

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, APRIL 19, 2018 AT 7:00 P.M.

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

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

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

MOMENT OF REFLECTION

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Caesar moved to approve the Public Hearing Meeting Minutes for April 2, 2018, Mr. McLaughlin second, all voted in favor with the exception of Mr. Barksdale who was not present.

Mr. Phipps moved to approve the Regular Meeting Minutes for April 2, 2018, Mr. Caesar second, all voted in favor with the exception of Mr. Barksdale who was not present.

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

Mr. Greg Fifer stated that he is present with Mr. Way and that they previously described a future Phase 2 on his project but didn't have control of the land at that time so it was pure conjecture as to whether that would happen or not. He explained that subsequent to that rezoning not being approved, Mr. Way was able to communicate with Ms. Hardin and she is ready to move and has acquisitively joined in this petition. He said that Mr. Way now has the ability to control the Phase 2 property if Phase 1 goes forward. He stated that the other thing they felt was important was presenting more detailed aesthetics of the project and so they presented more detailed examples to the council. He added that he has read the draft ordinance as well as the resolution adopted by the city plan commission and they contain identical conditions of approval and all of those conditions are acceptable to the developer and they would expect them to be a condition of any approval of the requested rezoning.

Mr. Al Way stated that they were before the council previously looking at the Phase 1 portion of the project and are now seeking approval to do Phase 1 and Phase 2 of the development. He then passed out larger drawings for the council to review. He said that he provided in the packets a few different options of how the units can look. He explained that they are taking advantage of the grade changes so the buildings along West Street will keep in scale with the existing house on the corner which they own as well. He stated that the buildings on the front of the site don't have garages but do have parking at the rear of the units and the buildings further back have garages as well as driveway parking. He said that Ivy Court is privately owned but they do have an agreement with the other adjoining owners and they are actually looking forward to the development because there will be a realignment to it because they will be resurfacing and regrading it. He stated that stormwater management issues were raised previously and they now have stormwater plans that have been engineered for stormwater management of the development and presented the drawing and pointed out both detention ponds and let the council pass it around to review it.

Mr. Fifer stated that Mr. Grant List is here and works with Renaissance Design and as he understands it, that system has been designed in accordance with the requirements in the city's drainage ordinance. He said that while it hasn't been reviewed yet by Heritage Engineering as the design reviewer for the city, they have every reason to believe that it satisfies all of the sizing requirements of the ordinance but could make any tweaks that Heritage may recommend in their review process.

Mr. Grant List, Renaissance Design, stated that he does have the hydro pad reports if anyone would care to look through those details.

Mr. Fifer stated that Mr. List will be getting those to Mr. Summers.

Mr. Way stated that the development is approximately a \$5M investment.

Mr. Steven Day, Schuler Bauer, stated that he wanted to reiterate that in the current market, he and his colleagues are excited to bring a newly constructed house into the market for \$150,000.00. He said that this kind of project will not only appeal to first time homebuyers but all the way across the board as well. He added that it is also in a great location.

Mr. Jason Copperwaite stated that he is present to answer any questions on the alley vacation for Beechwood Properties, LLC that was presented at the last meeting.

Mr. Don Thieneman, 5031 Old Vincennes Road, stated that he was in front of the council last month for his project on the Grantz property and is now looking at something that is exactly what New Albany needs. He said that he hopes the council is more forward thinking on this project than they were on his. He also said that he hopes the council will make this developer do what he had to do such as a traffic study, make sure sewers will work, make sure drainage is there, etc. He then asked that the council not turn this development down.

COMMUNICATIONS – COUNCIL:

Mr. Caesar stated that they had a really nice meeting on paving and no final answers were resolved but they are looking at ways to update the plan to make sure that everything is included as well as more detailed pothole patching and general patching so that the roads last longer. He added that the street department needs to be commended for the work they have already done because this has been a particularly hard year on our roads.

Mr. Blair stated that the road committee had a conference call with a gentleman recommended from INDOT and talked about crack sealing and adding rejuvenator to the roads. He stated that they also talked about the material that we use and right now INDOT standards allows use of recycled material as well as virgin material which are close to the same costs but the virgin material lasts a lot longer. He said that the gentleman also volunteered to come to New Albany on his own time to walk the streets with them and give recommendations. He also said that he said in Seymour they spend anywhere from \$2M-\$3M a year on street paving and our city is twice the size of them. He went back through the budgets for the last two years and pulled out how much money was allocated for paving and how much the council appropriated for paving. He reported that the council appropriated \$3.7M for 2017 projects and for 2018 projects, the council appropriated \$2.65M. He said that he did send in a request just this afternoon to Mrs. Moeller to help him understand what projects the money was spent on and how much remains for future projects. He then asked Mrs. Moeller if she had a chance to research that information.

