

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
HELD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY
IN THE CITY/COUNTY BUILDING ON THURSDAY, JULY 21, 2016 AT 7:00
P.M.**

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. Nash, Mr. Blair, Mr. Aebersold, Mr. Barksdale, Dr. Knable and President McLaughlin.

ALSO PRESENT: Mr. Lorch, Mrs. Moeller, Officer Davidson, Mr. Gibson, Mr. Hall and Mrs. Glotzbach

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

MOMENT OF SILENCE:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Caesar moved to approve the Work Session Meeting Minutes for June 16, 2016 with corrections, **Mr. Blair** second, all voted in favor.

Mr. Caesar moved to approve the Work Session Meeting Minutes for June 30, 2016, **Mr. Blair** second, all voted in favor.

Mr. Barksdale moved to approve the Public Hearing Meeting Minutes for July 7, 2016, **Mr. Phipps** second, all voted in favor.

Mr. Phipps moved to approve the Regular Meeting Minutes for July 7, 2016, **Mr. Blair** second, all voted in favor.

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

COMMUNICATIONS – COUNCIL:

Mr. Phipps invited everyone to a park dedication next Wednesday, July 27th at 5:30 p.m. on the corner of 11th Street and Spring Street. He said it is the East Spring Street Neighborhood Park that was basically built from a Horseshoe grant. He also said that Mayor Gahan, Mr. Jerry Finn and he along with a few other people from the neighborhood association will be there and it will be very brief. He stated that the neighborhood association is then going to have their monthly social at Habana Blues immediately after that and invited everyone to that as well.

Mr. Aebersold asked what the name of the park is.

Mr. Phipps replied East Spring Park.

Mr. Blair stated that last Monday night they had a neighborhood meeting regarding the rebuild of Mt. Tabor Road and there are a lot of concerns from the residents particularly regarding property acquisitions and what that will mean for their properties. He said that it appears there have been some changes to the design of that project since it was introduced over three years ago. He feels that while we are doing construction it is

prudent to look at any storm water improvements in conjunction with it. He said that it looks like to him that right now the storm water situation is being made worse on this improvement because the objective of the street drains is to take the water and put it in the creek as fast as you can. He said that the water will flow at a faster rate and there will be more velocity which will cause more erosion and more problems so he thinks that we are adding to the problems right now with the design. He explained that he would like to possibly apply a little political pressure to have another meeting with the engineers to show the residents the entire design of the project. He also explained that he does believe there have been changes in the design like the roundabout being removed and he would like for everyone to have the opportunity to look at the redesign of that intersection and how it will affect their properties. He stated that he will petition the mayor and possibly do a resolution to have another public meeting because he just thinks it is fair to the public that we have that and give them a chance to respond. He has been looking at storm water financials and asked Mr. McCormick to look into some specific questions that he had and Mr. McCormick emailed him back the other day and is going to help him with what he calls a run rate on operating expenses. He explained that right now we have operating expenses and capital improvement expenses all in the same category and we really need to separate those out so we know what our run rate is for operations versus how much we're spending yearly for capital improvements. He also explained that we do have some events coming up such as an increase in our bond payments in a couple of years so we really need to pay attention to how much revenue we really have to pay for that increase and mandated projects. He stated that revenue has been shrinking in storm water and we had a category called miscellaneous which had about \$2M a couple of years ago and we had zero last year so we need to understand all of that and Mr. McCormick has agreed to help us. He then stated that the council could hire a consultant to come in to help us understand the financials because there are some spending items that he does question such as telephone usage, car usage, etc. He said that he would like to see what the current CPA can give us and then go from there.

