

**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, AUGUST 3, 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. Lorch, Mr. Michael Hall, Mr. Duggins, Police Chief Bailey, Mr. Thompson, Officer Wooten and Mrs. Glotzbach

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Caesar moved to approve the Public Hearing Meeting Minutes for July 16, 2015, Mr. Phipps second, all voted in favor.**

**Mrs. Baird moved to approve the Regular Meeting Minutes for July 16, 2015, Mr. Gonder second, all voted in favor.**

**COMMUNICATIONS – PUBLIC (AGENDA ITEMS):**

**COMMUNICATIONS – COUNCIL:**

**Mr. Blair** reminded everyone that before the August 20<sup>th</sup> meeting the homeless task force will be here at 6:00 p.m. to present their findings. He said that he believes that they have some specific things that the council may want to get involved in so they will have some requests for us for what we can do to help them with their plan. He also said that he thinks everyone got a copy of their plan and asked that everyone read it if they get a chance because he thinks it is worthwhile.

**Mrs. Benedetti** asked if the city employees are allowed to do a payroll reduction for the waterpark for a season pass.

**Mr. Duggins** replied yes.

**Mrs. Benedetti** asked if there is any way that could be extended to the county employees as well.

**Mr. Duggins** stated that he doesn't know how the county's payroll system works. He said it is very easy for us to do because our payroll is processed here but he thinks that the county system would have to take that out and then write us a check.

**Mrs. Benedetti** asked who would need to be contacted.

**Mr. Duggins** said that he would first need to make sure that is okay to do and then check with the auditor.

**Mr. Caesar** stated that the opening of the pool was a grand slam and a very big success and also caused some unique problems in the Holy Family parking lot, Coyle Drive, Harris Court, etc. He said that as a city we apologized for those inconveniences and he thinks they have all been addressed but we planned on 600 people a day and we have had 1,200 people a day.

**Mrs. Benedetti** asked how that is going to be addressed in the future.

**Mr. Duggins** stated that it has been a smashing success and when we estimated we figured that if we had 400 people a day, it would be a successful pool. He explained that the property out front adjacent from the firehouse will be used for overflow parking but we are still underneath the punch list items so they are still storing equipment there and it hasn't been graded out and seeded yet. He said that he talked to Father Dan and asked to use parking at Holy Family Parish and he said that was okay because school was not in. He also said that on that Monday when the weather finally broke we had over 1,100 people and his parking was swamped so they called the next day and said that if they would've had a funeral, there would've been no place for them. He explained that he then called Mr. Will Durkin about the property across the street and we immediately leased it that day for \$500.00 per month plus an indemnity on their insurance so we

had signage put out. He said that Holy Family sent a letter and said that the employees could still park there and asked that we print a badge or something to put in their windows and indemnify them on our insurance. He added that now that school is in session, we have had the employees park in our overflow lot. He said that at the close of this year we will analyze everything and stripe out the new area to see where we're at on spacing.

**Mrs. Benedetti** asked where the picnic tables are going now.

**Mr. Duggins** stated that he is not sure exactly but there are areas where you can't park anyway. He added that you can probably put another 25 to 30 cars along the back of the firehouse. He said it will all be worked out for next year.

**Mrs. Benedetti** asked how the search is going for an aquatic director.

**Mr. Duggins** said that there is a gentleman that is working there and the parks department has been kind of all hands on deck with the pool and the key to it is the pumps and the chemicals so we really need more than one person trained on it. He added that Mr. Chris Gardner used to run Camille Wright Pool and he has even been refreshed on all of that too. He said that the search is going fine.

**Mr. Gonder** asked how many spaces will be available once the trucks are out of the way.

**Mr. Duggins** stated that it will be close to 250 spaces.

**Mr. Gonder** asked what the daily need is if the volume keeps up like it has been.

**Mr. Duggins** explained that everything that can be done will be done for parking and there are a couple of properties in the area that are run down that he is looking into that we may pick up.

**Mr. Coffey** asked if there could be a police officer out there to direct traffic for school in the morning and evening while the pool is still open.

**Mr. Duggins** stated that we are already doing that.

**Mr. Blair** stated that it is his understanding that Mrs. Moeller was going to make the pool, Silver Street Park and soccer fields cost centers.

**Mr. Duggins** stated that he will say something to her.

**Mr. McLaughlin** asked if the fields at Binford Park will be ready for fall.

**Mr. Duggins** replied yes.

**Mrs. Benedetti** stated that she and Mr. Thompson have been going back and forth in emails and she had asked him to compile a list for her of the areas that are going to be paved in her district. She then asked if he could get together a target list for 2015.

**Mr. Thompson** stated that it is not finished right now. He explained that he is compiling a list based on the input that he gets from the council and he will go out and look at those streets and anything that it is around it and if it warrants paving then he goes back to the study to see what it is rated and then it goes to the utilities to make sure there are no repairs coming up on those roads and it then goes to the contractor. He said that once that is all done then he can get it to them.

**Mrs. Benedetti** stated that it would be helpful to see the list to see what has been turned in. She then asked if some of them were on the list last year would they still be done.

**Mr. Thompson** replied yes.

**Mr. McLaughlin** reminded everyone to turn in their lists of projects that they want done in their areas to Mr. Thompson.

**Mr. Thompson** said that he needs the lists from the council members on what you are getting complaints on. He added that he does try to space them out to get some in each of the areas.

**Mr. Zurschmiede** asked Mr. Thompson if he would add Lindberg Court to the list that he sent.

**Mr. Thompson** replied yes.

**Mr. Phipps** asked if he thought he would get to the alley behind 6<sup>th</sup> Street this summer.

**Mr. Thompson** stated that the problem is that those residents are using that parking lot and 6<sup>th</sup> Street actually dead ends at the back of the houses on Main Street and the worst part of that is the parking lot so he is talking with Mr. Gibson on if we want to work something out with LifeSpring. He also stated that LifeSpring is fine with us doing something and letting them keep using that as a way out to Main Street. He added that as of right now 6th Street from Market back to the end is on the schedule and we just have to determine whether or not we are going to go through their parking lot and extend it out to Main Street.

**Mr. Gonder** asked if the alley at Mann Court is even an alley.

**Mr. Thompson** stated that it is an alley but the center of it has a lot of grass growing so it will take a little more to get that back to pavement.

**Mr. Gonder** said that he couldn't remember if Mr. Brodfuerer was concerned about the drainage.

**Mr. Thompson** stated that right when you come out of that alley onto Mann Court there is some work being done. He also stated that when the contractor is there for paving he will ask them if there is anything that can be done to help with drainage.

**Mr. Blair** asked if striping is being included in what is being done.

**Mr. Thompson** replied yes but they have been doing it with paint and it doesn't look as good or last as long as thermal.

**Mr. Phipps** stated that Mr. Brad Bell has resigned his position on the Human Rights Commission and he thinks everyone on that commission is overdue on their appointments because they were supposed to be for three years. He also stated that he thinks that is okay because they don't meet that often but we may want to reappoint or make new appointments at the beginning of next year.

**Mrs. Benedetti** stated that the council formed the Ethics Commission and the Human Rights Commission but are not receiving meetings from those boards. She explained that the need to circulate through the city clerk's office and distributed to the council members.

**Mr. Gonder** stated that Ethics Commission has never seated. He said they were supposed to bring back to the council their constitution and we've never reviewed it.

**Mrs. Benedetti** stated that she emailed Ms. Wendy Stepro for minutes from the Human Rights Commission. She said she would like past and present minutes.

**Mr. Phipps** said he would check into that.

**Mr. Blair** stated that the old Hardee's restaurant on State Street is an eyesore and he feels that the city needs to take some action and asked that Mr. Brewer to come in and discuss it. He said that is just blights the whole corridor.

**Mrs. Benedetti** stated that she would like to include Charlestown Road on that too.

**Mr. Coffey** asked if anyone knows who owns the old Hardee's.

**Mr. Zurschmiede** stated that he has heard that it is going to be a portion of the Kroger project.

**Mr. Duggins** stated that some very well-financed individuals have contacted about it and called him about it and \$80,000.00 per month is what the owner wants for it. He said that he also called about the old Lightning Food Mart and it is an extremely large purchase that they want for that.

**Mr. Coffey** stated that is the one that we can actually go after with the codes because it is a mess.

**Mrs. Benedetti** asked if we could do some sort of incentive package to get some business to go in there because we used to do that through redevelopment.

**Mr. Duggins** stated that traffic count is the main thing and that piece is very low. He said that he looked at the whole thing and had cost done on that entire corridor and Hardee's came in and took one and Domino's took the other one. He said that we don't need to be in the banking business but he does agree that something needs to happen in the old Kroger section. He said that the incentive piece that we have to offer is very limited. He explained that we have the ability to abate the new assessment, help offset any kind of permitting, etc. He also explained that if there is an eyesore that he can get at a low cost then he would act on that but these properties are expensive.

**Mr. Coffey** stated that something needs to be done to the old Lightning Food Mart.

**Mr. Duggins** stated that we can help tear things down.

**Mrs. Benedetti** stated that Mr. Brewer needs to stay on them for code enforcement violations.

**Mr. Duggins** stated that Mr. Brewer's department does an excellent job with tracking liens now we are foreclosing on a lot of properties.

**Mr. Gonder** asked what the estimate would be to bulldoze the old Hardee's.

**Mr. Duggins** replied \$30,000.00 at least. He added that the only thing that property is in violation of is that it is boarded up. He said that he would talk to Mr. Brewer about it tomorrow and have him go out and cite it and then he will let him know that the council would like to speak with him at the next meeting.

**Mr. Coffey** stated that we have been focusing on the neighborhoods and if you look around you can tell there has been a huge difference in this community.

**Mr. Zurschmiede** stated that Mr. Brewer was supposed to provide a list of all of the houses that have been taken down.

**Mr. Duggins** stated that he will get with Mr. Brewer.

**Mr. McLaughlin** stated that since we annexed out Charlestown Road he thought that would help the old Colonial Manor area because the tax rate is equitable.

**Mr. Duggins** stated that Kroger, Walmart and Meijer are anchors and when they move, retail shifts with them and changes the whole dynamic of the area.

**Mr. Blair** stated that ERL that is right next there and they kept taking in old properties and repurposing them which is what has to happen. He also stated that in his mind we still have the capability because we still have Horseshoe that is supposed to do economic development in Floyd County and we can use that as a another resource to create economic development and repurpose that facility.

**Mrs. Baird** stated that adjacent to Save-A-Lot on State Street is the old feed store on Pearl Street and Oak Street and it is in terrible condition and is dangerous.

**Mr. Duggins** stated that he will find out what the status is and if it has been stabilized.

**Mr. Phipps** asked when renovations would take place on the firehouse on Charlestown Road.

**Mr. Duggins** stated that right now we are doing Grant Line Road and we had emergency repairs on Market Street because it was flooding so we had to use money there. He said that the issues on Charlestown Road are mainly the roof and the windows and when we are finished with Grant Line Road whatever reserves we have left will go to Charlestown Road.

**COMMUNICATIONS – MAYOR:**

**Mr. Michael Hall** stated that the concert series is going well and in September we will be doing a movie every Saturday. He also stated that Mayor Gahan extended his appreciation for support of these events.

**COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:**

**REPORTS – COMMITTEES, BOARDS OR OTHER OFFICIALS:**

**Mr. Blair** stated that he would like to invite the building commissioner to the next meeting to discuss some of the abandoned buildings around the city, all voted in favor.

**Mrs. Benedetti** stated that she would like to invite Mr. Joe Ham to the next meeting to get an update on the \$6M bond, all voted in favor.

**Mr. Gonder** stated that he would like to invite Mr. Scott Wood to the next meeting to discuss the CVS lighting.

**APPROVAL OF CF-1 FORMS:**

**Chalfant Industries, Inc., Compliance with  
Statement of Benefits referencing R-09-19**

**Richard and Kelly Fust, Compliance with  
Statement of Benefits referencing R-03-28**

**Lee Supply Corp., Compliance with  
Statement of Benefits referencing R-06-37**

**Mrs. Benedetti moved to approve the above CFIs, Mrs. Baird second, all voted in favor.**

**Mr. Duggins** passed out an Abatement Status Report and reviewed it with council.

**Mr. Gonder** stated that on the estimated start dates and estimated completion dates on Lee Supply there are no years, just months.

**Mr. Duggins** stated that they started in 2009.

**Mr. Gonder** asked what the completion date is.

**Mr. Duggins** replied it is pay 2018 in 2019. He added that they are assessed the year after their start date. He then said that he made a mistake on Kennemetal because they are -88 so the spreadsheet is correct but it wasn't highlighted. He also said that he has a meeting with the plant manager next week to discuss their direction. He added that they still have 99 employees and is a substantial employer that pays very well.

**INTRODUCTION OF ORDINANCES:**

**READING**

**INTRODUCTION OF RESOLUTIONS:**

**BOARD APPOINTMENTS:**

**COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):**

**Mr. Tom Zurschmiede** stated that he lives at 3 Martin Drive behind the new CVS Pharmacy and would like some help dealing with the added lighting that CVS has brought to the neighborhood. He said it is mainly the lighting that faces Martin Drive and the hospital staff parking lot. He believes that the city needs an ordinance dealing with signage on industrial and commercial buildings especially when they move next to a residential area. He added that other communities have such regulations. He explained that back in October, 2013 CVS requested a variance so that they could build their store and during the meeting they mentioned several times how CVS would accommodate signage which would say "Welcome to New Albany" or whatever may present CVS as part of the community. He said that the variance was not approved because it was too much square footage in too small of an area and then they came back for an appeal and it was denied. He honestly felt that if they were allowed to the build then the neighbors would have some sort of input. He explained that CVS stated that they wanted to be a part of the community and that never happened; no neighbors were ever contacted. He also explained that there is a pole at the edge of his property that looks like there will be an illuminated sign attached. He said that when he questioned officials about their lighting he was told that it meets state standards. He then passed around a few pictures that he took for the council to review.

**Mr. Gonder** stated that he would like to invite Mr. Wood to come to the next meeting to address this issue.

**Mr. Coffey** stated that he would too. He added that further down from Mr. Tom Zurschmiede's property, CVS has caused major flooding. He then asked if they were turned down for the variance.

**Mr. Tom Zurschmiede** stated that he received a letter from both of them and he figured that it was all voted down and then two months later he saw the yellow tape up and they were tearing down the building. He said that at the meetings the gentleman from CVS was very clear that they wanted to be a good neighbor.

**Mr. Gonder** asked when the initial variance was requested.

**Mr. Tom Zurschmiede** replied it was October 31, 2013 and then a month or so later they appealed that.

**Mrs. Benedetti** stated that she thinks there were certain stipulations going on like the positioning of the building.

**Mr. Thompson** stated that board of works denied it because they wanted to face the hospital. He said he believes that CVS took the city to court and there was a ruling by a judge and that's how it was allowed to be put in.

**Mr. Caesar** stated that everyone needs to go out and see where that sign points because it points directly to the hospital and Mr. Tom Zurschmiede's home. He also stated that he had Mr. Scott Wood write a letter to CVS and to their attorney to at least try to get them to shut the light off at 9:00 p.m.

**Mr. Tom Zurschmiede** stated that he would like to see them take off that sign and put something smaller up and turn off two sections or all of the indirect lights. He also stated that the sign could be painted the darker color of the brick.

**Mr. Gonder** stated that this does bring up the need for a sign ordinance.

**Mr. Caesar** stated that we need to go to zoning appeals now and he will get with Mr. Tom Zurschmiede on that.

**There was a lengthy discussion regarding the legality of illuminated signs and that there needs to be stipulations on them.**

**Mr. Coffey** stated that if there was a court ruling in their favor then it is going to be hard to get anything done.

**Mr. Tom Zurschmiede** passed out a picture of the panoramic view of the area for the council to view.

**Mr. Blair** asked Mr. Kevin Zurschmiede if there were sign codes in the new building codes ordinance.

**Mr. Kevin Zurschmiede** replied that he didn't think so but we do have a sign ordinance. He then asked if anyone has checked the brightness of the sign.

**Mrs. Benedetti** asked if they had to have a COA before they opened.

**Mr. Coffey** replied yes and stated that Mr. Scott Wood told the council that they met their requirements and were within the limits. He also stated that there are people on Martin Drive that have already lost 5 ft. of their yard due to drainage since CVS has opened.

**Mr. Kevin Zurschmiede** asked that at the end of the day who is going out to make sure they were done to the specifications that were required.

**Mr. Caesar** stated that he will get back with Mr. Tom Zurschmiede on zoning appeals.

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 8:35 p.m.

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Pat McLaughlin, President

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Vicki Glotzbach, City Clerk