

**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 21, 2016 AT
7:00 P.M.**

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

ALSO PRESENT: Mr. Lorch, Mr. Gibson, Mrs. Moeller, Mr. Wood, Mr. Duggins, Mr. Thompson, Mr. Hall and Mrs. Glotzbach

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

INVOCATION: To be given by ministers of different faiths, if present. If none are present, then a moment of reflection.

Mr. Phipps stated that he would like to remember Suellen Wilkinson during the moment of silence and explained that she was a very active member of the community and passed away this week.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Barksdale moved to approve the Regular Meeting Minutes for April 4, 2016, **Mr. Blair** second, all voted in favor with the exception of **Mr. McLaughlin** and **Mr. Aebersold** who were not present.

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

COMMUNICATIONS – COUNCIL:

Mr. Barksdale stated that Historic Preservation Month is coming up in May and passed out information regarding events that the city is involved with. He pointed out two events that he would like to draw the council's attention to, Facelift Awards on May 18th and the Second Baptist Church Steeple Reinstallation on May 26th.

Mr. Caesar asked what they are going to do with the old steeple.

Mr. Barksdale stated that they were thinking of making a gazebo or something to put out behind the church.

Mr. Caesar stated that the council members have information on their desks about a plaque that they would like to have created to recognize the New Albany Bulldogs State Championship and explained what they would like to do.

Mr. Barksdale stated that they recognized them at the meeting but they didn't have anything to take away with them and thought this might be something they can hang on the wall.

Mr. Phipps asked if they are thinking of having one for the coach and one to display in the school as well.

Mr. Barksdale stated that they were just thinking of one for the coach.

Mr. Phipps stated that it might be nice to also have one to display in the school.

Dr. Knable asked if it is customary to use public funds for something like this or is it something that they can all pitch in on.

Mr. Phipps stated that he doesn't see anything that prohibit them from using public funds for this.

Mr. Coffey stated that he would feel more comfortable using their own money.

Mr. Barksdale stated that he and Dr. Knable met with several residents on Martin Dive and they have some water issues that appear to be coming from the surface parking at the hospital. He explained that there is a drainage ditch behind their property that floods during heavy rains and it looks like part of the bank is washing away. He stated that they did get word to the hospital and they are going to forward it on to the facilities manager to see what can be done in the short term since there is a pending sale of the hospital.

Dr. Knable stated that they put this on the radar of the Floyd County officials during a meeting and would like that to be part of the conversation with the hospital sale and at least get an acknowledgment of the issue.

Mr. Caesar stated that there is a huge culvert right in front of CVS under the parking lot.

Dr. Knable stated that the hospital has paved so much over the years and whatever is there is inadequate.

Mr. Coffey stated that if you look at the catch basin in front of CVS it is actually the highest point so that is why there is more water coming through there.

Dr. Knable stated that he invited Mr. Aaron Hellams to speak about the residents' concerns at Summit Springs and he has been communicating with Mr. Gibson about this as well.

Mr. Blair stated that Ms. Christi Smallwood is here to talk about how they are going to get started and put schedules together.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that Beautification Day is April 23rd starting at 8:00 a.m. and they will be doing landscaping, painting and cleanup. He explained that the 3rd Annual Boomtown Ball and Festival will be held on May 29th and invited them all down to enjoy the event.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mrs. Moeller passed out the monthly financial report to the council members to review.

Mr. Wood stated that he met this week with Mr. Caesar and Mr. Barksdale to discuss Summit Springs. He explained that Summit Springs was a planned unit development in 2008 (Z-08-18) and unfortunately the Kelly's had to wait until the economy stabilize and came back in 2012 to seek approval. He stated that he explained to them that the ordinance had expired and had to go back through the PUDD process, which they started

and then changed their mind. He explained that they decided to go to court and ultimately they prevailed with the court holding that a PUDD is a zone change and only the legislature have the authority to change the zoning. He stated that in March the Kelly's approached him about removing the trees on site and he did authorize it. He explained that when this ordinance was approved in 2008 there wasn't a state statute that required protection of the Indiana Bat Habitat and in order to keep this project rolling he authorized it with the requirement that they get a Rule 5 approved from IDEM, which they did.

Dr. Knable asked if he could explain what a Rule 5 is.

Mr. Wood stated that it is a soil and erosion plan.

Dr. Knable stated that he is concerned about who has the authority to make certain decisions during this process.

Mr. Wood stated that he has a great deal of discretion as the planning director.

Dr. Knable explained that he is concerned that if it can be overridden by one individual and not go through the proper channels then he has questions about the other parts and parcels as well. He stated that for the record he is for this project but he is representing the residents that have called him and have legitimate concerns.

Mr. Wood stated that he has been available all along to address these concerns and questions but no one has contacted him.

Dr Knable stated that he doesn't think most people were aware of the April 1st deadline. He asked if it might have been more prudent to call an emergency meeting to override or read through that second reading. He explained that he would like for whatever body of authority that exists over this project to be consulted with any other parameters before they are changed.

Mr. Wood stated that the Plan Commission doesn't typically conduct emergency meeting and the tree removal was done according to the approved plan of the City Council and the Plan Commission. He explained that the real concern for steep sloping is trench lines for utilities lines because this is where you have a real opportunity to create a failure. He stated that the Kelly's were told that the only thing they can do is remove the trees and everything else has to come back before the Plan Commission.

Dr. Knable asked what they can do as a council going forward to make sure that this doesn't happen again.

Mr. Wood stated that he has no desire to do this again. He explained that he is in his office every day, returns phone calls, and is always readily available.

Mr. Coffey stated that the PUDD had been approved so it couldn't be changed but in that PUDD it also stated that the trees were not to be removed. He explained that when this came before the council some had issues with it because it was a public/private partnership and asked if that is still the situation. He stated that he wants equal footing to know what is going on and the rules shouldn't change mid stream.

Mr. Wood explained that between 2008 and March of this year the state changed the playing field in terms of moving trees and had that state statute been in place when the stipulations were adopted they would have been written differently, namely to allow tree removal.

Mr. Duggins stated that the trees would've been removed for the development and was already approved through the PUDD and the only thing that has to come back is the subdivision. He explained that a decision was made for that construction to be able to happen this year. He stated that of course he wishes it would have been done in phases but the problem is that they had a stipulation, not made by the city, that it had to be done by April 1st or they would lose an entire year. He explained that the Redevelopment Commission is going to build a road which is a good thing and includes the re-working of the intersection and lighting. He stated that he made a commitment to redevelopment and to this council that they would not enter into a public/private relationships without the assessed value and the new increment going into the TIF being at or well above the increment that will be necessary to complete the project. He explained that the hotel alone will live up to that commitment and will pay for the road extension. He stated that they are in a market where hotels are going to be important because of the non-toll road. He stated that concerns are very real and they will have engineers and geotech work being done throughout the process. He explained that the city being involved in the road in and enhancement and an opportunity because they will have control of what is built there and the developers have stated that they will work directly with the Tree Board on planting the trees back into the area.

Dr. Knable stated that he understands that it has to be done but he thinks it would have been appropriate to have an emergency meeting regarding this, so it is the way it was done not that it was done.

Mr. Duggins stated that he understands and they will be more cognizant of it in the future.

Mr. Coffey asked who is paying for the geotech work.

Mr. Duggins stated that the preliminary engineering was done by the developers. He explained that he met with the Kelly's to let them know that they were not supportive of low-income housing in that area. He stated that they lost the case and the PUDD was reinstated they started discussions about how they would support a project that wasn't the same that was presented before and one that created an increment that pays for any improvements that are done.

Mr. Coffey asked if they are going to be on the hook for any other costs other than the road.

Mr. Duggins replied no. He stated that they will be responsible for the road construction and inspection.

Mr. Barksdale stated that as a member of the Redevelopment Commission they do not want another Spring Street Hill debacle and they will be very diligent to ensure that happens.

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

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

**A-16-02 Ordinance for Appropriation of EDIT Money Phipps 3
 for Blessings in a Backpack**

Mr. Nash introduced Bill A-16-02 as amended and moved to approve the third reading, Mr. Caesar second, all voted in favor with the exception of Mr. McLaughlin and Mr. Aebersold who were not present. Bill A-16-02 becomes Ordinance A-16-04.

Mr. Nash moved to change the fund from EDIT to riverboat, Mr. Coffey , all voted in favor.

Mr. Coffey asked if this was the original wording.

Mr. Phipps stated that it was originally proposed for three years but when they talked about it at the previous meeting they decided on one year.

Mr. Coffey stated that he thought when they did it last year they did it for three years but it didn't happen because of timing.

Dr. Knable stated that he thought that it was changed to one year because it was more in line with their budgeting process. He explained that he doesn't have any issues passing this for a year at a time but he thinks it is more prudent to evaluate any request like this on an annual basis.

Mr. Caesar stated that he understands Dr. Knable's position but he hates that Ms. Shirley Baird is not here because she put a lot of time into this and was very passionate about this program. He explained that it was unanimously passed on December 17th, 2015 and they made a promise to this organization that they would fund it for the next three years.

Mr. Phipps stated that he had expressed support for the three year commitment but he knew there would be a new council in place so they made the one year an option and when the majority went with the three years he was inclined to vote in favor of it.

Mr. Nash asked Mr. Gibson to speak to what happened with the state throwing out the request for this.

Mr. Gibson stated that they didn't clarify but said it was too late for an additional appropriation. He explained that appropriations are usually done on a yearly basis or it is budgeted as a line item, but the DLGF didn't accept the appropriation at all.

Mr. Nash stated that he was under the impression at the last meeting that they had changed it to one year.

Mr. Gibson stated that the only thing that was advertised was \$35,000.00 so that is all that is on the table today so if they wished to change it to three years it would have to be advertised first. He explained that the quickest way to get the money is to be approved out of Riverboat because it can immediately be done upon approval.

Mr. Coffey asked if it was possible to do this one year now and come back and appropriate what would match for two years so they have the money set aside.

Mr. Gibson stated that appropriations usually die at the end of the year unless they are encumbered or they could build it into the budget.

Dr. Knable stated that he will support for it for the three years but thereafter he thinks they need to go from year to year.

Mr. Barksdale stated that being a retired educator of 36 years he saw how the schools had to take on more and more and whether you agree with it or not, those are the hard facts. He explained that this is a fantastic program and would like to see it go on forever.

**A-16-03 Ordinance for Appropriation of Rainy Day Money Aebersold 3
for Paving and Sidewalks**

Dr. Knable introduced Bill A-16-03 and moved to approve the third reading, Mr. Coffey second, all voted in favor with the exception of Mr. McLaughlin and Mr. Aebersold who were not present. Bill A-16-03 becomes Ordinance A-16-05.

Dr. Knable explained that this is an accelerated return and Mr. Aebersold would like to see \$2M made available immediately for street and sidewalk repairs. He stated that Mr. Aebersold wishes to see this done as additional funding and hoped that there was already some funds allocated towards infrastructure repairs and this would be used for additional projects.

Mr. Caesar stated that he understands what Mr. Aebersold is asking for but there is not a lot of money left from previous years.

Dr. Knable asked what was spent in the previous years.

Mr. Thompson stated that there was \$1M one year, \$2M another year, and \$1M last year. He explained that if they want to do more work there will be an issue getting it done because it has to be bid out, awarded, and scheduled before the end of the year.

Dr. Knable stated that the state mandates that 75% of it has to be allocated towards infrastructure and/or rainy day.

Mr. Caesar stated that Mr. Aebersold wants to make sure that this is done right.

Mr. Thompson stated that they have been talking with the engineers about this and trying to tweak the specs to ensure it.

Dr. Knable stated that Mr. Aebersold had questions about procedures and if they have a city engineer that goes out for inspections.

Mr. Thompson stated that in the past they have used the engineer that writes the specs.

Dr. Knable asked if they have the capability of hiring a second engineer to do the inspections part of it.

Mr. Blair stated that is why they use the person that writes the specs because they have a vested interest in it being done correctly and unfortunately in an environment that is tough on the asphalt.

Mr. Coffey stated that they hired a full time engineer and he needs to be out inspecting these roads when they are being done. He explained that they keep hiring more and more people instead of showing that the people that were originally hired can do the job and now just need extra help.

Mr. Thompson stated that there is plenty of sidewalk work that needs to be done if they want to do more.

Dr. Knable stated that he would love to see that reemphasized.

Mr. Blair stated that if we want to appropriate more money towards paving and repair they need to look at EDIT and Riverboat and do a cash flow projection to see what is available.

Mr. Thompson explained that if they want to do sidewalks and streets then they could potentially have two contractors bidding for both of those jobs.

Mr. Barksdale stated that he sent Mr. Thompson a file of streets that he has been driving and he was very open to receiving those.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Mark Cassidy stated that he mentioned something about the city website not working right as far as minutes and meeting announcements and asked if that is working correctly

Mrs. Glotzbach stated that it is working now.

Roger Baylor stated that the trees contributes to the issue of not being transparent.

Christi Smallwood stated that she wants to get scheduling started.

Mr. Blair asked what she would suggest.

Ms. Smallwood stated that she would like to do both individual and group at the same time.

Dr. Knable asked if she could contact each member to schedule the individual meeting and then float some dates for the half day.

Ms. Smallwood stated that she would like to plant a seed for the end of June for a group session.

Aaron Hellems explained that his property backs up to Summit Springs and he does believe that the city ordinances are not being followed. He stated that it undermines the

City Council who set this in action and two stipulations have already been violated without anyone being reprimanded. He explained that this indicates to him that the developer could avoid the no-build zones and effectively ruin his property value. He asked that the PUDD be enforced accordingly and that until secondary approval is obtained that a moratorium be obtained on the PUDD. He stated that he would appreciate a more transparent system for monitoring the PUDD actions.

ADJOURN:

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

Greg Phipps, Vice President

Vicki Glotzbach, City Clerk