Mr. Coffey stated that he doesn't think that we are giving our police officers enough support and he thinks that we need to put together a resolution to let them know that we appreciate them and to thank them. He also asked that the public to let them know that as well.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that Mayor Gahan endorsed the New Albany Floyd County Schools Referendum and said there is no better way to improve our economic strength and quality of life than by having strong public schools and he wanted to thank the council for bringing that up by resolution for discussion tonight. He then stated that Hairspray will be performed at the riverfront amphitheater this weekend on Friday, Saturday and Sunday nights and tickets are \$10.00 for adults and \$5.00 for seniors and children. He added that it is the third show that New Albany River Stage Productions has done here and he hopes that everyone will come check it out.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mrs. Moeller presented the financials for June, 2016.

Mr. Blair asked if she would email the council a code sheet for the bank accounts.

Mrs. Moeller stated that she would.

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

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES: READING

INTRODUCTION OF RESOLUTIONS:

R-16-09 Resolution Regarding Adoption of Abatement Schedule Caesar

Mr. Caesar introduced R-16-09 and moved to approve, Mr. Coffey second, all voted in favor.

Mr. Caesar read the resolution into the minutes and stated that this is basically a little house keeping. He said that all of that information is on our CF1 form analysis that we have.

Mr. Gibson stated that the auditor requested that this be formalized in a fashion so that on any future abatements that are done there will be no real need to reference anything or change anything and it will be in effect until this body changes it again.

Mr. Aebersold asked how the council determines the three, six or ten years.

Mr. Blair stated that real estate is typically ten years and personal property is typically five years.

Mr. Caesar stated that in the past there were a lot of different abatements years for different people and the council basically said it would be ten years and five years because it just made more sense even though there are still some on there that have the three year period but if they called for it, the council could still go back and do that.

Mr. Gibson stated that he thinks it is the council call based on what the company is bringing to the table.

Mr. Aebersold stated that he just didn’t know if the council had anything down on paper of the criteria that they have to meet.

Mr. Caesar stated that the other form has all of the information like employment numbers, amount of increase, amount of investment, etc.

**R-16-10 Resolution in Support of New Albany Knable/Barksdale
Floyd County Schools Referendum**

Mr. Barksdale introduced R-16-10 and moved to approve, Dr. Knable second, all voted in favor with the exception of Mr. Coffey who abstained.

Mr. Barksdale read the resolution into the minutes and stated that he hopes the council will support this. He said that numerous council members were offered the opportunity to individually speak with the school superintendent or Dr. Snyder so he feels very

strongly about this and feels that it is good for New Albany. He said that if you look at the projects that are proposed they are in the city and the new construction at Green Valley Elementary School and Slate Run Elementary School will be tremendous boosts for the districts involved.

Mr. Coffey stated that he thinks it is wrong to bring this before the council because the school system that is making this decision is the same system that took the neighborhood schools out of the community which had a huge impact on certain areas. He said that they closed Silver Street Elementary School which was doing so well that a president visited it. He said that buildings don't educate children, teachers do and if they asked to put the money into the classroom then he would be all for it. He stated that they failed the first time with the referendum because the people didn't agree with it and with this resolution we would be saying that the council approved so therefore the people should approve it and he doesn't agree with that. He also stated that he spoke with Dr. Snyder the last time and it didn't change his mind.

Dr. Knable stated that the mayor has the luxury of speaking with one mind and one voice but the council speaks by majority vote and resolutions are non-binding but he thinks it is a great way for the community to check in and see what their elected officials are thinking and it gives us a chance to express what we feel about issues. He said that in talking to people around the area, it hits Prosser as number one because for so long that facility has fallen into disrepair. He also said that at Green Valley you can smell the mold and see things falling off the walls and he wouldn't want his children or anyone else's children to have to go to a full day of school there nor the teachers that have to try to work there. He then quoted President Obama's response to the Dallas shootings which he felt was so eloquent. "As a society we choose to underinvest in decent schools and we allow poverty to fester so that entire neighborhoods offer no prospects for gainful employment". He said that we can't undo the neglect that has happened from prior legislative bodies or school board decisions but we can act as a community to go forward and give those materials to go forward with their plan. He stated that it will be a community decision and all he is hoping to effect by this is the opportunity for people to think primarily about Prosser and Green Valley. He added that all of these projects are worthy. He said that he has heard the argument in the community that we have undercut the schools because we allow tax abatements and TIF funding but he looks at abatements as opportunities to create employment in the community because what good does it do for someone to have the education if there is no place in the community for them to work when they get out. He explained that this is really tax neutral and will not make a huge impact on the tax role one way or the other. He said it is a continuation of what is already on the books and he would like for everyone in the community to think very conscientiously about that. He also said that he would love for everyone to walk around the perimeter of Green Valley and Prosser. He stated that he thinks that we can do better as a community at getting people to come here, stay here, work here and live here.

