

**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 16, 2017
AT 7:10 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. Duggins, Mr. Warren Nash, Mr. Wood, Mr. Hall, Police Officer Davidson, Fire Chief Juliot and Mrs. Glotzbach

Mr. McLaughlin called the meeting to order at 7:10 p.m.

MOMENT OF REFLECTION

PLEDGE OF ALLEGIANCE: Led by Boy Scout

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Barksdale moved to approve the Regular Meeting Minutes for March 6, 2017, Mr. Caesar second, all voted in favor with the exception of Mr. Coffey who abstained.

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

COMMUNICATIONS – COUNCIL:

Mr. Phipps nominated Ms. Amy Stein for city council attorney, Mr. Barksdale second, Mr. Caesar, Mr. Phipps, Mr. Nash, Mr. Barksdale and President McLaughlin voted in favor.

Mr. Coffey nominated Ms. Christi Fox for city council attorney, Dr. Knable second,

President McLaughlin thanked everyone for their interest and time. He stated that he thinks everyone would be good with her starting on April 1st.

Mr. Blair stated that he is personally okay with the president negotiating her contract.

Mr. Coffey stated that there are other members that talked about it so he thinks they need to do it as a group.

Dr. Knable stated that they had an untimely and unfortunate passing of one of their sister city's councilmen, Joshua Rodriguez. He added that he was a democrat party head in Clark County and he would like to have an additional moment of silence in his memory.

Mr. Nash stated that Roger Baylor isn't here tonight and explained that he recently lost his mother so he would like to also honor her with the moment of silence as well.

Mr. Coffey stated that they have an important issue coming up at the first of April that has to do with the housing authority and encouraged others to be at that meeting. He explained that when Bob Lane was hired in, the previous person had a contract but he told the council that he didn't want a contract because if he wasn't doing his job they had the right to get rid of him. He stated that now he has a contract which stipulates that they

can't get rid of him which irritates him because now he is hiding behind the very thing he claimed he didn't want to begin with. He added that it is not safe for people in most of these areas now and at one time they were dead set against warehousing which is what they have now. He stated that they used to have a really good program that if you got a new job or a raise then your rent didn't go up for a year to allow individuals to save and be able to move out but that went by the wayside so once you are in there you can't get out. He added that he thinks it is imperative that they show up to this meeting because it is dealing with quality of life and they need to stand up for them.

Mr. McLaughlin asked for the date of the meeting.

Mr. Coffey replied April 1.

Dr. Knable added that they postponed the vote at the last meeting.

Mr. Coffey stated that this isn't a political party issue. He explained that that the one thing that no one ever does is ask the people that live there what they think should be done which perpetuates a system that is broken.

Dr. Knable stated that in all fairness since Mr. Lane is not here to defend himself he thinks that the council should take Mr. Coffey up on attending the meeting. He added that there is a new plan in the works with the city and they should all give it thoughtful consideration before deciding whether they will get behind it or not.

Mr. Coffey stated that this isn't geared just towards Mr. Lane but towards a system that doesn't work.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that they are working on the final stage of the Ohio River Greenway and added that Clarksville is having a groundbreaking tomorrow for their portion at 10:00 a.m. at the Lewis and Clark Park. He stated that the mayor and other officials will be giving remarks and invited them to attend.

Mr. Nash asked for a timeline on the completion of the bridge.

Mr. McLaughlin stated that he doesn't know off hand but he will get him the information.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mrs. Moeller presented the council with the financial report for February 2017.

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-17-02 Ordinance Amending the City of New Albany
Code Chapter 30 Section 15 Concerning**

**Blair/
Caesar 1&2**

**Submitting Items to the City Clerk for the
Common Council Agenda**

Mr. Blair introduced G-17-02 and moved to approve first and second readings, Mr. Phipps second, all voted in favor.

Mr. Blair stated that he worked with Mr. Caesar, Mr. Lorch and Mrs. Glotzbach to conclude that there needs to be three full business days to review the packet. He explained that this is open for discussion he just wanted to get something out there on the books. He added that they may want to build in some flexibility for emergency items.

Mr. Phipps stated that since the Thursday meeting's deadline is on the prior Thursday it might make more sense to have the Monday deadline the previous Monday.

Mr. Blair stated that if they do that they cut the time frame really short on receiving information for the Thursday meeting.

Mr. Phipps stated that they would actually be giving them an extra day.

Dr. Knable stated that he thinks it should be made even simpler to read that it should be submitted by 12:00 p.m. four business days prior to the meeting date.

Mr. Blair stated that makes it hard to count back which makes it more difficult than it needs to be.

Mr. Phipps stated that they will have to worry about holidays too.

Mr. Blair stated that he likes Mr. Phipps suggestion.

Mr. Nash stated that he agrees with Mr. Phipps as well because it simplifies it for everyone.

Mr. Barksdale asked Mrs. Glotzbach how this worked with her schedule.

Mrs. Glotzbach stated that her schedule is fine but she is afraid that whenever they have a late meeting in a month they will go from a Thursday meeting to items being due the following Monday.

Mr. McLaughlin asked Mr. Gibson to weigh in since the administration is often the ones submitting packet items.

Mr. Gibson stated that the problem would be crunching into the timeline of getting the items back to them within a few days. He suggested the possibility of introducing new ordinances on Monday meetings and final votes on those ordinances on Thursday. He added that he is open to suggestions as well and they will make it work however they can.

Mr. Nash asked if there is any reason that they couldn't receive zoning items prior to the packets going out.

Mr. Gibson stated that he could speak with his staff but it would all depend on timing and when it is approved by the planning commission.

Mr. Blair stated that what jump started this was he received a call from a resident so he knew something was going to be on the agenda before he received the material.

Mr. Gibson stated that they do understand the need for the council to have time to review each item and he just wants to make sure it works for everyone to be able to still conduct business. He added that his only concern is the tighter schedule at the end of some months where they will only have a few days to turn around packet items.

Mr. Blair asked how many times they go from one meeting and draft something for the next meeting.

Mr. Gibson stated that the reality is that it depends on each item. Sometimes they do go from each meeting and other times it is something they know in advance and is much larger in scale.

Mr. Barksdale asked Mr. Gibson if he was suggesting to go to first and second readings on Mondays only and if so how would that work out for them.

Mr. Gibson stated that they will adapt and adjust however they need for the schedule.

Mr. Coffey explained that when he came on the council when a zoning change was being made in their district they were notified and they also received the same information that the planning commission and the BZA received. He stated that he doesn't know when that practiced ended but he would like to move back towards that.

Mr. Gibson stated that he could have the packets forwarded to Mrs. Glotzbach to give to them.

Mr. Phipps stated that they get information electronically and they have ever since he has been on the council.

Mr. Phipps asked if they were to go to the model of having the first and second readings on Monday meetings it might make that second meeting shorter but it could also allow for more conversation about potential issues and ordinances that need to be brought before the next meeting. He stated that it isn't a waste of time because if the meeting is shorter with what is scheduled it would give them room for discussions and to prepare for what might be coming down the line next. He added that another thought is that they could change the second meeting to Monday because they are only mandated to meet on the first Monday by law.

Mr. Blair stated that his only concern is that there may be citizens that want to come and make a public comment but they always work on Monday night and that is why he thought they staggered the meetings.

Mr. Coffey stated that originally anything to do with the budget was on Monday and the other items were discussed at the other meeting.

Dr. Knable thinks that Mr. Phipps idea has merit.

Mr. Caesar stated that they shouldn't forget that this is intended to provide a little more time for the council to review packet items.

Mr. Blair stated that he would like to get something implemented and he is open to Mr. Phipps amendment to make it simple.

Mr. Caesar stated that he thinks it would be difficult for Mrs. Glotzbach and the administration to get things out on Monday.

Mr. Coffey stated that he thinks that the council should mandate to the plan commission and BZA that they can't submit items with short notice. He explained that is where the problem comes from because they are getting items at the last minute.

Mr. McLaughlin stated that they do get emails from all the boards with their agendas and minutes.

Mr. Coffey stated that he isn't worried about getting the minutes, he needs to be informed on what is coming up to be voted on.

Mr. Phipps stated that he assumed everyone was getting the plan commission and BZA agenda.

Mrs. Glotzbach stated that she doesn't think the plan commission sends packets out to everyone because if her office received it then it would be forwarded to the council members. She explained that the clerk's office sends all of their board packets to all city employees as well as the council so that they know what is going to be discussed in those meetings.

Mr. Phipps asked Mr. Wood if that is something that the council could get from their department.

Mr. Wood stated that he will need to check with his assistant to verify who is on the distribution list. He added that if there is a document that they are interested in they can call his office and he would be happy to scan it and email it to them but he will not send out the same packet that he sends out to the board members.

Mr. Phipps stated that he thinks that they are just asking for the agenda.

Mr. Coffey asked Mr. Wood why he wouldn't send out their packets to the council.

Mr. Wood stated that they have never done that before in the past.

G-17-03	Ordinance Amending the City of New Albany Code Chapter 30 Section 15 Concerning Special Meeting Procedures	Blair/ Caesar 1&2
----------------	---	----------------------------------

Mr. Caesar introduced G-17-03 and moved to approve first and second readings as amended, Mr. Phipps second, all voted in favor.

Dr. Knable moved to amend to add the phrase "including confirmed electronic communication, Mr. Barksdale second, all voted in favor.

Mr. Caesar stated that he didn't change a word of the original procedure but they changed the way it read to eliminate the ambiguity on when the deadline is and how it worked. He explained that the change in language is that they would want five members

calling the meeting to duly notify the city clerk in writing prior to the clerk sending out the notice for the special meeting.

Dr. Knable asked if there is a definition of what “in writing” means.

Mr. Caesar stated that he is very loose on that and can change it to read that as long as the clerk is confident that she is talking to the representatives before it goes out.

Mrs. Glotzbach stated that she has a form that requires a signature from the five council members showing that they were in favor of the special meeting.

Mr. Caesar asked if email confirmation would be acceptable for that.

Mrs. Glotzbach replied yes. She added that if they want to shoot her an email saying they are in favor then she can bring the form to the meeting and have them sign off on it.

Mr. Phipps asked about it saying the mayor and four members.

Mr. Coffey stated that they mayor can call a special meeting on his own.

Z-17-01 Ordinance Amending the Code of Ordinances Phipps 3
of New Albany, Indiana, Title XV, Chapter 156
(Docket P-04-16: William Sprigler request a
PUDD at 3102 Blackiston Boulevard) As Amended

Mr. Phipps tabled Bill Z-17-01

Mr. Phipps stated that it was understanding at the last meeting that this was going to be delayed until they received a traffic study.

Mr. Barksdale stated that is how the minutes read.

Mr. Phipps asked if they have a traffic study yet.

Mr. Wood stated it isn't ready yet.

Mr. Coffey asked if they have a time table on when to get started on the loans or if they are doing anything that could cost them money or time.

Dr. Knable stated that as he understands it if they voted tonight and voted it down they would be worse off.

Mr. Nash stated that they knew that the council wanted a traffic study before having the third reading.

Z-17-02 Ordinance Amending the Code of Ordinances Phipps 3
of New Albany, Indiana, Title XV, Chapter 156
(Commonly known as the “Zoning Ordinance”)

Mr. Phipps introduced Z-17-02 and moved to approve the third reading, Mr. Coffey second, all voted in favor. Bill Z-17-02 becomes Ordinance Z-17-02.

Mr. Phipps reminded the council that this ordinance limits them to two zoning districts.

Mr. Caesar stated that he has received a lot of calls on this from worried constituents. He said that instead of allowing them two places to go he would rather fight this in court and not allow it at all.

Mr. Gibson stated that they can't ban it completely.

Mr. Coffey asked how other cities keep them out.

Mr. Gibson explained that zoning is the way to handle those issues. He stated that it is a recognized business and they can push thoughts and morals on to that.

Mr. Coffey asked what two areas they are talking about.

Dr. Knable stated that he thinks that is still being worked out. He added that whether they like it or not there is a need for it within the community and they can't just turn a blind eye to it.

Mr. Gibson stated that they have the ability to evaluate it, determine the effects and make decisions based upon that with regards to the proper places to zone.

Mr. Coffey asked what they are allowing them to do.

Mr. Gibson stated that it is a treatment facility.

Mr. Coffey asked if it was going to be a methadone clinic.

Dr. Knable stated that this ordinance defines those and they discussed it at the last meeting. He added that it will be prescription and treatment but not dispensing.

Mr. Phipps stated that it will essentially be a doctor's office so it can't be governed by this.

Mr. Caesar asked if this is just for the addiction and not dispensing.

Mr. Wood stated that it is for both but it has to rise to level of certification and be regulated by the Indiana Family and Social Services Administration, Division of Mental Health and Addiction.

Dr. Knable stated that there are folks looking in all municipalities to open such an establishment.

Mr. Phipps stated that if this fails and they don't pass it they may have difficulty keeping it out of many areas, so it may not be perfect but without it they could virtually go anywhere.

Mr. Coffey asked what areas they are talking about.

Mr. Wood replied in the industrial park and in downtown but there has to be parking or special exception review so it isn't as simple as "in this building".

Mr. Coffey stated that they could get a good attorney and get one put in.

Mr. Wood stated that they have to allow them to go in.

INTRODUCTION OF RESOLUTIONS:

R-17-04 Resolution Reaffirming Sewer Rate Structure Nash

Mr. Nash introduced R-17-04 and moved to approve as amended, Mr. Phipps second, all voted in favor.

Mr. Barksdale moved to amend adding the working for independent review, Dr. Knable second,

Mr. Blair moved to include the changed made by Mr. Gibson, Mr. Coffey second, all voted in favor.

Mr. Nash explained that this outlines the steps they need to go through in order to facilitate what they agreed on a few months ago.

Mr. Gibson passed out an amendment to the resolution and stated that after speaking to several council members he has some additions to help them feel more comfortable. He explained that the resolution speaks for itself and goes through the reasons why they are doing this.

Dr. Knable asked if that is the 3% over where they are now.

Mr. Gibson replied yes.

Dr. Knable stated that in their initial conversation they discussed events that might trigger an external rate review from a third party and they always have that power.

Mr. Barksdale stated that they did have it in the last one which said an independent rate study should be undertaken periodically as deemed necessary and appropriate by simple majority.

Dr. Knable asked if he would like to add that back in.

Mr. Barksdale replied yes.

Mr. Blair stated that the only problem he has with duplicating language is it becomes more ambiguous so the fewer words they have the better off they will be.

Mr. Aebersold asked Mr. Gibson if it is already in there.

Mr. Gibson stated that his gut-instinct is that it is in there. He explained his take is that there isn't anything done here that takes away that control.

Mr. Caesar stated that the last page says “unless the city approves by resolution and adjustment to the rolling average by December 31” and he wants to make sure that means if they do a resolution to keep the rate the same or lower it that is the final word.

Mr. Gibson stated that there is a deadline to keep things moving but this body is the final say in sewer rates.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:20 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk