

**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 MONDAY, JULY 6, 2015 AT
7:00 P.M.**

The meeting of the **New Albany City Council** was called to order by Mr. McLaughlin at 7:00 p.m.

PRESENT: Council Members, Mr. Coffey, Mr. Caesar, Mr. Phipps, Mrs. Benedetti, Mr. Blair, Mrs. Baird, Mr. Gonder, Mr. Zurschmiede, and President McLaughlin.

OTHERS PRESENT: Mr. Michael Hall, Mr. Gibson, Mr. Wood, Mrs. Moeller, Mr. Thompson, Police Chief Bailey and Mrs. Glotzbach

MOMENT OF REFLECTION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Caesar moved to approve the Executive Session Meeting Minutes for June 18, 2015, Mr. Phipps second, all voted in favor.

Mr. Phipps moved to approve the Public Hearing Meeting Minutes for June 18, 2015, Mrs. Baird second, all voted in favor.

Mr. Coffey moved to approve the Regular Meeting Minutes for June 18, 2015, Mrs. Baird second, all voted in favor.

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

COMMUNICATIONS – COUNCIL:

Mrs. Baird stated that she had the opportunity to go to Haven House on Friday and she has never been around homeless people besides people on the streets. She said that they are so willing to work and a lot of them have education in different fields but have just had things happen in their lives to cause them to be in the situation they are in. She also said that the building does need work but it is very clean and Barbara is doing an excellent job. She said that the people there are very respectful and are just having a hard time.

Mr. McLaughlin stated that the Haven House is pretty hard to find.

Mrs. Baird stated that it is. She also stated that they have their own garden and each person has their own duties that they do every day and they pay their own rent if they have it. She added that anything the council can do to help these people she would be in favor of and hopes that it can be worked into the budget to help them again next year.

Mr. Blair stated that he did contact one of the members from the homeless task force to set up a time to come in and present their plan and he will let the council know when they can come. He also said that their plan is online and encouraged the council to view it. He then asked Mr. Gibson if the sewer financials have to come out monthly or if they could be done quarterly.

Mr. Gibson stated that the sewer board likes to have them monthly but he could check with them.

Mr. Blair stated that he asked Mr. Duggins to look at the bond payments and the bond issues for the sewer and there are a couple that could have early redemptions starting in July. He said that we are almost at \$10M in the sewer account so if we could take any of the money and use it to redeem some of the bond payments early, it would really benefit us in the long-term. He said that Mr. Duggins was going to look into that.

Mr. Gibson stated that he would get with Mr. Duggins and get back with him.

Mr. Phipps asked for an update on the farmer's market.

Mrs. Baird stated that she knows that there was a problem with the steel and the trestles but they are still saying it would be ready by the first of August.

Mr. Coffey asked if there is transportation for the homeless to get to work.

Mrs. Baird stated that they are on the bus line.

Mrs. Benedetti stated that the only problem they were having was getting the employees that got off work at midnight back to the house. She also said the appropriation that the council approved was for restrooms and asked Mrs. Baird if she saw those.

Mrs. Baird stated that she did see them and they are very nice.

Mrs. Benedetti asked about solid waste and if they are backing off from what their pickups are.

Mr. Coffey stated that some of their funds have been cut so they have had to cut back on services. He said that he doesn't think that people understand that the city uses solid waste as well. He added that we don't give them any money but he thinks it would behoove this council to extend some.

Mrs. Baird stated that they had to close two drop off points. She also stated that a citizen approached her about putting a temporary unit at the farmer's market and she talked to Susan Kaempfer about that and she is okay with it but it would probably be just for aluminum cans and plastics and items like that.

Mrs. Benedetti asked about paint, computers and items like that.

Mrs. Baird said she thought they had certain places for those items like the one on Grant Line Road would be the only one to take computers.

Mr. Coffey stated that the problem is that the recycle center moved to Louisville now and they don't make any money off of glass, cardboard, etc. and it costs them to get rid of it. He said that he feels that the city needs to step up.

Mrs. Benedetti asked if he could find out information on it.

Mr. Coffey stated that he could ask Mrs. Byerley to come in to talk to the council. He also stated that she is going out and working the sites herself. He added that if we don't step up then he can see it closing at the end of the year.

Mrs. Benedetti stated that she thinks it is worth hearing from Mrs. Byerley because the city residents do use it.

Mr. Caesar asked when we would start the budget process.

Mr. Gibson stated that it would be late August or early September because the DLGF meeting isn't until the first week in August and he wants to meet with them first.

