Kamer Miller Road. He informed the council members that if this meeting should go as late as 8:00 p.m. tonight, he will have to leave early.

Mr. McLaughlin stated that he was at the Parks Board meeting today at Silver Street Park and they have been working hard on a lot of different winter activities. He added that IUS was in there practicing and the facility is being utilized for a lot of different programs. He reported that they are starting a mentoring program for grade school children and he was really impressed with that.

Mr. Blair stated that indoor facility at Silver Street is really nice and added that on Tuesday nights they have the grade school in there and on Thursday nights they have the middle school in there.

Mr. McLaughlin noted that there are some high school kids involved as well.

Mr. Blair stated that is correct

Mr. Barksdale stated that the St. Marks Community Health Fair will be this Saturday from 10:00 a.m. – 3:30 p.m. and if they know of anyone that might need screenings to let them know. He thanked Mr. Phipps and Dr. Knable for reviving the Human Rights Commission as it was very timely with what is going on in the community.

Mr. McLaughlin stated that he got the email about the meeting too late but he did go out in his area looking for any of the flyers but thankfully he didn't see any.

Dr. Knable stated that he has had some good communications with Russ Seagraves, who is doing work on 16th Street and King Street and he has been very responsive. He reported that on Saturday he was notified on social media about Old Vincennes Road and within an hour and a half the Street Department and the Police Department had responded with cones up and the road blocked off. He stated that he wanted to publicly voice his displeasure with the state assembly for passing the Hate Crimes Law without enumerated protected constituents within it.

Mr. Phipps stated that he seconds Dr. Knable's displeasure.

Dr. Knable added that he feels they need to keep pushing on that. He explained that there are some individuals that own businesses and live on the east part of Main and Vincennes Streets that would like to push to have the Urban Enterprise Zone expanded so he has been speaking with Mr. Barksdale about getting the ball rolling on this. He stated that they all should have received a letter from DNR regarding the project on Mt. Tabor Road and he has had constituents ask that he at least give public support to the request to eliminate the northern sidewalk from the project. He added that right now he doesn't think that is going to happen unless it comes from the administration so he is going to try speak to the administration again on behalf of the constituents particularly because he has never been convinced of the utility of those northern sidewalks.

Mr. Blair stated that he has also been addressing the Mt. Tabor Road project for several years now and agrees with Dr. Knable. He suggested bringing a resolution before the council.

Mr. Coffey stated that he was bothered by the fact that Old Vincennes Road was brought up this summer because it was dangerous and now to hear people saying they are jumping on it is frustrating. He added that they are having these 100 year rain events more often and that is what is washing the hills out not the thaw/freeze weather. He stated that this council has put too many vanity projects before the ones that need to be done and he isn't going to listen to them pat themselves on the back for doing something now.

Dr. Knable stated it is incorrect to say that this council as a whole did nothing. He explained that he has submitted his list for repairs for the last three years and Old Vincennes Road was number 2 in two of those years. He stated that this council does not choose which roads are being fixed and he has always said that infrastructure is the issue.

Mr. Coffey stated that the bottom line is that this council appropriates the money and if the administration doesn't spend the funds on what they deem necessary, and they all

agreed it needed to be done, they can stop appropriating the funds. He explained that the budget is extremely tight and he has no idea where the funds will come from for this emergency repair. He stated that someone could have been killed and they had a responsibility to make sure the money was used for the projects that needed to be done.

Mr. Blair stated that he agrees that they have delayed the project by allowing it to be patched several times and they should have addressed it before it became an emergency. He added that he is also concerned with where the money is going to come from and how it will affect maintenance of the other roads in the city.

Mr. McLaughlin stated that he thinks going forward they definitely need to budget for their streets but the fact of the matter is that basically when you're dealing with Floyds Knobs and Silver Hills, it is an escarpment and refuse, rock and gravel are going to press down and shift. He pointed out that we have fixed Spring Street Hill, Cherry Street Hill and Camp Avenue more than once and that this will keep happening and we will keep fixing them because no one can really guarantee that the fix on Old Vincennes Road will be a permanent fix because it will always be shifting.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that the Board of Works declared Old Vincennes Road an emergency on Tuesday and Mayor Gahan fully supports fixing this roadway with the council's assistance. He added that there are traffic control signals in place to aid with the traffic in that area while the lane is closed. He reported that the river has come down a bit but projections are showing that it will start rising again over the weekend so they anticipate putting the levee system back in on late Sunday or early Monday. He stated that they know the Colonial Manor area is a concern for many people so they will be hosting a public meeting to gather community input on March 20th at Fairmont Elementary from 5:30-7:30 p.m.

Mr. Blair asked what the concern is on the Colonial Manor area.

Mr. Hall stated that there is concern with the vacancies in the area.

Mr. Coffey asked what he means with traffic facilitators on Old Vincennes Road.

Mr. Hall stated that they installed lights on a timer to help people get through the lane closure.

Mr. Coffey suggested having someone during the peak hours directing traffic there.

Mr. Hall stated that he would pass that request along.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mrs. Moeller presented the financials for December 2018 and asked that this be reflected in the record.

Mr. Gibson stated that the members have a memo from Mr. Summers as well as a "Notice to Quoters" regarding the Old Vincennes Road Repair. He explained that the notice will go out tomorrow to receive quotes by March 5th via the Tribune as well as any contractors that are interested.

Mr. Coffey stated that in a situation like this, he would like to see this go out to contractors that do this kind of work instead of relying on the Tribune.

Mr. Gibson stated that they can make sure to send this out to contractors as well but they will still be advertising it in the paper.

Dr. Knable asked if the council can share the notice as well.

Mr. Gibson replied yes.

Mr. Blair asked Mr. Gibson if he anticipates needing any action from the council on this project.

Mr. Gibson stated that it is a possibility and explained that they weren't expecting this and he hasn't been able to look at all the sources that are available. He stated that they do have the money appropriated this year but the idea would be to not touch it if possible. He added that he is open to suggestions but is not here to ask for any money at this point.

Dr. Knable asked how much was appropriated for 2019.

Mr. Gibson replied approximately \$3M.

Dr. Knable asked if all this has been dedicated to the grant leverage.

Mr. Gibson stated that he is not sure.

Mr. Blair stated that he thought the grant was \$1M and it was a one-to-one match.

Mr. Gibson stated that Mr. Lanz with Jacobi, Toombs & Lanz is here if anyone has any questions. He added that the cost estimate for the fix is right at \$395,000.00.

Mr. Lanz stated that he has heard several theories on how this has happened and he agrees with most of what he has heard here tonight. He explained that the increase of rain events has cause water to get under the pavement and once the rock is exposed to air or water, it comes apart. He stated that the rock slope under Old Vincennes Road gets lubricated from this run off and when you add weight, it causes the road to slide. He explained that they have experience with this type of work in the city and their plans are about 99% ready to go. He stated that they will excavate the area that has moved to the top of the hard rock that is under the shale and bench it. He explained that will entail fluctuating between a vertical and horizontal phase. He stated that this will allow them to compact the backfill that won't be pushed away from the rock that has been cut. He added that on top of that, they will install an active retention system to contain everything as well as installing underdrains. He explained that the failed section is approximately 180 feet long and that is what they will be addressing.

Dr. Knable asked what the center of that 180 feet is.

Mr. Lanz stated that it starts just about 50 feet outside of where the deterioration begins and ends about 50 feet outside of where the deterioration ends. He added that they are overlapping a little to add an extra step of control.

Dr. Knable stated that he grew up in that area and the one thing he noticed over the years is that every drainage implement that has been put in has become clogged within a matter of months to years. He asked if what they are installing is going to be any different and if it will require any maintenance of drainage on the uphill side.

Mr. Lanz stated that maintenance will be a must for the drainage system that they are installing. He explained that it is a perforated underground system to catch the water but they will still need to convey the water from the upper area.

Dr. Knable asked if they will have to be cleaned out to keep them functional.

Mr. Lanz stated that they will likely need to be cleaned after every fall season.

Mr. Phipps asked how deep the shale is until they hit the bedrock.

Mr. Lanz explained that when you hit down to the limestone it is about 12 feet deep and the shale is at about 6-8 feet deep.

Dr. Knable asked about the duration of the project under ideal circumstances and if they will need to shut it completely down to do the work.

Mr. Lanz stated that the road will need to be shut down but they do have a few contractors in the area that are experienced with this type of work. He cautioned them that they are going to allow for quotes but experience will be a requirement.

Dr. Knable asked how long the job will take.

Mr. Lanz replied about 30 days.

Mr. Blair stated that he would like to take a look at EDIT or River Boat to see if funding can be taken out of one of those.

Dr. Knable suggested Rainy Day.

Mr. Coffey stated that there are other parts on that road that are not as bad but that could end up that way if they aren't addressed.

Mr. Lanz stated that they have been watching the failed section for a while and they are also looking at the rest of the road for indications of distress, which they haven't seen. He added that in the area where it is failing is the steepest part of the hill and embankment so they believe everything has concentrated in that area.

Mr. Coffey asked if proper maintenance had been performed on the drainage in that area would it have alleviated some of the problems. He stated that he thinks the whole ditch line needs to be cleaned.

Mr. Lanz stated that he doesn't know if the issues are directly related to maintenance and cleaning of leaves and debris but they will recommend it for the drainage they plan to install.

Dr. Knable asked if there is any role from a municipal standpoint to try and limit the amount of load coming up the hill.

Mr. Lanz stated that on Moser Knob Road they had the Floyd County Commissioners pass a resolution establishing weight limits for that road, particularly for the higher section.

Dr. Knable stated that he thinks they need guidance on weight limits.

Mr. Gibson stated that they will have JTL look into it.

Mr. Lanz stated that once it is stabilized and if it is done correctly, he doesn't foresee it being a major issue.

Mr. Blair asked if he will be onsite doing inspections during the project.

Mr. Lanz replied yes.

Mr. Gibson stated that quotes will be opened at the Board of Works meeting on Tuesday, March 5th.

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

**Cooperative Invasive Species Management Area (CISMA) for Floyd County - Gina Anderson Purdue Extension Education Outreach - Angel Jackson, Soil & Water Educator
FC Soil & Water Conservation District - Marilee Burnside**

Mr. Nash introduced Ms. Gina Anderson and Ms. Angel Jackson and thanked them for being at the meeting tonight.

Ms. Jackson passed out packets detailing CISMA and reviewed it with the council. Said packets are on file with the City Clerk's office. She explained that CISMA started in 2017 as an initiative to try and stop the spread of invasive species, particularly plant species. She stated that their goal is to designate Floyd County as a CISMA area and the purpose of them coming before the council tonight was to inform them of their plans and answer any questions they may have. She added that in conjunction with starting this program, the Floyd County Soil and Water Conservation District (FCSWCD) applied for and received some Clean Water Indiana grant funds that are going to be used specifically for the purpose of cost sharing in residents replacing invasive species.

Ms. Anderson stated that in March of last year they did a workshop on how to identify invasive species in their yard and what to use to replace these plants, and this was done in an effort to get ahead of the issue. She explained that Indiana has a bill on the table regarding plants that can no longer be sold in the state because they have become invasive.

Mr. Blair asked if she works with the City Tree Board.

Ms. Anderson stated that she has worked with Greg Mills from time-to-time.

Mr. Blair stated that they have a whole plan for streetscapes and they definitely need to make sure they are planting the right species.

Ms. Anderson stated that they could definitely work with them on that.

Mr. Phipps stated that they could have put that in the new zoning code.

Ms. Anderson stated that as soon as the law is passed, Grant Line Nursery will work with them to help promote the native plants in the area.

Dr. Knable stated that we are all going to get phone calls from concerned constituents about forcibly removing plants from their property and asked for them to clarify that this is voluntary.

Ms. Anderson stated that this is absolutely all voluntary.

Ms. Anderson stated that it is really just to educate homeowners.

Mr. Coffey stated that he is very glad to see them here tonight because he has consistently been a champion of planting native trees in the area. He added that he thinks this community is behind on this type of action and asked if they have a website that he can share.

Ms. Anderson stated that they have a Facebook page and they also posted about the “Call Out” meeting that will be held on March 13th.

Mr. Coffey stated that he hopes they are very successful and offered his assistance.

Mr. Blair stated that he feels that the council should seriously consider doing an amendment to the zoning ordinance to specify what plants can be planted.

Ms. Jackson stated that it might be a good idea to take a look at the terrestrial plant rule that is making its way through the various chambers as well because once it is finalized, it would be a document they could use as a reference to update their code.

Mr. Coffey stated that it would be great if they could sit in on a Plan Commission meeting as well as sit in on the Tree Board.

Ms. Anderson stated that she believes it conflicts with her schedule because she has been asked to sit on the Tree Board. She added that she is happy to sit in on any meeting as long as her schedule allows.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

COMMUNICATIONS – PUBLIC:

COMMUNICATIONS – PETITIONER:

INTRODUCTION OF RESOLUTIONS:

COMMUNICATIONS – PUBLIC:

COMMUNICATIONS – PETITIONER:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Jeremy Sprecher, Habitat of Humanity Clark and Floyd County, stated that currently there are 36 homes that families are living in and when they opened applications up for 4 current homes they have available, they had 90 applications. He explained that from an organization that is really all about donations and volunteerism that number of applications would take them about 35-40 years to support. He stated that they are

spending about \$90,000.00 to build each home and up until about 4 houses ago, the most expensive part was the foundation. He stated that in their last three builds the most expensive part has shown to be the sewer cost that has been pushed up to around \$12,000.00. He asked the council for guidance on how to address this because an additional \$12,000.00 every year makes a huge impact on how long it takes them to raise enough money to build a home. He stated that he isn't familiar with why the law has changed but the laws that are impacting these vacant lots are detrimental to what they are trying to do.

Mr. Coffey asked if they charge them for the tap-in fee.

Mr. Sprecher replied \$1,800.00.

Mr. Caesar asked if it is the City that is charging more money.

Mr. Sprecher stated that it is the requirement to rerun a new line instead of using the existing lines.

Mr. Nash stated that the tap should already be there on these vacant lots so he doesn't understand why they are charging a tap-in fee. He suggested that the lines might be part of the agreement with the EPA.

Mr. Blair suggested that they go in front of the Sewer Board because they are a different body than this group but maybe the council could offer support.

Mr. Barksdale suggested that he contact Mr. Ed Wilkinson on the Sewer Board because he is very knowledgeable and he is a good advocate. He stated that he will get Mr. Sprecher his contact information after the meeting.

Mr. McLaughlin asked if these are homes that are being built from scratch.

Mr. Sprecher replied yes and explained that it is on lots that have been donated where the existing building was torn down.

Mr. Barksdale stated that not only has New Albany Clean & Green helped but the New Albany Redevelopment Commission donated the last two lots.

Mr. Nash asked if there is any way to start a step ahead before the house is torn down.

Mr. Sprecher stated that they have done rehabs but part of the build is that the homeowners themselves have to put in 300 sweat equity hours to qualify for the home.

Mr. Phipps exited the meeting at 8:00 p.m.

Mr. Barksdale explained that there is a larger picture than just a giveaway program. He stated that the homeowners are there working on the homes, counseling that goes on regarding financing and a lot of other education.

Mr. Sprecher stated that they are mostly single mothers and it isn't about a free handout home. He explained that he isn't here asking that this body solve his problem but he did want them to know what is going on with their local non-profit organization and how the sewer requirements are hurting their efforts.

Mr. McLaughlin asked Mr. Barksdale if he was part of the NSP Project in the S. Ellen Jones Neighborhood and if those lines had to be renewed.

Mr. Barksdale stated that he isn't sure.

Mr. Caesar stated that he thinks that if it is an existing structure then it can be used, but if the structure is gone, there has to be a new line ran.

Dr. Knable stated that they keep stressing the importance of infrastructure so he does want to encourage maintaining the lines and doing what is right, but maybe there is a way to alleviate the cost.

Mr. Coffey stated that the City forgave over \$300,000.00 in tap in fees for Breakwater and he feels that they should forgive these few a year for Habitat for Humanity.

Mr. Blair suggested that he contact Mr. Wilkinson and to come back to this board if he needs them to take action.

Mr. Josh Turner passed out a radius report on Colonial Manor, said report is on file with the City Clerk's office. He explained that on February 12th he and Kathy went before the Redevelopment Commission to ask for a formal committee to be formed to look into this area.

Ms. Kathy Copas thanked the council for the opportunity to speak tonight and explained that what they are trying to do is a grassroots, nonpartisan type of endeavor that began with several neighbors in the area. She stated that the 1 mile radius around Colonial Manor is impacting the lives of many people and what they hope to do is to prioritize this area and ask for a commitment from the council to actively engage and collaborate with them to explore development opportunities. She added that they believe that they can creatively attract some much needed amenities that can restore the heart and soul of the area. She stated that they feel the need in this area is urgent because it has gone on too long and New Albany can do better. She added that they are getting ready to open a state of the art elementary school and special needs facility which is one block from gang graffiti, needles, vagrants and vacant buildings. She stated that the neighborhoods surrounding Colonial Manor are strong but they need help and they need support before the discouragement turns into fleeing from the area.

Dr. Knable commended Kathy, her husband and Mr. Turner for their efforts in this process. He stated that she is correct in all the points that she made and agrees that it is a deserving historical district that needs love, funding and attention.

Mr. Blair stated that there have been a lot of discussions over the years regarding what can be done in this area and he encouraged them to come up with creative solutions to suggest.

Mr. McLaughlin stated that part of the issue is the vacuum from when a big box store leaves and part of the other problem is demographics in the area.

Mr. Aebersold stated that a big problem is the absentee landlords.

Mr. Blair added that the landlords won't sell the properties at reasonable prices.

Ms. Copas stated that when she contacted him some time back, she couldn't even talk to the actual owner and it took forever for the person she was talking with to even recognize the location of the property.

Mr. Coffey suggested that she talk with One Southern Indiana.

Dr. Knable stated that he has spoken with them regarding Colonial Manor.

Mr. Blair stated that he has as well, so it is on the radar, it is just a tough project.

Dr. Knable stated that he had an inquiry from a constituent that lives in the housing authority as to what are and are not their rights with regards to displaying political campaign signs. He then asked Ms. Stein to get together with Mr. Gibson and/or Mr. Duggins so that there is one policy that is applicable to everyone.

Mr. Coffey stated that he thinks it is time for the Annexation Committee to meet.

Mr. Blair stated that he is the chairperson on that committee so he will get with Mr. Wood to set something up.

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:30 p.m.

Scott Blair, President

Vicki Glotzbach, City Clerk