

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

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

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

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

INVOCATION

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

COMMUNICATIONS – COUNCIL:

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

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

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

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

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

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

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

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

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

COMMUNICATIONS – MAYOR:

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

Mrs. Moeller passed out the monthly financial report.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

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

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

Mr. Gibson stated that he will make that change.

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

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

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

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

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

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

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

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

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

**G-15-05 Ordinance Adopting Chapter 160: Rental Phipps 3
Housing Code**

Mr. Phipps introduced G-15-05 and moved to approve third reading, Mr. Caesar second, all voted in favor. Bill G-15-05 becomes Ordinance G-16-02.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Gibson stated that he is fine with that.

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

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

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

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

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

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

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

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

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

**Z-16-02 Ordinance Amending the Code of Ordinances of Phipps 3
New Albany, Indiana Title XV Chapter 156
(Docket P-01-16 Thorntons, Inc., requests a PUDD
at 2250 State Street)**

Mr. Phipps introduced Z-16-02 and moved to approve third reading, Mr. Caesar second, all voted in favor. Bill Z-16-02 becomes Ordinance Z-16-03.

INTRODUCTION OF RESOLUTIONS:

R-16-02 Resolution Concerning Anticipated State Funds Knable
from Passage of Indiana Senate Bill 67

Dr. Knable tabled this item.

R-16-03 Resolution to Authorize the Use of a Planning Blair
Facilitator for the Common Council and City
Administration Officials

Mr. Blair stated that Ms. Christi Smallwood couldn't make the meeting tonight and tabled the resolution until the next meeting.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

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

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

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

ADJOURN:

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

Pat McLaughlin, President

Vicki Glotzbach, City Clerk