Mrs. Moeller stated that she wasn't able to do the detail that Mr. Blair requested but could give figures that are there now. She explained that in the line item in EDIT that the council budgeted for there is \$392,391.00 for paving as well as \$100,000.00 for striping. She stated that there is paving money in Riverboat in the amount of \$352,854.00 and there is also encumbered money in Rainy Day for projects that weren't able to be completed in 2017 because of weather.

Dr. Knable asked if she has an amount on the Rainy Day money.

Mrs. Moeller stated that she thinks it is about \$300,000.00 but it is for those 2017 projects only.

Mr. Coffey stated that Main Street didn't come out of Riverboat or EDIT.

Mrs. Moeller stated that is correct. She said that she thinks that comes under the community grant which comes through redevelopment.

Mr. Coffey stated that he didn't want people to think that was part of the \$3M spent one year and the \$2M spent the next year because it was totally separate money.

Mrs. Moeller stated that is correct.

Mr. Coffey stated that when the traffic study was done to reroute the downtown streets, we received a grant to take care of the roads there. He then added that we really need to start focusing on infrastructure because we are letting that slide in order to do other projects.

Mr. McLaughlin stated that what kind of puts us behind the eight ball is what Mr. Blair referred to as RAP which is reconditioned asphalt pavement that they put in because of the liberties they were allowed to take starting in 1990.

Mr. Coffey stated that he thinks it would be a great idea to have the consultant come down and speak to all of the council members.

Mr. Caesar stated that will probably happen but he can't guarantee it.

Mr. Blair stated that he has already volunteered to come down but he really hopes to get the administration, the street department and the city engineer involved in the meeting.

Dr. Knable asked if there is anything that would be immediately applicable to this year's paving season.

Mr. Blair stated that we need to compile a plan instead of just throwing \$1M out there. He added that we need to know what is available and what has been spent on what.

Mr. Coffey stated that we need to have a real engineering study done and we need to go by what the study says and not a wish list.

Mr. Aebersold asked if the list he received is a wish list.

Mr. Caesar replied no and stated that list is from the Clark Dietz study and will more than likely be done.

Mr. Thompson stated that the list emailed from Mr. Summers was based on the study that was done in 2015 because they had been working on the one that was done in 2008 but it became dated. He said that the email Mr. Summers sent showed what we have slated for this year and the streets that have been identified by Clark Dietz as needing the most attention based on their classification.

Dr. Knable asked without a longer-term plan how we would ever get to say street #80 on that list and what would be the best way to systematically address that.

Mr. Thompson stated that when the 2008 study was done, the city requested to do a bond because the roads were in such a state that they were costing more than estimated by the time we got to them so we never got caught up. He said they wanted to get all of the paving done and all of the roads caught up and then do a maintenance program like the gentleman from INDOT is talking about.

Dr. Knable stated that it is difficult to talk about bonding something for 20 years that will have to be repaired in 10 years.

Mr. Thompson stated that our area is a factor too because you get a lot of water getting in the cracks and freezing but we have for the past several years been working with our engineers in tweaking how much recycled material can be used in the mix. He said that when they did Roanoke Avenue, they did four test areas there and the engineering firm is still monitoring those test areas but no results have been received yet. He said that we are continuing to try to improve our game to get the best that we can get for our money but it is a long process.

Mr. McLaughlin asked if they have contact with INDOT.

Mr. Thompson replied yes and stated that INDOT is the controlling factor on most of our federal aid projects.

Mr. Coffey stated that with \$1M for paving we are going backwards.

Mr. Thompson stated that if you can't get to that point where you're maintaining the pavement then what you paved is going to start aging and by the time you get back to it, you may have to mill and pave again versus just doing maintenance. He also stated that rejuvenator was done only

on Silver Street by Silver Street Park and it extended that road compared to Indiana Avenue and McDonald Avenue which were all paved at the same time.

Dr. Knable asked if the money that wasn't spent last year was primarily the result of weather or not having manpower to actually do the work.

Mr. Thompson stated that there was some money encumbered for paving in Indian Heights because the paving was scheduled to be done at the end of the year but weather prevented that.

Mr. Blair told Mr. Thompson that he didn't mean to insult him and apologized but explained that they asked for a plan and it showed up the day of the meeting. He also said that there is a big need out there so we need to address the problem and it will probably take a lot more money to fix that problem than we are trying to allocate this evening. He explained that he looked at the list and there are 5 roads on there and those 5 roads are going to cost \$1M so he asked what will be done about the other 50 or 60 roads that need to be repaired. He said that we need to figure out a plan on how to do that and prioritize projects.

Mr. Thompson stated that he is confused because he doesn't know if Mr. Blair is talking about money being appropriated by the council for projects versus money being appropriated for paving or if he is talking about money that was just given to the city for paving.

Mr. Blair stated that he is talking about things such as a new city hall because that money is coming out of the same bucket as paving. He said that we have some stormwater projects that need to be done which will also come out of the same bucket as paving so we have some hard decisions to make. He stated that he is not saying that any one project is not worthwhile, but we need to figure out our priorities and work accordingly.

Dr. Knable asked how many roads we can actually take care of in one paving season if we had unlimited funds. He also asked if manpower is an issue.

Mr. Thompson stated that manpower is an issue and if you had unlimited funds, you would want to bid it out and take more than one contractor because if you only used one contractor, they would have to add more crews and most contractors will not do that. He added that they keep trying to come before the council earlier every year because if you bid out later in the year, those contractors have already filled their schedules and we have to work our work into their schedules.

Mr. McLaughlin stated that when he was coming downtown at Spring Street and 15th Street, a 50+ ft. truck came down 15th Street and almost hit the pole and asked if the city should start regulating some of these vehicles.

Mr. Thompson stated that he can only say that we don't have an ordinance that specifies weight limits on streets and we would have to escort them to a scale so police have no way of enforce anything.

Mr. Blair stated that those big semi-trailers hurt the roads.

Dr. Knable asked Mr. McLaughlin if he feels strongly enough to have the council attorney investigate what other cities are doing with that. He said that we do have signs that say "No Trucks".

Mr. McLaughlin stated that he would like to have that investigated.

Mr. Thompson stated that there are signs but no teeth because we don't have an ordinance.

Mr. Coffey stated that there are not weight limits on any streets in New Albany so an engineering study would have to be done. He said that there are other areas in the country that have the same weather we have but he feels that we haven't been doing the best job we can do. He said that we are talking about spending \$20+M for a new building for the city offices and that's a lot of money that will be dedicated for a minimum of the next 15 years. He asked if the council if they want to take care of infrastructure or build a huge city hall because we are all going to have to answer that.

Mr. Caesar stated that Old Vincennes Road is in really bad shape and has dropped almost 1 foot in the middle of the road and is down to a one lane road and should almost be closed. He added

that engineering is being looked at right now on it and hopefully we will be able to get it fixed sooner rather than later.

Mr. McLaughlin stated that some of his constituents on DePauw Avenue have come to him regarding a strange loud noise from the high school that was determined to be an air handler evaporator on the top of the school building. He added that school officials are aware of it and hopefully it will be fixed soon.

Mr. Aebersold stated that he road by the school tonight and it is a constant sound that is very loud. He said that Dr. Snyder is aware of it and is looking into it.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that Mrs. Moeller had to leave early but wanted to make sure that it is reflected in the minutes that she provided the council with financial records for March 2018. He then explained that Mayor Gahan wanted to make sure that everyone is aware that on Saturday, April 28th in Indianapolis, Indiana Landmarks will honor the Second Baptist Church with the 2018 Cook Cup for Outstanding Restoration. He said that in their letter they said that they know the city played a significant role in the restoration and hopes that officials can attend the presentation during the rescue party which is a an annual fundraiser for their endangered places program. He said that the rescue party is from 6:00 p.m. until 11:00 p.m. with the actual presentation taking place from 7:45 p.m. until 8:45 p.m. at the Indiana Landmarks Center located at 1201 Central Avenue in Indianapolis. He also said that he would be happy to send the information to the council members and that the mayor hopes that some members can go.

Mr. McLaughlin asked who is putting it on.

Mr. Hall stated that Indiana Landmarks is.

Mr. McLaughlin asked if anyone else from the city is going.

Mr. Hall stated that he thinks Mr. Barksdale is going.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

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

PUBLIC UTILITIES & TRANSPORT – Mr. Coffey, Mr. Phipps and Dr. Knable

Dr. Knable stated that they don't have anything going on but they do need to convene to discuss any impact of the cost of living rate on the sewer rates.

BUILDING COMMISSION – Mr. Caesar

Mr. Caesar said that there are no updates at this time.

ANIMAL CONTROL – Mr. Aebersold

Mr. Aebersold said that there are no updates at this time.

HUMAN RIGHTS – Dr. Knable

Dr. Knable stated that at the beginning of the year, he did ask that the committee be fleshed out and to date he has not received any appointments from the mayor's office. He reminded everyone that it is more of a reactive committee and said that even though he has no other appointments at this time, he is going ahead with his appointment of Mr. Paul Kiger and will discuss with him if they would like to make it more proactive or change the nature or purpose of the committee. He added that he is aware that they would have to come before the full council before they could do that.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

Mr. Caesar introduced A-18-03 and moved to approve the first and second readings, Mr. Phipps second, all voted in favor with the exception of Mr. Barksdale who was not present.

Ms. Stein explained that the amendment is because the last sentence in the ordinance will read for paving instead of for Local Road & Street Fund.

Mr. Caesar explained that the projected balance on December 31, 2018 in EDIT would be \$1,673,000.00, the projected balance for December 31, 2018 for Riverboat would be \$924,000.00 and \$726,000.00 for Rainy Day. He said that he would like to leave Rainy Day alone to keep that balance at approximately \$700,000.00.

Dr. Knable asked if the Rainy Day balance reflects the encumbrance.

Mr. Caesar replied yes and stated that money should not go below that at all because there is no money coming in or going out. He said that there is money in Riverboat but he thinks other things are going to come up there such as police cars. He then said that the \$1M works in a couple of ways such as keeping us on track with what we have been doing in the past and also makes us eligible for the Community Crossroads Grant coming from the state. He stated that is something that we have to apply for but nothing is guaranteed on what we will get or not get.

Dr. Knable asked if there is a minimum that we have to put in to qualify.

Mr. Caesar replied yes and stated that it is \$1M and that's why he chose that amount.

Mr. Aebersold asked how long that kind of balance has been in EDIT.

Mr. Caesar stated that EDIT fund has been up and down but in past years has been up to \$2.5M.

Mr. Aebersold asked if he should assume that we will be working down on the list if we do this.

Mr. Caesar said that if we do this and get money from the state, he would hope to be down to the blue area on the list.

Mr. Phipps stated that it is his understanding that \$1M will cover the orange area on the list and asked Mr. Thompson if that is correct.

Mr. Thompson explained that he understands from Mr. Summer's email that if the \$1M is appropriated, it will get us to the blue area.

Mr. Blair stated that when you just look at the green area which is \$1M for 5 roads and then pick up another 7 roads that's in the orange area, that would be \$1.5M. He also stated that if you pick up another 6 roads, that will be another \$2M so you come up with 18 roads that could be done. He said that the problem is that the list hasn't been updated and needs to be.

Dr. Knable asked Mr. Blair if he would like to see the list updated if the money is allocated.

Mr. Blair stated that he would like to see the list updated but the problem is time. He said that he would also like to understand if there is more money than just \$1M available and review the projects that are out there and prioritize.

Mr. Coffey stated that this \$1M may not even cover Old Vincennes Road so he feels that we need more. He then stated that he was thinking about other areas that money could be pulled from and he thinks that we have \$540,000.00 backing a sewer bond.

Mr. Blair stated that there is a sewer bond that has a \$540,000.00 or \$570,000.00 pledge on it.

Mr. Coffey stated that is no longer needed and hasn't been for the last two years so he thinks that should be moved over to paving. He added that he may abstain on the vote tonight because we need to really look hard to find more revenue to do this.

Mr. Blair stated that he is probably with Mr. Coffey on abstaining but he wants to get the committee back together to find out where available funds are and see how much money we can spend because just \$1M is going to get us behind.

Mr. Caesar stated that he would be happy to meet again.

Dr. Knable stated that we all know that we are going to need at least \$1M on it.

Mr. Caesar stated that it can be taken to \$1.5M if the council is comfortable with that. He added that he doesn't know if he is in favor of amending it tonight without going through some numbers more deeply.

Mr. Coffey stated that they need to look at that \$570,000.00 because it is being hedged for the new city hall. He said that he is not saying that a new city hall is not needed but the roads are in dire need of work.

**Z-18-03 Ordinance Amending the Code of Ordinances of Phipps 1&2
New Albany, Indiana, Title XV, Chapter 156
(Al Way for Jamesway Construction, Inc. requests a
Preliminary Planned Unit Development District to
Permit "West Street Mews" a 38-Unit Freehold Townhouse
Development in the R-2, Urban Residential District at
1105 through 1109 West Street and 5, 6 and 7 Ivy Court)**

Mr. Phipps introduced Z-18-03 and moved to approve the first and second readings, Mr. Caesar second, all voted in favor with the exception of Mr. Barksdale who was not present.

Mr. Caesar asked if there will be street parking.

Mr. Way replied no.

Mr. Caesar asked if each unit will have a separate mailbox.

Mr. Fifer stated that there will probably have to be some consultation with the post office to see what they are willing to do.

Mr. Caesar asked if each unit will have its own garbage can because he is not really in favor of a dumpster and hopes that each unit will have a garbage can and that the city will pick up everything in the subdivision.

Mr. Fifer stated that he is not familiar enough with the city ordinance.

Mr. Blair stated that Mr. Caesar could add it as a stipulation.

Mr. Caesar said that he may. He asked Mr. Fifer to do a little homework on it before the third reading.

Mr. Fifer asked Mr. Wood if there would be any zoning reason that dumpsters would be required as opposed to individual trash cans.

Mr. Wood replied no.

Mr. Caesar stated that he wants individual trash cans.

Mr. Fifer stated that as long as they can confirm that a hauler would pick those up, he thinks that is fine.

Mr. Caesar asked if the city is going to be responsible for any amenities along West Street such as curbs or anything like that.

Mr. Fifer replied no.

Mr. Blair stated that with the way he reads the drawing, the garages are at the front of the houses.

Mr. Nash stated that Mr. Jed Rutledge was present to speak on this.

Mr. Rutledge stated that they are seeking the abatement to build out and hope to employ more employees.

Dr. Knable asked how many employees they have right now.

Mr. Rutledge replied 12.

Dr. Knable asked how many they plan to expand to over the next few years.

Mr. Rutledge replied 4 more. He added that they have future growth plans but they are not really included in this.

Mr. Nash asked if this was formerly another company and then purchased.

Mr. Rutledge stated that it was purchased last year but has been around since 1969 and the new company is pushing for growth.

Mr. Blair stated that the nice thing is that it sounds like we are retaining a company in our community because so many times a larger corporation will come and buy someone and just want to further the market for the relationships and not necessarily for the facility. He added that he looks at it as a real positive that we continue to retain this company and that they want to invest and grow in New Albany.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Mr. Roger Baylor thanked Mr. Coffey for having the presence of mind to mention pedestrians and Mr. McLaughlin for mentioning the truck issue. He then stated that Mr. Phipps said at the last council meeting that he would oppose any measure of cooperating with county government. He explained that he has always been suspicious about Unigovs and county government but he does think that the idea that we, as a city government, should never cooperate with any other government is very 2008 and thinks that has changed as Dr. Knable referred to in the last meeting. He added that it is not like the county is on a starvation budget anymore. He then said that the reason that he brings this up is because he thinks everybody in the room knows about Jeff Boat closing down and the most recent follow-up on this is that Senator Grooms' preference for those 66 acres of property is mixed-use. He said he thinks it is going to be a real boom for Jeffersonville and attract even more investment in Clark County. He also said that city's statement in the last several years is that we offer quality of life and he doesn't discern that there is much agreement on the part of the current administration and council as to what quality of life actually is. He thinks it would be helpful if we could all agree on what quality of life means because he is a little worried that we are going to be left behind and if we don't have a plan to move forward, we are then going to be the equivalent of the backwash over what is going on in Clark County. He added that one thing he is sure will not help is us saying that we will not cooperate with county government who has all of the money.

Mr. Mark Cassidy stated that two or three years ago we had issues with some lights downtown that weren't working and Duke came in and said that they would fix them. He said that Mr. Duggins said they were going to take the money allocated for that and do Wi-Fi downtown and asked what happened to that money.

Mr. Thompson stated that Wi-Fi is downtown.

Mr. Cassidy said that he hasn't been able to pick it up anywhere.

Mr. Caesar stated that money was allocated out of EDIT funds and if that money would not have been used before December 31st, it would have gone away.

Mr. Cassidy stated that there is a house that is being renovated on the corner of Cheryl Drive and Miede Drive and they have dug all the way from the house to the corner of that intersection. He said that Cheryl Drive has no curbs, gutters, etc. and water is pooling in the intersection. He also

said that he has a creek right behind his house and why they dug that out to the street, he has no idea.

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:50 p.m.

Al Knable, President

Vicki Glotzbach, City Clerk