Mr. Caesar stated that his family was educated in New Albany and left New Albany and some started families but most of them did not. He said that they came back to New Albany after school because they wanted to reinvest in New Albany and stay in New Albany. He believes that the continuation of having nice facilities for children was one of the big reasons that they came back to raise their families and hopefully their children will raise their families here also.

Mr. Coffey asked how many grade schools we had west of State Street before these last few administrations. He said there was Pine View, Corydon Pike, West Spring Street and

Lillian Emery and they just took them all down. He stated that these buildings did not go bad overnight and asked why they didn't fix them instead of continuously tear them down.

Dr. Knable stated that West Spring Street closed in 1981 and at the time was already 30 years old. He said it is not continuously. He added that there is building that goes on but it is a progress.

Mr. Coffey stated that the school is not the building but is the families, the children and the teachers. He feels that the administration is just worried about building buildings and not children.

Mr. McLaughlin stated that Silver Street School was in his district and he was very disappointed when they closed it. He said he attended three meetings about it and spoke at each one but what he has since learned is that there were some monies being withheld from the school corporation and the city that were taxes to the tune of \$2.25M that came in eventually through the auditor's office because it was discovered there was a mistake. He said had that revenue been coming in for the period of those couple years it may have changed things.

Mr. Barksdale stated yes it is the teachers but you have to have the facility. He also stated that his daughter taught at Green Valley School for five years up until about three years ago and it is in very bad shape. He also stated that he is not one to tear something down but sometimes buildings do come to an end and we have got to get those facilities to where the kids are safe and healthy.

Mr. Phipps stated that he would like to concur with Dr. Knable on everything regarding the social impact. He also stated that he remembers from the last time this was discussed that there are security issues too because these schools can't be locked down securely if there is a crisis because they are too old.

Mr. Caesar stated that neighborhood schools were without question the thing to have but as we've gone forward in time every one of those neighborhood schools had a cost involved with them and he knows that it is a state requirement to have at least 11 acres of ground to have a school. He also stated that a positive environment that is nice, clean and bright will instill more learning

Dr. Knable stated that he has been told that people coming out of school who are trying to decide where to accept a job are going to be likely to go to communities that support their school system and where there are clean facilities.

Mr. Coffey stated that he does have a distrust of the school administration. He said that the administration was able to close Silver Street School and Pine View School because they pitted one against the other.

Mr. McLaughlin stated that he doesn't remember that.

Dr. Knable stated that he would hate to turn this referendum into an up or down vote about the school board and administration, he would rather have this vote be about the known fact that these facilities need help and we can help the kids by upgrading the facilities.

Mr. Coffey stated that it is hard to trust people that operate that way.

Dr. Knable stated that new school board members can be voted in to put pressure on getting a new administration in.

Mr. Coffey stated that they let the contracts before the first referendum was even put on. He said that was argued in the council meeting because they weren't using local companies and then they used a couple of them just to ease the pain.

Mr. Blair stated that typically he abstains from these types of resolutions because they are non-binding and we don't have jurisdiction but he will have to vote on this at election time so he will vote accordingly and vote yes on it. He then pointed out that when you look at this community and where our strengths are it is the neighborhoods, housing, etc. and he can't help but to think that new schools will help the attractiveness of our community. He was critical of the school administration and was actually on a committee that helped hire the architects to do the initial designs and asked why tear down existing buildings and if they couldn't just be remodeled. He said that the answers were the safety concerns and they are going to design them to where there is better public access to the gymnasiums and classrooms so that the public can also use them for meetings and recreation. He stated that the cost is about the same to build versus remodeling an existing building and we are fortunate with Green Valley and Slate Run to have enough land there that we can build the new facility separate and then move everyone over to the new building and demolish the old one. He said from a transition standpoint there will not be as much interruption to classroom time and it will be a lot more efficient to do that. He also pointed out that there is more investment in the city than in the county so we are going to have to get the vote out in the city to carry this.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Mr. Roy Bennett, President, Rolling Creek Neighborhood Association, 3204 Rolling Creek Drive, stated that he wanted to express his frustration with the lack of progress on the storm water issues in the city and particularly in his neighborhood. He said that there is severe flooding issues for a few of their residents and severe bank erosion at the entrance of their subdivision. He explained that about six years ago the neighborhood paid for putting in several tons of rock along the bank where Rolling Creek comes underneath Rolling Creek Road and the bank has eroded back to the same point of when they put the rock in. He then said that he didn't hear anything about when anything would be done in his neighborhood when Mr. Joe Ham spoke.

Ms. Sarah Dieckman Glass, 3822 Dalebrook Drive, stated that she was totally unaware that there was a retention basin in the Castlewood area.

Mr. Blair stated that it is right behind Mt. Tabor Presbyterian Church.

Ms. Glass stated that would be the closest one to the development that is going to take place on Mt. Tabor Road. She said her family has lived either on Monty Drive or Dalebrook Drive since 1961 and she has seen what the creek can do. She thought that Mr. Ham said that Beach Mold & Tool is the only place in the industrial park that has a retention pond and then mentioned Summit Springs and asked if we have a policy in place requiring new development to develop their own retention ponds so that the city

does not have to absorb this. She explained that the industrial park has affected the area around her home the most because as soon as that started going in she started seeing water levels rise. She also asked why the lake at Community Park isn't being used to siphon off some of the water in that area by redirecting it to the lake.

Mr. Nash stated that developers are required by statute to do certain things in order to control their runoff. He also stated that on the south side of the lake at Community Park on the other side of the walking path there is another area of the park that gets zero use that he feels could be used for retention.

Ms. Glass stated that acquiring land is going to require money and we don't have any but if we have some places that could be used that are available, she would love for us to use them.

Ms. Leslie Turner, 1116 Creekview Circle, noted that on the plan commission website it says that there is supposed to be a council member on the board and she didn't see anyone's name so she asked who is on it.

Mr. Phipps stated that he assumed that position in February.

Ms. Turner asked if he was also on the board of zoning appeals.

Mr. Phipps replied no and stated that he was on that board for years before he came on the council. He stated that the council appoints someone from the public to that board rather than having a council member on it.

Ms. Turner stated that the website says there is supposed to be council member sitting on that board as well and there is a vacant position for a citizen on the plan commission so she was wondering about both of those.

Mr. Coffey stated that he thinks that is for the fringe area.

Ms. Turner stated that for them it is an issue because they feel as if they are not being represented. She said that they have a strong feeling that they are being kept out of the loop and obstructed from seeing things that they want to see and not given consistent information. She also said that there seems to be a deliberate effort to keep them from knowing all of the facts and they have lost faith and trust in the process and that hurts everyone. She then asked if the plan commission reports to the council or if they are supposed to be taking this to them. She explained that the zoning code says that the zoning officer is supposed to be sort of their liaison but she could not identify who that officer is. She then asked if that is Mr. Scott Wood.

Mr. Phipps stated that it would be Mr. Wood's office and would be either Mr. Wood or Mr. Krisjans Streips.

Mr. Coffey stated that he thinks it would be closer to Mr. Streips than Mr. Wood.

Mr. Gibson stated that it would be Mr. Wood.

Ms. Turner said that the zoning code also says that the zoning officer is in charge of making sure that IDEM signs off on everything before any plans are voted on. She then

asked if IDEM has signed off on the Mt. Tabor Road widening project and if the council has seen those plans or if they are available for public review.

Mr. Coffey stated that the council is as perplexed as the public is and he hates to say it but the council has put up with this for years.

Ms. Turner stated that is not okay.

Mr. Coffey agreed and stated that if someone refuses to give you what you are entitled to, what do you do. He added that is why you have the public come because it puts pressure on.

Ms. Turner stated that is what they are here to do.

Ms. Raylene Shavers, 1011 Woodfield Drive, stated that she never uses her backyard because it is otherwise known as the swamp. She explained that in April, 2015 she had raw sewage in her finished basement so she had to have it completely redone with new drywall, new washer and dryer and lost a lot of personal things like a dresser that her mom and dad had when they started housekeeping in 1934. She was told by Mr. Tim Crawford that it would be taken care of and all she would have to do was fill out a tort claim. She said that it has been more than a year of stress because the rebuild by Service Master went on for months and was \$14,000.00. She said they still haven't gotten the punch list done because Service Master doesn't have their money. She said that she just needs help because she owes Service Master for rebuild and cleanup and she lost personal things that she claimed but the insurance company for the city says that they don't owe her anything. She also feels that if she is hooked up to public sewer then she should not end up with toilet paper and brown sludge in her basement and to her it is quality of life. She added that we don't want mold in schools and we don't need to have houses with mold and whatever floating in the basement.

Mr. Blair asked if she has been to the sewer board.

Ms. Shavers replied that she hasn't.

Mr. Blair asked to have a conversation with her after the meeting.

Mr. Michael Shrou, 7 Martin Drive, said he was present on behalf of 6, 7 and 8 Martin Drive. He reiterated that the creek problem and drainage problem is eradicating their yard, taking their fence, their basement is flooding and has even had sewage in it. He also said they have holes in the yard and driveway. He stated that Bono Road is being rebuilt right next to Martin Drive and asked if some money could be taken from the construction of that road and fix the drainage problem by the hospital behind Martin Drive. He added that his family has lived there for 50 years and paid taxes every year but has not gotten anything done. He also added that they have been working on this for over 10 years now. He is aware that it is a both a hospital and city problem and Dr. Knable is organizing a meeting to get hospital officials and city council members to walk through the area and address the problem.

Mr. Nash stated that Mr. Ham explained that there is a plan to put a detention pond behind the Salvation Army to alleviate the problems in that part of town.

Mr. Shrou stated that they appreciate that but they don't feel that it will take care of their problem because of what they have done with the CVS Pharmacy. He said that they made a slope from the pharmacy which runs right to the creek. He also said that they are going to build the hotel up on the hill and take down more trees so they will get all of that drainage too.

Mr. Coffey asked how many times in how many years we have been told that area would be fixed.

Mr. Shrou replied about five times in about 12 years.

Mr. Coffey stated that he heard the same thing tonight that he heard 12 years ago. He also stated that before he left redevelopment he brought this up and they were supposed to add money to the Bono Road project to fix the drainage in that area and that needs to be checked into.

Mr. Harvey Hamilton, 1128 Creekview Circle, stated that Silver Slate Creek starts right behind his home and in the last four or five years he has noticed that the ground is being carved out where there is a little zig-zag in the creek that turns and straightens back up. He said there are five trees where the roots have washed out and fallen across the creek. He also said that the cable people and electric people have moved all of their boxes up to the street so the old boxes are just dangling back there. He stated that they are losing ground and trees and would appreciate anything that can be done.

Ms. Hannah Railey, 1114 Creekview Circle, passed out pictures of winter and summer floods just behind her home along Slate Run Creek. She said she has lived there for six years and has seen the flooding getting progressively worse year after year. She then showed a picture of a large tree that fell on her property and damaged their truck. She stated that back in 2014 she contacted the city surveyor, city storm water, county storm water and IDEM regarding the trees and debris falling into the creek and was passed around like a hot potato. She was told that so long as it wasn't permanently in the creek bed it was someone else's problem and it has since then resulted in the falling of their tree and she has two young children and thanks God that they were not in the backyard. She then asked if the Mt. Tabor Road and Klerner Lane Project is locally funded, state funded or federally funded. She stated that she has done some real estate appraising for eminent domain in the past and it is her knowledge that plans for such projects are supposed to be available to the public located somewhere in the city/county building so that people who are affected can take a look at them and some of them have told her that they have had difficulty in finding said plans. She said she has heard that with the widening of the road and the introduction of sidewalks that storm grates are going to be funneled right down into Slate Run Creek so when you see the pictures of the already bad flooding she can only assume that with the increased flow that will get worse. She asked if we are going to be churning up Mt. Tabor Road what the difficulty would be to possibly channel the water down under Charlestown Road to enter into Silver Creek.

Dr. Knable stated that it is 80% federal and 20% local.

Ms. Railey stated that she knows that with federal highway dollars there are federal mandates that are in place as far as notification of the public and the availability of plans. She also stated that if there are revisions to the plans those have to be filed somewhere within the city/county building so that the public can view them.

Dr. Knable stated that Mr. Blair has the support of the other council members who were in attendance at the meeting Monday night in trying to force another public meeting on the project.

Mr. Nash asked if Mr. Rosenbarger said that the plans are in his office.

Dr. Knable stated that he doesn't think that anyone ever said that they are here to be viewed and that needs to be corrected.

Mr. Blair stated that even though it is 80% federally funded, the city has control over the project besides the federal guidelines.

Mr. Coffey stated that drainage is a problem throughout the city and he is hoping that some will see that we have been neglectful of our infrastructure while doing other things. He said that he still goes back to \$600,000.00 for Wi-Fi for downtown and how far that money would go to help this problem. He also said that maybe we should have some kind of bond set up so that when this happens they have some kind of recourse because the bottom line is that the city has to approve these projects. He added that if we are putting in bad stuff then we need to be held accountable.

Mr. Blair agreed with Mr. Coffey and stated that we do have an old city, dilapidated infrastructure and a lot of problems throughout the whole city. He said that during Mr. Ham's presentation he showed a map of where work has been done and it is just scattered throughout the city so it is a broad problem. He also stated that there is a sense of urgency on this project because they are moving ahead with road construction. He said that he has been told directly and bluntly that this is a road project and doesn't have anything to do with storm water and to him that is very narrow minded.

Mr. Coffey stated that you have the same situation on Bono Road. He said that he is going to ask the council president to set up one of the council meetings at one of the churches or schools in the Mt. Tabor Road area.

Ms. Railey stated that she thought Mr. Ham said there is still about \$2.5M left from the 2012 Bond so if there are some open and available public lands that we may be able to consider for mitigation of storm water then they should be looked into.

Mr. Blair stated that he thinks there needs be some type of engineering study to see if IUS is a possible place that would be effective to put a detention basin because he thinks they may be receptive to that. He also said there is an area behind Porter Paints that could be a possibility too but we wouldn't know how effective it would be until we had an engineering study.

Ms. Railey asked if the council could petition for that.

Mr. Blair stated that it would be storm water but they could talk about going to the storm water board and asking for that.

Mr. Coffey suggested that the council do it so we actually have control over it because the same people come in year after year saying what they are going to do and it never happens. He said that if the council funds the study then we can choose who is going to do it and actually have input on it.

Mr. Dennis Feiock stated that he has been coming here for the last 30 years and have been promised a lot of stuff and nothing has ever happened. In 2010 he brought to the attention of the storm water board that the city was planning to redevelop Mt. Tabor Road and that this was a great opportunity to install drains to catch runoff and reduce flooding but nothing happened. He also stated that the city's storm water plan requires that all expansions or developments have one acre or more to catch additional runoff created by the expansion. He said that this road is over six acres of redevelopment and it requires storm water retention by our own storm water plan and there are no plans for storm water retention in this project. He explained that this addition down Mt. Tabor Road plus two five foot wide sidewalks with curbs will be catching all of the water and shooting it right to the creek. He stated that the water from a two inch rain, which we have about six times a year now, will add 329,000 gallons to the creek that we don't currently have. He said that a six inch rain would add 2.25 million gallons of water. He stated that in 2013-2014 Wexford Townhomes were being built and they had a retention pond about the size of this podium and he told Mr. Ham that it couldn't hold that much water so Mr. Ham said that he would look at it. He said that they came back with a retention pond about the size of the table. He then said that when it rains all of the water that runs off the road, sidewalks, roofs, etc. goes right into the neighbor's yard on one side and straight to Slate Run Creek on the other side. He stated that you can go back there during a three inch rain and that retention pond is bone dry so he told Mr. Ham that he needed to go back and get it straightened out. He said Mr. Ham said that he couldn't do anything because the project was already done and the engineers approved it so nothing can be changed. He asked what good is a storm water board if you don't have the authority to require a retention pond where your plan says it is required but you're not going to enforce the ordinances. He said that several council members and the storm water board walked the creek with him and everyone agreed there is a big problem but nothing has been done. He stated that in 2014 Mr. Blair notified him that Mr. John Rosenbarger and Mr. Larry Summers were going to take a fresh look at the area to see what could be done during the road redevelopment and they came up with very few ideas but one was get rid of one of the sidewalks. He said that all of the foot traffic on Mt. Tabor Road will be on the south side of the road because no one ever walks the north side of the road. He said that all of that surface will cause more runoff, cost more to buy the property, cost more to put in the sidewalk and cost more to maintain it and it is not needed. He said that nobody on Mt. Tabor Road wants the second sidewalk so save money and put in a drain line that the city says they can't afford to do. He said that Mr. Rosenbarger stated that he doesn't like drains and what we need are retention ponds. He said that he asked Mr. Rosenbarger and Mr. Summers where they would put a retention pond but they didn't have any ideas. He said his idea is to put down below Porter Paints but no one has talked to them. He added that IUS has a couple of recessed areas and they are community minded so that could possibly be a site. He then said that the storm water masterplan is required to be rewritten every five years and right now it is seven years old.

Mr. Aebersold asked if all of the water runoff from IUS eventually comes to his area.

Mr. Feiock explained that IUS sits on a hill and the runoff from the south side of the hill goes under Grant Line Road and the north side goes past the new apartments that were built and comes out on Klerner Lane and there is a great big gulley down through there which is getting a lot of erosion. He said that you have two branches going into Slate Run Creek at Northgate which should have never been built and then one that comes right past the apartments which has a retention pond but it is not big enough and overflows and the third one wraps around the other side of Klerner Lane and goes behind Rainbow Drive.

Mr. Aebersold asked what the issue is about eliminating one of the sidewalks.

Mr. Feiock stated that the mayor wants two sidewalks but he lied to him because he said that there has to be two sidewalks because of ADA requirements. He told him that all redevelopment plans must have two sidewalks that are ADA compliant so he read the ADA law and there is nothing in there that says that. He said that it only says that if you decide to build sidewalks they must be ADA compliant.

Mr. Coffey stated that he is still upset about the restaurants downtown that have their stuff out on the sidewalk where someone in a wheelchair or on a walker cannot get through. He said that the mayor is telling you that it has to be ADA compliant but is still allowing the businesses downtown to keep their stuff there.

Mr. Feiock said he asked the mayor why he wants two sidewalks and his reply was that he likes two sidewalks.

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:40 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk