

**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, MARCH 21, 2019
AT 7:00 P.M.**

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

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

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

MOMENT OF REFLECTION:

President Blair asked everyone to remember Mr. Birch Bayh who passed away and served three terms as Senator for Indiana.

Dr. Knable asked everyone to remember Mr. Stan Faith who passed away and was our Prosecutor for many years.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Caesar moved to approve the Regular Meeting Minutes for March 4, 2019, Mr. Phipps second, all voted in favor with the exception of Mr. McLaughlin who was not present.

COMMUNICATIONS – COUNCIL:

Mr. Phipps stated that Mr. McLaughlin wanted the council to know that he had his fourth grandchild the day before yesterday so that is why he is not here tonight.

Mr. Barksdale stated that he wanted to thank the police department and commend them for a great job apprehending the person that broke into Cox's Chicken within 12 hours. He then stated that he also spoke with Police Chief Bailey about some of the tags and graffiti that we are beginning to see around town in very prominent areas and he told him that he does have officers working on those tags and are going to try to identify some of the individuals responsible. He said he was excited to report that the 410 Bakery Building on Main Street was acknowledged through Architectural Digest for being one of the 7 most beautiful gas station conversions in the country. He added that is a pretty high distinction coming from Architectural Digest.

Mr. Coffey stated that he and about 200 other people were really disappointed that there was no question and answer session at the meeting that was held last night at Fairmont Elementary School. He said that the new zoning ordinance was brought up and one of the problems with that is that we don't know how much more density will be created on certain projects that we allow. He said that he received a call from a business person who has property on Charlestown Road and he is waiting to see if and when they will put a business on Charlestown Road because they need to see what is going on at the Colonial Manor Center before they proceed. He then stated that far too often the council allows

different types of developments come in and do not allow the neighborhoods the information they need beforehand. He said he would like to see a citizen's review committee so that when these size developments are going in, the neighborhood residents should get the information and have some input. He added that they have to do a better job of being open to the public. He said that there were a lot of people that are running for office there last night and we have to be there for the best interest of the people and not the best interest of a political party or ourselves.

Dr. Knable stated that he and Mr. Coffey discussed that they would like to invite the neighbors here at some point to get public input on it because it seems there were more questions than answers last night. He said that he thinks the more people we get in, the more creativity there is so there may be useful options that are gleaned for that project.

Mr. Coffey asked how many times we have had RFPs for some of our developments but the same people are making the same decisions. He said he would also like to see a meeting put together at a school or church in their area because this room only holds about 85 people and there were about 200 people there last night.

Mr. Aebersold stated that he thought last night was going to be a public meeting with input from the attendees but he doesn't feel that was done. He said the he doesn't feel that it would work to have that sort of thing down here but feels strongly that one should be set up somewhere that can hold 200-300 people so they can listen to everyone's input.

Mr. Blair stated that he thought it was advertised as a public meeting with public input but when he got there, it was more of an information type meeting which was fine with him. He then stated that he wanted to remind everyone that we have to acquire the rights to this property before anything can be done and it is not actively for sale and is owned by someone out-of-town who probably wants a big price tag for it. He said he would encourage that it be a RFP with an open and fair process so that developers can come in because the developers will be more creative than we are. He also said that he endorses what Mr. Coffey said about that there should be a citizen's advisory group to help with that decision but we cannot accomplish anything without acquiring the property. He then asked if anyone knows something that he doesn't about the property acquisition.

Dr. Knable stated that since it is rumor and innuendo, he doesn't feel it is actionable at this meeting.

Mr. Coffey stated that heard that we put an option on the property but then received a call today that they are asking a huge amount for the property. He then stated that the ones that could actually tell us are right across the hall and asked if they can ask them.

Mr. Caesar stated that as far as Horseshoe Scholarships, there is not a definitive number on the number of students that are given scholarships that come back to our area because it is almost impossible to get. He explained that IUS has a tracking number of approximately 77% of their students come back to New Albany and there are forms to be filled out by recipients of the scholarships but only about 20% fill out those forms. He reported that in 2018, there were 42 individuals at IUS, 25 at IU Bloomington and 22 at U of L. He reported that in 2017, there were 51 individuals at IUS, 23 at IU Bloomington and 25 at U of L. He said that the interesting thing is that if you are a trade school student (i.e. cosmetology), as long as that school is accredited, you are eligible for a scholarship.

Dr. Knable said that he appreciates Mr. Caesar finding this information for them and hopes that they will eventually come up with some sort of requirement that the recipients

do stay in touch with the foundation to let them know what they did with their education, etc.

Mr. Caesar stated that some people stay away for many years and then decide to come back to the area so it is almost an impossible number to come up with.

Mr. Coffey asked how many scholarships were given out for the tech jobs.

Mr. Caesar said that he doesn't know but he does know that several of them go to Ivy Tech.

Mr. Coffey stated that maybe the counselors of the tech schools should be contacted to let them know that this is available.

Mr. Caesar stated that he knows that conversation exists.

Dr. Knable stated that a couple of meetings ago he asked Ms. Stein to check into displaying of signage at the New Albany Housing Authority, specifically political signs and 1st Amendment rights. He asked if she had any information on that.

Ms. Stein stated that signs in common spaces can be prohibited but people have the right to put up a sign in their own window.

Dr. Knable asked if it is a common area then any signs can go up or no signs can go up.

Ms. Stein stated that is correct; the signs can't be allowed or not allowed for their content. She said it is all or none.

Dr. Knable asked what if his window looks out over a common area.

Ms. Stein stated that is still okay.

Dr. Knable stated that he has learned by social media that the police department has increased enforcement on the 24 hour parking in the downtown area. He said that he spoke with Police Chief Bailey and he said that there has been an uptick in regards to calls requesting increased enforcement on that violation. He explained that there are a couple of ordinances that speak to parking permits that can be purchased but one is in a smaller area of downtown.

Ms. Stein explained that there is a downtown parking permit that is available in a specific 10-block area that you can purchase for \$150.00 per year and you can have up to two vehicles per residence. She said that one is really restrictive on where you can purchase a space. She explained that the other is a residential parking permit which is \$250.00 for the first year then \$100.00 each year after that and you can have one reserved spot per residence only if you have no on-premise parking.

Dr. Knable stated that was worked up about 10 years ago.

Ms. Stein stated that is correct.

Dr. Knable asked if 24 hour parking is being enforced more now and if so, what spurred that. He also asked if it is still appropriate to have such a confined designation or do we expand it or treat the ever growing area downtown equally across the board.

Ms. Stein stated that boundaries of it are E. Elm Street to E. Market Street and E. Third Street to Scribner Drive.

Dr. Knable stated that maybe it needs to be looked at again by this body since it hasn't been looked at for 10 years.

Mr. Caesar asked what the problem has been.

Dr. Knable asked what the impetus was for this ordinance.

Mr. Caesar stated that it was because residents that lived downtown were parking on the streets as well as merchants.

Dr. Knable stated that the idea was to give someone a designated parking space in front of their dwelling.

Mr. Caesar stated that is correct.

Dr. Knable stated that he has no problem with 24 hour parking being enforced but he would like to make sure that it is done uniformly so that people know what to expect. He said that another issue that he heard is that the officers are using Sharpie markers instead of chalk which are not easily washed away. He said that he will let Police Chief Bailey discuss that when he is here because he doesn't know if that is standard practice or not. He said that he guesses his question would be if the council thinks that the area needs to be expanded because we have a lot more residential activity downtown. He added that he is okay with 100% enforcement 7 days a week if it helps alleviate a problem.

Mr. Caesar stated that he would be happy to look at it again.

Mr. Phipps stated that their neighborhood association encourages people to call on cars that have been there for weeks or months on end. He said that they call the police and they come out and mark it and within 24-36 hours it is gone. He explained that it is complaint driven because we can't expect the police to go around and remember every car and how long they have been parked in a space.

Dr. Knable stated that maybe the best for now is to make it coherent and put it out there again so that people know they can call the number or that it is required that they pay the annual fee.

Mr. Phipps stating that he is not in favor of abolishing the 24 hour parking rule and letting people park places indefinitely.

Dr. Knable stated that he is not suggesting that at all. He said that he is just not sure that people in that defined area know that permits are available to them so he suggested possible doing a mailing to that area to make them aware.

Mr. Caesar stated that the impetus to this law is because some people were parking in front of businesses and leaving their cars there for 24 hours.

Mr. Blair stated that he thinks they need to get Develop New Albany involved so they can come back with recommendations on how to make the situation better.

Dr. Knable stated that he is not looking to change anything but doesn't think that it is fair for someone to move into that area and not know that they have an option to buy a parking space.

Mr. Coffey stated that the council worked months on the ordinance and that was the best that they could come up with.

Dr. Knable stated that he is not looking to change it but to just clarify it to people who are living under it.

Mr. Coffey stated that he thinks the biggest problem is always enforcement whether it is the lack thereof or selective.

Mr. Caesar pointed out that if all of the people that live on Pearl Street bought a permit and then parked there all day, there wouldn't be anywhere for customers to park to visit the businesses.

Dr. Knable asked Ms. Stein if there are only designated spots that can be purchased.

Ms. Stein stated that the way she read it is that the request goes to the board of works to be approved and they go out and paint off the spot.

Dr. Knable stated that he doesn't think that board of works is going to grant a residential parking spot in front of Adrian's for example.

There was a lengthy discussion regarding putting this issue into committee and then they can come back and report to the council.

Ms. Stein stated that the members of public safety and traffic are Mr. Nash, Mr. Aebersold and Mr. Phipps.

Dr. Knable suggested giving him until the next meeting to get more information.

Mr. Blair stated that they will wait to hear back from Dr. Knable at the next meeting.

Mr. Coffey stated that the parking garage is not being used as much as it should be and he feels that we need to attract more users and that can be done by giving them a free trial run.

Mr. Blair stated that it is time to put Ms. Stein's contract in place and the only change that he sees is the 2% increase to her salary. He said that if it is okay with the council, he will work directly with Ms. Stein to sign the contract and then just provide it to them on a reporting basis. He then said that earlier this week he attended a leadership meeting by ISI for the RDA (Regional Development Authority) and provided the council members with information regarding that meeting. He explained that they compiled all of the surveys of over 100 participants and presented it to them and ask them to form small groups to work on a mission statement and different things. He said that it looks doubtful that there will be money appropriated this session for the RDA. He explained that two years ago the money came out of the Amnesty Program and it was over \$120M so we need to make sure we are in position and organized in case we have that opportunity this time. He said that it still could materialize but it doesn't look that way at this point in this legislative session. He stated that there are some other benefits with the RDA such as we do now have five counties that are speaking together and working together and there is a tax credit for businesses that are doing developments in the five county region. He said we are positioned if there are any grant opportunities in the future with this and pointed out that two years ago we lost out on about \$42M in this region.

COMMUNICATIONS – MAYOR:

Mr. Wood stated that Mayor Gahan wanted to thank the council members who attended the meeting last night and that he was very happy with the comments that were received at that meeting. He also stated that Ms. Courtney Lewis is going through all of the written comments and will be summarizing those and there will be additional discussions and opportunities to talk about this in the coming days and weeks.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mr. Thompson stated that he wanted to update the council on some of the projects that are going on around town. He said that the Old Vincennes Road Emergency Project has started and it has a 30 day window in which the repairs are to be made so it should be completed by April 17th. He stated that the Market Streetscape Project has started and the completion date on it is supposed to be September 2nd. He said that July 30th is the anticipated completion date on the Mt. Tabor Road Project and the Slate Run Road Project completion is still slated for the end of 2019.

Mr. Nash asked if he has anything on Grant Line Road.

Mr. Thompson said that he doesn't have that because he is waiting on INDOT to get back with him to make sure that the contractor hasn't asked for any additional days due to anything that may have happened over the winter months.

Mr. Phipps asked if the Market Street Project is going to continue on the other side of State Street too.

Mr. Thompson stated that it is only between Pearl Street and State Street in this phase.

Mr. Blair asked how far out Grant Line Road we own.

Mr. Thompson stated that we have an interlocal agreement with the county that we will take care of the road out to Barak Obama Way.

Mr. Blair stated that it is just past Blackberry Ridge then.

Mr. Thompson stated that is not ours and we just have an agreement with the county that we will take care of the road.

Mr. Blair stated that he thought several years ago the state turned the road over to us and gave us funding for it and asked Mr. Thompson if that is correct.

Mr. Thompson stated that was part of the 111 relinquishment that stopped at Mt. Tabor Road and the stretch that is between the expressway ramps is still maintained by the state. He also stated that it had to do with the signals that the state turned over to us to maintain so we agreed to maintain the road as well. He added that it actually still belongs to the county but we are responsible from curb to curb.

Mr. Blair asked how the Old Vincennes Road Emergency Project was funded since the contract for the repairs has already been signed.

Mr. Thompson stated that he does not because it was an emergency repair and he was out when the quotes came in at the board of works meeting.

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

Mr. Blair stated that last Thursday he, Mr. Coffey, Mr. Caesar, Mr. Wood, Mr. Streips and Mr. Greg Fifer with Applegate, Fifer, Pulliam LLC met to discuss annexation. He explained that there has been quite a bit of work done behind the scenes and there has been an area identified for the annexation area. He stated that it consists of 1730 parcels of land and includes approximately 4000 people in the area and will generate about \$1.85M per year in additional taxes. He said that Mr. Fifer has done a lot of work because part of the annexation process is that you have to identify the owners of all of the parcels of land so we are ready to move to the next step. He said that the committee asked them to go ahead and move to preparing the financial plan and that consists of determining what the additional costs will be for extending services to those areas so we can make the determination if we want to proceed with the annexation. He said that they are working with Mr. Herschel Frierson with Crowe Horwath on that financial plan. He explained that it takes about six public meetings to do an annexation so realistically we are looking to at least the first of the year before the ordinance would hit this body. He also explained that for the first three years, the additional tax revenue will go back into the annexed area and they will form a committee that will decide what kind of capital improvement they want to see in their area. He stated that the city will phase in services for the first four years so we have to make sure that our finances are such that we can take that dip until we can realize the full impact of the additional revenue. He also stated that there is a bill in the Indiana Senate that could make annexation more restrictive so we need to watch that very closely.

Dr. Knable asked if current law requires a certain percentage of people living within the proposed annexed area to petition in favor of doing so or not.

Mr. Blair stated that he understands that if 51% oppose it then it may not annex so it is more of an opposition to it rather than being for it.

Dr. Knable stated that he didn't hear the purposed site and asked Mr. Blair if he is at a point where he wants to reveal that or not.

Mr. Blair stated that he doesn't want to reveal roads but if the council members have questions then he can show them outside of the meeting.

Ms. Stein cautioned the group to not have any meetings that would violate any open door laws.

Mr. Blair stated that he has the information and the other two committee members have it as well as Mr. Wood so if anyone wants to see the information, just let him know.

Dr. Knable asked the philosophical question if it is right for him to know if the people in the proposed area don't know. He said that he feels kind of uneasy about that so he thinks he will just wait. He added that he is not saying that it is right or wrong but he will just wait.

Mr. Blair stated that there is a lot of unimproved property in the area that we would probably annex in if it was developed so we would be proactive and annex those areas and they are along Grant Line Road.

Mr. Wood stated that the only thing he would say is that the area is contiguous to the City of New Albany and it meets a density requirement that it has to have a minimum of three people per acre which is a state statutory requirement. He said that when you start looking at New Albany's boundaries, you can start to guess about where the annexation area would be. He explained that we don't have the fiscal plan from Mr. Frierson so we

don't know the exact annexation area and if we look at it, we may need to trim it back so there is no reason to get people alarmed about annexation because it is just temporary at this point in time.

Mr. Coffey stated that most of this is unimproved and he doesn't have any problem showing anyone the information but the attorney did point out that it is going to be next to impossible to extend the fringe area. He understood that what we are taking, the people there were okay with it.

Mr. Phipps asked if it is the same area that was talked about a year or so ago when he was on the committee.

Mr. Blair replied yes and stated that the folks in this area have been on our sewer system for a long time and there are also some areas that we would make immediate improvements to. He also stated that they will have to do some good marketing to let the people know what the benefits will be and to give them all of the information so they can make an informed decision.

Mr. Caesar stated that he thinks it is prudent to go forward with this and that there have been a lot of changes in annexation laws and may be more so that it is a reason to keep it a little low key right now. He also stated that there will be a lot of openness with this and there will be six public meetings that will take place. He added that it is an extended process so we are not waiting until January because it is an election year or anything like that; it just takes a long time.

Mr. Wood stated that this is the year before decennial census and in Indiana, annexation can't take effect in a year before decennial census. He also stated that with the timeframe that the statute has now, he doesn't feel that they could get one completed before the end of this year. He added that the public meetings have to be in the annexation area so when we get there, we will be looking at Community Montessori and Grant Line Elementary as two locations that would probably be convenient to folks in that area.

Mr. Blair stated that there is voluntary and involuntary annexation and Grant Line Elementary School may be a voluntary annexation.

Mr. Barksdale stated that he is in favor in moving forward with it.

Mr. Blair stated that he thinks it would be a benefit to New Albany to increase boundaries and bring in other areas. He added that he thinks there are benefits to those areas as well.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Mr. Roger Baylor stated that the issue with the 24 hour parking was first brought up by a fella that lives out by the hospital so it isn't even really close to the downtown area that we are talking about. He then stated that he walks up and down Market Street just about every day and on the eastside of Third Street by AAA Plumbing and Copier Mart and just

about every day he has observed cars parked on the sidewalk and have been for as long as he can remember. He said that he first brought it up in 2015 at a Board of Works meeting and nothing happened. He added that it blocks handicapped access. He stated that in his district, there are cars parked up on the curb often, work vehicles park illegally and the big plumbing truck parked on Spring Street at 9th Street, he feels, was part of the reason that Matt Brewer was killed because of the sight problem it causes. He said that it is very upsetting to bring these issues up and to just be ignored and that's why people say it is selective enforcement.

Mr. Mark Cassidy stated that there was another death that most of you probably aren't aware of. He explained that Dr. Billy Andrews was 87 and just passed away and he is almost considered the father of neonatology which is the care of critically ill newborns. He explained that when Jack Kennedy and Jackie were in the White House, they had a son born a little prematurely and died but Dr. Andrews was flown in to take of the newborn because he was considered to be the foremost expert in taking care of critically ill newborns. He said that he knows all of this because his wife has been a social worker in the NICU unit for 35 years. He stated that he just wanted to bring Dr. Andrews up and asked that you keep him in your prayers if you are the prayer kind, and if not, please just keep him in your thoughts.

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:05 p.m.

Scott Blair, President

Vicki Glotzbach, City Clerk