

**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 MONDAY, APRIL 1, 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, Police Officer, Mr. Gibson, Mr. Staten, 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. Barksdale moved to approve the Regular Meeting Minutes for March 21, 2019 with corrections, Mr. Phipps second, all voted in favor with the exception of Mr. McLaughlin who abstained.

COMMUNICATIONS – COUNCIL:

Dr. Knable stated that he spoke with Police Chief Bailey regarding the discussion that the council had on parking last week and he wasn't aware that the traffic officers were using Sharpies that are non-erasable so that will be corrected going forward and they will chalk with erasable ink. He added that he didn't delve into the other issues yet that the council discussed at the last meeting regarding parking. He then explained that there are ongoing concerns about people coming up the hill and through the three way stop at Camp Avenue in the 2nd District so he and Mr. Caesar are going to discuss it a little further. He said that they will then talk to the board of works about possibly getting some flashers at that intersection as well as getting it re-marked because there is no paint there to get drivers' attention at night.

Mr. Caesar stated that it has been a long-term problem because of the way the road is there when you come up over the top of the hill and feels that if the flashing lights aren't too intrusive to the neighborhood, they would be a good idea. He also stated that just painting the big white line there would help make people more aware of the intersection.

Dr. Knable told Mr. Caesar if he has any other ideas to let him know, otherwise, he will contact the board of works members with the issues and recommendations.

Mr. Blair stated that there are some solar powered flashing lights in the Castlewood neighborhood in a couple of areas that have been there for several years and they seem to help. He added that it is an inexpensive solution.

Dr. Knable stated that speed continues to be an issue on the Slate Run Road side of Old Ford Road and there are lots of young children in that area. He said that one of the folks living over that way talked about possibly borrowing one of the speed limit signs from McDonald Lane to place on Slate Run Road. He also said that he thinks everyone on this board is willing to pay for more of the signs if there is a need for more.

Mr. Nash stated that there should be something in the budget to get those once the road is completed. He added that he actually had that conversation with Police Chief Bailey around Harvest Homecoming because someone brought it to his attention then. He said that he will follow up with him on that.

Dr. Knable stated that he will do the same through different channels to see what can be done because there are a lot of children in that area and he would hate for there to be an accident. He also stated that he walked Old Vincennes Road and the construction looks to be going very well.

Mr. McLaughlin stated that when we had the Harvest Homecoming Parade on the first Saturday in October this past year, the emergency sirens were supposed to be tested and he didn't hear them go off but he then forgot about it. He said that he saw something about a month ago where they had storms down in Alabama so he started asking around area businesses and residents if they have noticed the sirens being tested on the first Saturday of each month. He explained that it turns out that three of our five stations have not been tested in a while and no one really knows when the last test was done so he got with the emergency management person to address that. He said that person is Mr. Kent Barrow and they are in charge of keeping everything going with it so he was checking up on all of them and as of now, everything is up and running and they have been tested. He also said that he has a list of those siren locations and they will be tested this Saturday at noon.

Mr. Blair stated that he appreciates Mr. McLaughlin's persistence in this matter because it is one of those things that you don't realize until it doesn't work and there is a disaster.

Mr. McLaughlin stated that money was allocated for the one at Bicknell Park and the one at the Spring Street Fire Station and those are not totally compatible with the emergency management sensory system. He said that we may have to do an additional appropriation but it shouldn't be too much of an upgrade. He added that he is passionate about this because on April 3, 1974, he was playing soccer for the high school at George Rogers Clark Park and that's when he learned the difference between a watch and a warning.

Mr. Coffey stated that we have a problem with heavy equipment and trucks going up roads like Camp Avenue and when he brought it up before, he was told that there would have to be a \$100,000.00 study to put weight limits on our roads. He said that he talked to the county and they didn't have to have a study and they put their own weight limits on their roads. He stated that he doesn't feel that it would be too hard to have truck routes in our city because many roads are just not made for heavy equipment. He added that with the work being done on Old Vincennes Road, Camp Avenue is not going to take all of that weight that is traveling on it right now. He said that we cannot continue to pay to fix these roads and hills and we need to keep the heavy equipment off of them.

Dr. Knable asked if the biggest cost of the study is to find alternate routes.

Mr. Coffey replied that he doesn't know and stated that Mr. Rosenbarger told him that the study needed to be done but he learned from the county that they did their own weight limits on their roads. He also stated that the county said that the board of works can set those weight limits on roads in the city. He added that as far as finding alternate routes, we have an engineer so we could do that ourselves. He then asked if the county did it, why can't we. He stated that he doesn't want to stop commerce but the amount of taxes that we collect off of that equipment does not even come close to repaving or rebuilding a road.

Mr. Blair stated that last year when they had a committee meeting, INDOT told them that weight was probably the cause of the failure of Rainbow Drive. He said that he is on that committee and asked if anyone is interested in gathering again to do some research. He also said that he believes Mr. McLaughlin and Mr. Caesar are on that committee with him.

Mr. McLaughlin stated that he didn't think that it was a standing committee but that it was just formed.

Mr. Blair stated that he is willing for the three of them to get back together because he has been very critical about the conditions of the roads and how much money we need to put into them.

Dr. Knable recommended that after the preliminary meeting, they bring in police, fire and possibly the county to see how they did that.

Mr. Coffey stated that we are probably the only city in the Midwest that doesn't have weight limits on our roads and overweight vehicles break the roads up more than anything.

Mr. Blair stated that he would be willing to be on the committee.

Mr. Coffey stated that he would be as well.

Mr. Caesar stated that he would be on it and said that the other thing they can do is contact Google regarding the manner in which they direct traffic in our area.

Mr. Blair stated that he would call a meeting with the others and decide how to proceed.

Mr. Aebersold stated that he commented about a POD on Elm Street that was kind of in the travel lane which he felt was dangerous and Mr. Thompson took care of it but now there is another one on Thomas Street at Ekin Avenue that has no cones, no reflective tape, etc. He also mentioned dumpsters that sit on the streets for weeks at a time and asked if we have a resolution or anything on the books regarding rules or requirements on these.

Mr. Blair asked Ms. Stein if she would research information on that.

Ms. Stein replied yes.

Mr. Barksdale stated that the one on Thomas Street was approved by board of works, which he read in the minutes, and there is a time limit on it.

Mr. Aebersold stated that they are probably all approved but he feels they are dangerous. He then asked if anyone has heard anything on the Sherman Minton Bridge.

Mr. McLaughlin stated they are doing a bridge study now.

Mr. Nash stated that they are doing the inspections right now too.

Dr. Knable stated that it is still slated to begin in 2021.

Mr. Aebersold stated that they will just come through and do an inspection and out of the blue, it will be closed off and we are not prepared for whatever is going to happen. He said that we just need to be prepared on what to do.

Mr. Barksdale stated that he did run the press release for the inspection closures that are going to be going on for the next couple of weeks. He then said that he read in the Tribune that we received \$1M in grant money from the Community Crossings Grant and wanted to thank Mr. Summers and his team for that. He said that will give us a total of \$3M for paving.

Mr. Coffey stated that twice now it has been on Facebook from the administration and in the Tribune that we will have \$1M for paving and he wants people to understand that we are going to have \$3M. He said that he doesn't want to get the word down the road that we spent only \$1M on paving and \$2M on something else.

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mrs. Moeller presented the council with the February 2019 financial reports.

Mr. Blair stated that on the reconciliations that she provides to the council, there are seven or eight cash balance accounts that the city has and he knows some of them but asked if the council could get a list of what is associated with each account emailed to them.

Mrs. Moeller stated that she would.

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

HORSESHOE BOARD – Mr. Caesar and Mr. Aebersold

Mr. Aebersold stated that they haven't met.

Mr. Caesar stated that the only thing he had was the scholarship information that he discussed at the last meeting.

REDEVELOPMENT COMMISSION – Mr. Barksdale

Mr. Barksdale stated that they only had one meeting in March and explained that the only action they really took was that they held a public hearing for the One-Year Action Plan for the Community Development Block Grant. He also stated that Mr. Staten and his team have been working on potentially expanding the UEZ and he knows that Mr. Staten has spoken with at least three council members so if anyone has any ideas, please give him a call to give him your input.

Mr. Blair asked if the expansion is to include the Vincennes Street corridor down to Charlestown Road.

Mr. Barksdale replied yes and stated that it then goes out Charlestown Road taking in Colonial Manor and further out to include the center where the Spaghetti Shop used to be right before you get to Lynnwood Drive.

Mr. Blair stated that he thinks that is important because there is a lot of traction and energy along Vincennes Street as far as developing that as a business corridor and revitalizing that. He said that there are also some potentials out in that Charlestown Road area and it was a good recommendation from the group as far as what area to expand to.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

INTRODUCTION OF RESOLUTIONS:

COMMUNICATIONS – PUBLIC: R-19-04 (L&D Mail Masters)

COMMUNICATIONS – PETITIONER: R-19-04 (L&D Mail Masters)

Mr. Staten stated that Ms. Diane Fischer with the organization is present and will share with the council a little about what they have planned. He said that this abatement is for a little over \$477,000.00 in additional equipment. He also said that he went on a tour of the company a couple of weeks ago and Ms. Fischer showed him a lot of things that are going on there and they were very impressive.

Ms. Fischer stated that this is a digital press that will create about four jobs. She said that they don't add jobs as often as they used to, but the jobs they do add are higher paying than they used to be. She added that a lot of their employees have been with them for 10-25 years and they have been in business for 33 years so they are continuing to move forward and have about 85 employees now.

Mr. Blair stated that she started the business in her home.

Ms. Fischer stated that is correct and explained that she started it in her home 33 years ago and they now have three buildings in the Grant Line Industrial Park and their campus consists of about 180,000 sq. ft. under roof. She also stated that they do web fulfillment, websites, printing, mailing, data work, programming, etc. and all machines are Pitney Bowes, HP and Kodak. She said that they are all high tech and well recognized in the industry and that Pitney Bowes as well as Kodak use them as a touring facility so they get a lot of recognition nationally.

Mr. Barksdale asked if they are 100% women.

Ms. Fischer replied yes and stated that they are certified nationally and really try to help non-profits so you will see them at a lot of non-profit events.

Mr. Blair thanked Ms. Fischer for everything that she does for the community.

R-19-04 Resolution Concerning Statement of Benefits for Caesar L&D Mail Masters, Inc. by the Common Council of the City of New Albany

Mr. Caesar introduced R-19-04 and moved to approve, **Mr. Barksdale** second, all voted in favor.

Mr. Caesar thanked Ms. Fischer for coming to the meeting tonight and for being a part of the community because the city appreciates her very much. He explained that the abatement is for five years and there is a percentage breakdown as it goes through the five years. He said that it is for \$477,000.00 in equipment and it will create four new jobs but there are 85 employees at this time and he thinks this should be well received by the council and by the community.

Mr. Coffey stated that it has always bothered him that we tax equipment that puts people to work and we don't have to tax this type of equipment. He said that we don't have a lot to entice businesses to come into our community anymore and he hopes down the road we make the decision not to do this anymore.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Mr. Michael Bailey stated that it came to his attention in the minutes from the last meeting that there are plans for annexation north of the city limits. He explained that he lives in that area and by annexing that section, it will impose new taxes on them and they will receive no benefits for that and his family cannot afford those. He said that they purposely moved outside the city limits to avoid extra taxes and the slew of ordinances for city residents so he asked that at least his section be removed from the annexation plan. He added that he currently lives there so he is not under any of the current city's jurisdictions which is problematic at the legal state level because it is without consent of the governed. He said that he has appealed to Senator Grooms and Representative Clere to start passing legislation to change the current state law but he thinks that it would behoove the council and would show current constituents and future constituents that you don't have to force your view on them but rather entice them to do voluntary annexation.

Mr. Blair stated that he was the one that brought up the annexation proposal at the last meeting and we are actually in the infancy stages of annexation so we are way out in front of the cart as far as communication but he wanted to make sure that the information was communicated to the community. He said that a fiscal plan has to be put together to see if it is worthwhile so it is a situation where if it doesn't make sense for the city and for the residents in the annexed area, then it just will not happen. He also said that state law is written that there has to be a benefit for the city as well as for the annexed area so he is looking at it to see if it can be a benefit to both groups because you have to promote growth and expansion for a vital community. He explained that the benefits to the residents in the annexation area are reduced sewer fees, fire protection, police protection, improved roads, etc. so there are things that would be delivered to an annexed area if it happens. He also explained that there is a very extensive communication process to the residents in the proposed annexed area and there has to be public meetings and information provided to them. He added that for the first three years of the annexation, the additional money from annexation goes back into that area so that is a big benefit. He stated that 51% of the people in the proposed area can petition it and stop the annexation so it obviously has to be beneficial to the majority of the people in that area. He said that his advice is to look at the plan and see if it makes sense because it may not even benefit the city to do it because we will have to provide additional services, possibly build a new firehouse, etc. so we may not be able to afford the services to move into that annexation area. He said his idea was to get the information out to the public early to be fair and transparent.

Dr. Knable stated that there was quite a bit of fear that was discussed on social media over this and asked Mr. Blair to confirm that there will be minimum of six public hearings that will be required so there will be ample opportunity to have any opinions discussed publicly.

Mr. Blair stated that is correct.

Mr. Dennis Feiock stated that he is concerned about Mt. Tabor Road because although it is going along quickly, he doesn't feel that construction is going very well. He explained that for 50 years there were no trucks allowed on Mt. Tabor which changed about 15-20

years ago when semi-trucks were allowed and that resulted in the road going into the creek. He stated that he called the City who installed the “no trucks allowed” signs but they were gone a year later. He explained that he called Chief Bailey to inquire about what was going on with this and he was informed that there are no ordinances that restrict trucks on any street in the City. He stated that they walked Mt. Tabor Road and it is a crime what is being done to the neighborhood with the elimination of their driveways and taking property. He passed out photos of the construction which shows a small drain pipe going down the middle of the road that he doesn’t think it is nearly large enough to service this area. He stated that the hillside has washed away three times in the last two years because of the water so this 9” pipe isn’t going to work. He explained that they laid the pipe on hard pavement and duct taped it together and then dropped rock on top of the pipe, so he doubts that it is round any longer. He stated that the thing that bothers him the most are the photos he will pass around of the hillside that keeps washing away. He explained that the drains empty right at the edge of the road so that means the water is going to run down the hillside, which will wash the hillside away. He added that they do have some riprap there but it only goes down about ten feet so after the water gets passed that, there is nothing to stop it. He stated that this is a lousy way to protect the hillside. He explained that the trees that were there have been cut down which adds to the vulnerability of the hillside. He explained that one of the large pipes broke up when the hillside started sliding and the gushing water washed out a path down to the creek that has cut into his neighbor’s yard and will eventually lead to a large sycamore tree coming down from the erosion.

Mr. Coffey asked how substantial the black pipe is.

Mr. Feiock stated that it looks like the same drain pipe that you run from your home when it is being constructed.

Mr. Coffey stated that it is going to catch debris too because it isn’t smooth.

Mr. Aebersold asked if the pipe in the photo is going to be the drainage that goes off the road through the area.

Mr. Feiock explained that there are drains approximately every 50 feet on each side and several drains catch water and feed it into the small pipe then the small pipe feeds into two big drains that go into the creek.

Mr. Aebersold asked if it is possible that the construction isn’t finished and they will run the pipe down the hill.

Mr. Feiock stated that it is finished.

Mr. Coffey stated that it isn’t the right kind of pipe either way.

Dr. Knable suggested that President Blair retain copies of the pictures to pass along to the engineer to see if they would like to discuss it at the next meeting.

Mr. Blair stated that he will ask the City Engineer to come to the next meeting to address these issues.

Ms. Kelly Feiock stated that she has been completely frustrated with the Mt. Tabor Road project over the last five years. She explained that she has sent numerous emails to her councilman and hasn’t received a single response so she is here tonight for clarification on the project. She asked if they know why the project was reduced from one mile to half of a mile.

Mr. Coffey stated that they aren't in the loop.

Ms. Feiock stated that that the project was proposed at \$6.5M and now it is \$3.1 and she would like to know what happened to the other \$3.4M.

Mr. Coffey stated that some of them have tried to find out the money trail and they have been stymied. He explained that this project was formed under Mayor England and was an 80/20 split.

Ms. Feiock stated that at one point there were some trees that were supposed to be cut down and they were saved after a public meeting. She asked if any of the council members know why this happened. She thanked them for being honest about not being in the know and explained that they contacted INDOT and threatened to sue them because of a traffic study that was incorrect. She stated that she contacted the Commissioner's Office and informed them that there were policies that were followed and she sent them the information. She passed out a copy of the information that was legally required to turn a four-way stop into an intersection or to use Eminent Domain. She stated that none of this was done and once INDOT found out, the project was stopped and the funding was pulled. She stated that they need to understand the information she is giving them tonight because they are working for a corrupt government and they need to question everything that is told to them by the administration. She informed them Indiana Code allowed for the City to take ten feet from her property through Eminent Domain, but they took 23 feet. She stated that the extra 13 feet is for Duke Energy and the City funded Duke's expense which is an appropriation of government funds. She stated that she filed a complaint with the State Board of Accounts.

Mr. Roger Baylor stated that to say that the City has to continue to grow and implying that it has to move out to lesser settled areas is similar to the old phrase that growth for the sake of growth is the ideology of the cancer cell. He said that there are other ways of achieving growth which would be doubling down on the density in the developed areas inside the beltway because we have quite of lot of vacant properties and quite of lot potential free development in the city itself. He then stated that representatives for Our Southern Indiana Regional Development Authority were at a meeting a while back talking about the wonderous things that are happening with that. He said that today Ms. Martina Webster from Sellersburg mentioned that they have completed their revision of the 2015 Regional Development Plan since they finally found five counties that would participate. He pointed out that Harrison County has dropped out and Jefferson County has joined and they will have their public input session for this massive revision that will be held in the City of Salem this Friday from noon until 1:30 p.m. in the afternoon. He said that prompted comments on social media like with five or six days' notice, it is difficult for people to just drop what they are doing and drive to Salem for a public input session which will probably not allow public input because that is the way it always happens. He added that their regular meetings rotate around to the different counties and are on Fridays at 10:30 in morning and he has always said that if you have a meeting for public input during the day, you don't really want input because people work and cannot make the meetings.

Mr. Blair stated that copies will be made of the information that Ms. Feiock passed out and will be sent to all of the council members.

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:00 p.m.

Scott Blair, President

Vicki Glotzbach, City Clerk