Mr. Zurschmiede stated that the person with the state that is looking into the property maintenance ordinance has taken extended medical leave so there is now a new person assigned to it and it is going to take a little while to get him up to speed.

Mr. McLaughlin asked if he had to find out.

Mr. Zurschmiede replied that he had to get in touch with a building commission member up there and ask for help.

Mr. Gonder stated that he has spoken to a resident on Martin Drive about the sign on the CVS property and it seems overkill to him and is a bother to the residents there. He asked Mr. Wood if it is meeting the 2 foot candle units.

Mr. Wood replied yes and explained that 0.2 foot candles is the same as a full moon on a clear night and that is the amount of light that would be emitted and permitted at a property line shared with two different zoning districts. He stated that it would be measured at the Zurschmiede property line. He also stated that he spoke with him today and told him that he would be sending CVS's attorney a letter asking what can be done about that. He added that was a mediated approval so there is an element of the mediation agreement that has to be worked on with that.

Mr. Gonder stated that the gentleman also asked about the drainage problem on Green Valley Road last Friday.

Mr. Wood stated that he knows that storm water has worked extensively with CVS to correct some problems on the hospital site and the CVS site in order to address the storm water. He said he knows they approved it because we have issued the improvement location permit and the building permit on it. He also said that if that hadn't been done then we would not have released those permits so they have satisfied storm water. He added that the rain event on Friday was kind of an unusual event and he has heard that we got as much as three inches of rain in short amount of time.

Mrs. Benedetti asked about the property on Knobview because she read back through the minutes and saw that they did not get approved.

Mr. Wood stated that they are trying to collect a little more evidence on what they believe is happening there and then it will be taken to the city attorney to go to court.

Mr. McLaughlin asked if he understood correctly that we have no control over the amount of illumines of signs.

Mr. Wood replied that one standard we use is that an electronic sign cannot cause glare or cause a driver to become distracted. He stated that electronic billboards can refresh at the same rate that INDOT signs refresh so those are the two standards that we apply to them.

Mr. McLaughlin asked if someone has to apply to replace a sign or put a sign in.

Mr. Wood replied yes. He also said that everything can't be regulated because that would require a staff of 50 sign inspectors.

Mr. Phipps stated that the parks department has a couple of portable signs and asked if they are temporary or did they get a special exception.

Mr. Wood stated that they should be temporary and that it is 60 days on and 30 days off. He explained that one thing he would like to do with the zoning ordinance update is to be able to have a zoning enforcement officer who has the power to write tickets because right now we just send a letter to the people. He also stated that the Supreme Court upheld a complaint against the state of Arizona on sign regulations that basically said about the only you do is height and location of signs.

Mr. Gonder stated that Hilton Head has rules that you cannot have an internally lit sign, it can only be passively lit. He then asked Mr. Wood if those rules are illegal according to the opinion that Mr. Wood read.

Mr. Wood stated that he hasn't read the opinion; he has only read some articles about the opinion. He said that illuminating it might be something that you can regulate but right now all of the signs in New Albany that we have permitted that are internally illuminated we can never get rid of but it might be something that we may want to look at in future practice.

Mr. Blair stated that he recalls in Mr. Wood's budget that he has a couple of positions that are opened and asked if he could fill those positions to work on these things.

Mr. Wood stated that he could but he is looking at filling that with interns and that would be enough money to get two interns for the rest of the year. He said that they have had a couple of interns and they have done some really fantastic things. He said that when the interns are finished then he could go to a full person.

Mrs. Benedetti stated that on Armstrong Bend and Rector Lane the culvert is collapsing that the city put in years ago. She spoke with Mr. Gibson and he is going to speak with Mr. Ham. She said that Mr. Ham has been out there and put a big grate over it so people can get over it but it is still has caved a little bit more.

COMMUNICATIONS – MAYOR:

Mr. Gibson stated that Mayor Gahan wanted to thank all the members that attended that Independence Day Celebration. He said it was a great celebration and everything went off well.

Mrs. Benedetti stated that the newspaper reported that there were around 5,000 people visiting the water park and Mr. Duggins reported about 1,500 people. She asked which report was correct.

Mr. Gibson stated that pool maximum is about 1,400-1,500 so it wouldn't have been 5,000. He said that the 5,000 number was probably for the entire holiday weekend.

Mrs. Benedetti asked if he will have numbers for the aquatic center at budget time.

Mr. Gibson stated that it won't be a full year's data but they should have something.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

REPORTS – COMMITTEES, BOARDS OR OTHER OFFICIALS:

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

A-15-02 Ordinance for Appropriation of EDIT/Riverboat Money for Paving

Baird 1&2

Mrs. Baird introduced A-15-02 and moved to approve first and second readings, Mr. Phipps second, all voted in favor.

Mr. Gibson passed out financial information for the council to review. He stated that we are about 3%-4% under budget for the year. He said that the first sheet is a summary and they took the cash on hand and took the appropriation and projected those out. He said that approximately \$4,068,615.00 is the prior amount and remaining balance after cars and paving would be \$2,618,615.00

Mr. Blair asked what is left in the paving account.

Mr. Thompson stated that from the last appropriation it is about \$250,000.00. He said that he doesn't have the exact number because we have some work that they finished that hasn't been paid out yet. He also said that we have some work that we've given them but they haven't put on the schedule yet.

Mr. Blair asked what his paving plan is for the next roads that need to be paved.

Mr. Thompson stated that since they finished the major arterials there are now down to local streets and alleys that need to be done as well as striping. He suggested that we continue to go off complaints that the council receives and to use the 2008 study.

Mrs. Benedetti said that people in the east end get upset because it gets started in the downtown area and then by the time you get to the east end there is no money.

Mr. Thompson stated that is not how we do it. He said it is spread out so it's in every area but we just can't do everything that's in an area.

Mrs. Benedetti asked to get an updated list on what has been done and what the targeted areas are.

Mr. Thompson said he could get something from the inspector but it won't have everything that is left.

Mrs. Baird thanked Mr. Thompson for filling in the potholes on Bono Road.

Mr. Zurschmiede asked if we have an idea if the costs are going to be similar to last year.

Mr. Gibson replied no.

Mr. McLaughlin asked if there were any streets where there has been sewer work done that could be repaved using sewer money.

Mr. Gibson stated that he would probably need some help in identifying what those would be and he knows that several years ago TIF and/or EDIT was refunded in some fashion.

Mr. Thompson stated that is something that has been done with the sewer board before. He said if they have a major repair on a street then he tells them that it needs to be paved

from curb to curb and if it is more than 2/3 of the street then he asks them to repave the whole street.

Mr. Blair stated there are some sidewalks in a couple of neighborhoods in his district that are in bad shape and need to be repaired and asked if there is going to be any room to do sidewalks.

Mr. Thompson stated that they are still currently working on some and CDBG has done some. He added that if it is minor or couple of panels then that is something that can be done in-house.

Mr. Caesar asked about the seal coating that was done on some of the roadways.

Mr. Thompson stated that they had them do Silver Street and it is not really a seal coat but is a rejuvenator. He said that they did receive some compliments and some people complained that the road was a smooth ride before he had them do that. He said as far as if the product works, it will be a while because we have to wait and see if it gives the road more life.

Mr. Caesar stated that it rejuvenates light traffic roads versus something that has a lot of traffic.

Mr. Thompson stated that it is something that they want you to look at as an overall thing.

Mr. Caesar stated that if we can keep up with paving then he feels that is something that can be worked in on certain streets but not all of them.

Mrs. Benedetti stated that on North and South Audubon the pavement is raised so it's made a lip and when we keep paving over it, it just keeps getting higher and higher.

Mr. Thompson stated that when we started doing appropriations, the city stopped doing overlays. He said they now mill 1 ½ inches and put back 1 ½ inches.

Mrs. Benedetti stated that when they go into their driveway there is the lip and then some concrete over a small drainage pipe and asked if that would be affected when it is milled.

Mr. Thompson said that the owner usually takes care of it but sometimes we try to put it back when we pave.

Mr. Gonder asked if those pipes move an adequate amount of water.

Mr. Thompson replied not like an open curb would.

Mr. Phipps thanked Mr. Thompson for striping Elm Street and asked about the pipe sticking up at Pearl Street and Market Street.

Mr. Thompson stated it is an old fuel oil tank pipe.

Mr. Phipps asked if that is the property owner's responsibility or can the city cut it off level with the sidewalk.

Mr. Thompson said it probably is not a good idea to cut on it.

Mr. Phipps stated that the sidewalk in the 100 block of East Spring Street is raised up and in bad shape and it really needs to be taken care of.

Mr. Thompson stated that they looked at that area when they received the appropriation before the last one but just couldn't get to it. He added that they did the other side of the street but because of funding they couldn't get that side.

Mrs. Benedetti asked which fund it will be taken out of.

Mr. Gibson replied Riverboat.

Mrs. Benedetti asked if he advertised both.

Mr. Gibson replied yes.

Mr. Coffey stated that when the sewer utility did Graybrook they were supposed to do it by certain standards and now that bend is giving way because of the way it was filled and he thinks the sewer utility should go back in and fix it.

Mr. Gibson said that he could have them take a look at it.

Mr. Gonder stated that it has come up in Redevelopment several times that there is a Brown Fuel Remediation Fund that is looking for projects.

Mr. Thompson stated that he could check with John Rosenbarger on that.

Mr. Zurschmiede asked if there are any appropriations that we may not be going to use.

Mr. Gibson stated that there was lighting project added back in as well as the sewer appropriation. He added that they do want to keep \$50,000.00 for electrical upgrades.

A-15-03 Ordinance for Appropriation of EDIT/Riverboat Coffey1&2
Money for the Police Department

Mr. Coffey introduced A-15-03 and moved to approve first and second readings, Mrs. Benedetti second, all voted in favor.

Police Chief Bailey explained that they are requesting an appropriation of funds to replace some of their older police cars. He explained that there are many in the fleet that are outside of their life span and are in need of replacement.

Mrs. Benedetti stated that she asked Police Chief Bailey about the appropriation in the budget for technology and if we could use that money for the cars and he didn't foresee that happening by December 31st. She explained that at this point in time they are going through an upgrade and probably in the next month he will know about that. She said that he thinks they will probably be able to implement that which she hopes they could move on that line item to maybe get educated on it to see if it is going to be used. She said she also asked him to get some bids between now and the third reading and he agreed that he could do that.

Police Chief Bailey stated that he held off intentionally until after this meeting for any bid process but if first and second readings are approved then he will move through Board of Works for a bid. He also stated that with regard to the software component, he would need to come back to the council and revisit that. He added that he does believe that he will be able to implement that without any problem.

Mr. Gonder asked what the average miles per year are on a car.

Police Chief Bailey stated that it varies between users but will typically be somewhere between 10,000 and 20,000 miles per year.

Mr. Gonder asked if the car is kept for seven years.

Police Chief Bailey stated that is ideal but unfortunately we are outside of that right now. He also stated that if we could get into a six year rotation, we would buy about 12 cars per year but we are outside of that right now and need to catch up.

Mrs. Benedetti asked for a list of the cars and their ages and the miles on them.

Police Chief Bailey stated that there is a list that he compiled and asked the clerk to send it out to everyone. He said that the mileage on the list is two months older than today. He added that some of the vehicles are not at 100,000 miles but are problematic vehicles and he put asterisks by them. He explained that Ford does not make Crown Victorias anymore and they don't make parts either which is a very big problem. He said that we need to realize that if they still remain in the fleet the cost to maintain those vehicles is going to continue to soar.

Mrs. Baird asked how many Crown Victorias there are.

Mr. Zurschmiede stated that there are 15 vehicles with over 100,000 miles on the list.

Mr. Coffey stated that at that point they become a liability.

Police Chief Bailey stated that all of the vehicles that would be replaced are Crown Victorias.

Mr. Blair asked if we have ever brought up in union negotiations that these cars are a benefit to the police officers because they get to drive them home and on non-working hours.

Mr. Gibson stated that it is discussed occasionally.

Mr. Blair stated that he just wonders if we shouldn't hold off and use it in the negotiation process.

Mr. Zurschmiede asked if the mayor is in favor of the 15 cars.

Police Chief Bailey replied yes. He also stated that in his estimation this is critical and to postpone this for some future negotiation would cost some significant funds to continue to maintain these vehicles.

Mr. Blair asked if there is a financial analysis showing the cost to maintain existing vehicles and the cost of new vehicles.

Police Chief Bailey stated that is difficult to do because you may have a vehicle that is a 2010 for example which may not be a problem at all but then you have another 2010 with similar mileage that is a maintenance issue. He said that they have around \$80,000.00 in the budget for the garage which is allotted for the maintenance of this fleet.

Mr. Blair stated that you can take an average of the maintenance cost, gas savings, etc. and do it on that basis.

Police Chief Bailey stated that on the newer vehicles, the 6 cylinder platform as compared to the 8 cylinder platform is saving us a lot of money on gasoline and we are under budget on gasoline so far this year. He also stated that he would come up with some numbers.

Mr. Gonder asked if we are under budget on gasoline because of the drop in gasoline prices.

Police Chief Bailey stated that he didn't think that was that significant because of the way the gas is bid out.

Mr. Phipps stated that he thought it was agreed that when there was going to be large purchases for the police or fire, they would be taken through the appropriate committee first before bringing them before the council. He added that he was just surprised that this didn't come from the police committee that is supposed to review it.

Mr. Blair stated that he is on the police committee and he would have made sure that there was a financial analysis looking at the cost differences. He was surprised as well that this was in the packet.

Mr. Coffey asked Police Chief Bailey if he could have an analysis by the next meeting.

Police Chief Bailey replied yes.

Mr. Caesar asked what would happen if he got 10 cars instead of 15.

Police Chief Bailey stated that we would be in the same boat that we are in today. He said that he has officers in unsafe vehicles that 100,000 miles or close to that on them. He added that if we can get the fleet updated and under warranty then our costs are going to go down and we will spend a lot less money in the future.

Mr. Blair asked how many cars were bought in the last three years.

Mr. Zurschmiede stated it was 14 last year and 14 the previous year.

Mr. Coffey stated that our equipment has been neglected for years and years and we have the opportunity to catch to where we will be on a cycle and it will save us money in the long run.

Police Chief Bailey stated that there is one Crown Victoria that is for parts only.

Mr. McLaughlin asked if there were a couple of years that we didn't get any cars.

Police Chief Bailey stated that 2005 and 2011 got us off schedule.

Mrs. Benedetti asked if those cars have any life left on them at all can they be transferred to another department.

Police Chief Bailey stated that they have transferred cars to other departments and will continue to do so.

Mr. Zurschmiede asked if \$30,000.00 per car outfit it also.

Police Chief Bailey replied yes and that is a state bid.

Mr. Gonder asked what the car itself costs.

Police Chief Bailey stated that a Dodge Charger today costs \$24,900.00.

Z-15-03 An Ordinance Amending the Code of Ordinances Baird 1&2
of New Albany, Indiana Title XV, Chapter 156
(Docket P-01-15: Beach Mold & Tool, Inc.)

Mrs. Baird moved to suspend the rules and have all three readings on Z-15-03, Mr. Caesar second, all voted in favor.

Mrs. Baird introduced Z-15-03 and moved to approve first, second reading and third readings, Mr. Zurschmiede second, all voted in favor. Bill Z-15-03 becomes Ordinance Z-15-07.

Mr. Zurschmiede asked if they are ready to start the project.

Mr. Walling replied yes.

Mr. Kraft stated that the council first visited this project as a tax abatement. He said that they went to New Albany City Plan Commission to ask for a zoning change to a Planned Unit Development District and this comes to the council with a unanimous, favorable recommendation. He said that the project is on 29.14 acres across from the present Beach operation and would certainly require a change in zoning and even with that, it will still have to go back to plan commission for review of secondary plan in accordance with the ordinance. He explained that the ordinance specifically sets out conditions and those conditions must be met for purposes of moving this forward and likewise in approving the development plan. He said that Beach Mold & Tool is excited to stay in New Albany and expand.

Mr. Zurschmiede stated that he visited the three properties that abut this on Green Valley Road and Cheryl and they all three expressed drainage issues and he hopes they are addressed.

Mr. Kraft stated that it will require approval from the drainage board and the drainage board will require approval for an independent third party with respect to those drainage issues and certainly there will be proper compliance with all of those issues that would be required.

Mr. Blair asked about the underground detention area.

Mr. Walling explained that there are structures that are actually installed underground which preserves surface area. He said that it is released at the same rate but it is released from a subgrade structure. He also said that the S&J project in the Grant Line Business Park was done the same way. He stated that it keeps the industrial ground productive for industrial purposes as opposed to green for storage of storm water runoff. He explained that they are reorienting the natural drainage and it will improve the drainage dramatically.

Mr. Caesar asked if there would be any changes in Green Valley Road as far as turn lanes or stop signs.

Mr. Walling stated that they are meeting with several of the city folks on Wednesday to look at Green Valley and changes that may benefit the entire area.

Mr. Caesar said that there a lot of people that really run that stop just past there. He asked if there will be two entrances on one side and then one more entrance on the west side.

Mr. Kraft stated that one entrance will be removed on the existing and then the two will be lined up so that you have a lineup of both sides of the road as to their entrance and exit.

Mr. Caesar asked if there is a need for a turn lane in there.

Mr. Walling said that the turn lane will be separated. He explained that the turn lane into Beach northbound on Green Valley Road will be isolated from eastbound turn into Hausfeldt. He said that at the same time they are looking at a radius change on Hausfeldt to allow semi traffic not to impact the westbound traffic on Hausfeldt so they will be able to work simultaneously.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Mr. Mark Cassidy stated that his property abuts the property of the project for Beach and he was disappointed that all three readings were done tonight.

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:25 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk