

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 7, 2017 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: Ms. Stein, Mrs. Moeller, Police Officer Davidson, Mr. Brewer, Mr. Hall, Mr. Thompson, Mr. Slade, Mr. Gibson and Mrs. Glotzbach

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

MOMENT OF REFLECTION

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Phipps moved to approve the Regular Meeting Minutes for July 20, 2017, Mr. Barksdale second, all voted in favor with the exception of Mr. Blair who was not present at that time.

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

Mr. Bryan Slade, President, ECOTECH Southern Indiana Waste Systems, stated that he hasn't had the opportunity to read G-17-05 but when it came out in the paper and he read the article, he called Councilman Barksdale and they spoke briefly about the substance of the ordinance. He told him that he didn't know what the direction of the council is in the ordinance but as the company that collects the city's solid waste, recyclables and yard waste, they have seen a number of things that seem to need attention. He gave the examples of solid waste materials not housed properly, loose litter at curbs, illegal dumping in alleys and streets, mishandling of yard waste in large piles and electronics that have been strewn across alleys. He said he brought those things up because he didn't know if those could be part and parcel of one of the objectives that the council has about cleaning up the city because his company believes that part of their responsibility is to maintain the city's cleanliness. He said that he didn't know if the council holds working sessions on that but if you do, or would like to do that, he would be pleased to participate. He also said they have started taking pictures of things that might be appropriate to identify as ordinance reviews. He said he would be pleased to participate and didn't know if it was something that could be done in conjunction with the council, street department, code enforcement and others that are involved in this process.

Mr. Caesar asked Mr. Slade if he thinks that the council should be more specific about what is being put in the ordinance.

Mr. Slade replied yes because they have seen a real proliferation in loose trash being dumped at curbs as well as seeing people going up and down the alleys with box cutters cutting open the trash bags and going through them and leaving the trash on the ground. He said that he just wanted the council to be aware and know that he would be happy to

help in the form of a committee or work sessions to bring some attention to that with pictures and other things he has asked his leadership staff and employees to pay attention to. He added that their goal is to keep the city as clean as they can.

Dr. Knable stated that he is very prepared to address those concerns and said that each of those items were taken into account prior to deliberation and formation of this. He explained that the primary impetus for doing this was the alley dumping so he thinks they have gotten that by being specific where they need to be but unspecific as well and feels that when Mr. Slade reviews the ordinance, he will see that. He also explained that there are specific volumes of what is being dumped and there are certain penalties for different amounts being dumped. He stated that it all comes down to enforcement and catching someone in the act and believes that once Mr. Slade reads the ordinance, he will see that those specifics are addressed. He told Mr. Slade that he appreciated him being at the meeting.

Mr. Slade stated that they have worked extremely closely with code enforcement this past year and have seen these things develop and get more prolific. He then thanked the council for letting him speak.

Mr. Coffey stated that his exact concern with this ordinance is that we are not addressing specifics and he concurs with Mr. Slade.

COMMUNICATIONS – COUNCIL:

Mr. Phipps stated that it is great that we have the new cautionary pedestrian lights but he pushed the button on the one at West 1st Street and Main Street on Saturday and nearly got hit because cars were not yielding to them. He said that while they were sitting in the Floyd County Brewhouse, they watched pedestrians push the button and cars would just sail on through there. He thinks that they need some type of a cone in the middle of the street with “Yield to Pedestrians” on it and maybe even with “State Law” on it as well. He said that he is afraid that someone may come here from a community where they are used to traffic yielding for pedestrians and could get killed because some of these drivers aren’t used to it here. He also said that he is going to take his concern to the board of works tomorrow.

Dr. Knable stated that regardless of the signal, if there is a pedestrian in the walkway, by law they have to stop.

Mr. Phipps stated that he fears the signals will give people a false sense of security.

Mr. Barksdale stated that he noticed that the lights are not on a long enough duration especially since this is a new concept here and asked Mr. Phipps to mention that to board of works as well tomorrow.

Mr. Caesar stated that in Colorado if you are driving in an automobile and you see a pedestrian anywhere, you better stop because pedestrians have the right-of-way and there is very clear signage indicating that and people are used to it.

Mr. Phipps stated that he saw them actually ticketing people in New Orleans for not yielding to pedestrians.

Mr. McLaughlin stated that it has been brought to his attention a few times that it is hard to hear in the audience at these meetings and he will get with the building authority to see if that can be resolved in some fashion.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that he wanted to give a quick reminder that there are four more shows at Bicentennial Park and also wanted to thank all of the local vendors that have been helping out this year. He then stated that starting in September, they will be doing movies on Saturday nights at different parks around the area.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

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

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

G-17-05	Ordinance Amending Title 5, Chapter 50, Section 4 of the New Albany Code of Ordinances	Knable/Nash/ Barksdale 3
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Dr. Knable introduced G-17-05 and moved to approve the third reading, Mr. Barksdale second, all voted in favor with the exception of Mr. Coffey who voted no and Mr. Blair who was not present at that time. Bill G-17-05 becomes Ordinance G-17-10.

Dr. Knable stated that this ordinance passed 9-0 at the last meeting and is not a perfect ordinance but we are attempting to foster a change in the city and had numerous meetings over the last several months with constituents and people within various departments of the city. He said he spoke with the mayor on this and he wanted it to be brought on board with educational funding which he believes the council needs to do with the budget meeting coming up in two days and more litter containers. He explained that it is a core ordinance and can be amended as need be down the road and that after passing the first two readings, he has received more positive feedback on this than anything else he has been involved with in the council. He stated that Ms. Susan Ryan gave him an excellent idea about making something unique out of the additional containers. He explained that rather than using the standard black and white containers, we should maybe bring something a little more fun to the downtown and use Ms. Ryan’s idea of making some of them look like basketball nets or backboards and possibly have some of the student athletes and student body at WNAS do some educational videos, etc. He again said that the ordinance passed 9-0 at the last meeting so if you voted for it before and are now not content with it, he has to ask what your motivation is and are you committed to the idea of a cleaner city or are you beholding interests other than what is in the best interest of the health and welfare for the people of New Albany in the long run. He said that the impetus for the council looking into this was the activity in the alleys where people were kind of skimming garbage bags from other areas in town and taking them downtown and processing them and going through them. He explained that Ms. Stein uncovered the fact through the process of this ordinance that private property is under the auspices of state law so there isn’t much that the city can do about that. He also explained that once it

spills over into the public thoroughfares such as the parks and the streets then it is our purview to do that and we decided that we wanted to hit that harder than it has been hit in the past. He stated that some of the specific concerns that Mr. Slade has as far as containers may be under the purview of state law and he feels that is one area that the council will tighten up as far as what needs to be in containers and how we educate people about that. He thinks that once Mr. Slade reads through it, he will see that there are levels of fines for under 3 cubic feet, between 3 cubic feet and 10 cubic feet and over 10 cubic feet. He said that there is also doubling of fines for caustic materials, toxic materials, materials that are dumped within 25 feet of a waterway. He said there is doubling of fines for repeat offenders and someone would have to be caught in the act but once someone is caught in the act, he feels the fine levels are such a deterrent that no one will want to do it a second time. He stated that some of the bulk materials that Mr. McLaughlin had expressed concern about are also in there and he thinks it is a great start.

Mr. Coffey stated that his problem is that it is not specific enough dealing with landlords because if you have rental property, that is your business and it is not up to the taxpayers to pay to get rid of your garbage. He also stated that it is a good ordinance but he would like to take a step back and meet with Mr. Slade and whoever else is involved because that is his business. He said there are no motives in the background trying to stall this other than the possibility of making this a better ordinance. He then asked what another week is going to hurt because we are looking at just a week to a week and a half turnaround after this meeting.

Dr. Knable stated that there is nothing that Mr. Coffey mentioned that is not already addressed in the ordinance. He explained that if a landlord throws two mattresses out on the street, that is more than 10 cubic feet so that will be assessed to fine at the highest level. He stated that if it is on the private property of the landlord within code enforcement's purview, it can be fined at that level. He said he is inclined to ask for a vote on it tonight and see if we can get it on the books.

Mr. McLaughlin asked what happens with evictions where people put their belongings out on the street or alley.

Dr. Knable stated that it is a public thoroughfare so it is covered by this.

Mr. Coffey stated that he begs to differ. If it is a landlord and is on their property, it shouldn't matter if it was their debris from the house or the tenant's because a rental property is a business.

Dr. Knable stated that all we can cover is public property, otherwise, it is covered by state statute.

Mr. Coffey asked Dr. Knable to table it until the council can meet with Mr. Slade and see.

Dr. Knable stated that Mr. Slade addressed his concerns and there is not a single one that is not discussed in this ordinance.

Mr. Coffey stated that he just doesn't want another feel-good ordinance that someone can run on in a campaign that we have done every three or four years. He said he is not saying that Dr. Knable is doing that but we have so many ordinances on the books to address this and if we are going to one, we need to get it all covered and locked in and be

assured of what we can do. He added that it is a good foundation ordinance but what good is to pass it if we have to amend it when we could just wait another week and a half.

Mr. Aebersold stated that he thinks that it is good and we are moving in the right direction but enforcement is a big part of this so he would like to hear input from Mr. Slade, the street department, Mr. Brewer, the police department and code enforcement. He suggested getting them involved and get their ideas on how to enforce it.

Dr. Knable stated that he spoke with Police Chief Bailey about this.

Mr. Aebersold stated that he knows he did but he would like to hear from him as well. He also stated that what we are after is enforcement so that people won't keep doing it.

Dr. Knable stated that we could have the same discussion about speeders, noise ordinance violators, etc. He also stated that the noise ordinance was very effective this past weekend and complaints are down quite considerably compared to this time last year.

Mr. Coffey asked where it was effective.

Dr. Knable replied at a certain business in the west end of town.

Mr. Coffey stated that has been going on more than just this past time.

Dr. Knable stated that he knows but it was shut down this past Saturday night because a citizen called and cited the noise ordinance so Police Chief Bailey's guys were down there very quickly and shut it down under the threat of penalties. He said that it is working.

Mr. Coffey stated that it has been shut down before for the same thing but it just comes back. He then stated that this ordinance is going to cost money so we are going to have to put money with it.

Dr. Knable stated that this ordinance is going to raise money and will not cost any extra money with regards to enforcement.

Mr. Coffey stated that the whole point is that we have to enforce it.

Mr. Aebersold asked how they are going to be caught.

Dr. Knable asked if we should not even have a law for things that can't be caught or enforced.

Mr. Aebersold replied no and stated that we've got it going here but he would like to have the input from the ones who are going to enforce it.

Dr. Knable stated that the committee of he, Mr. Barksdale and Mr. Nash received their input. He added that they didn't come before the council because we did that in committee.

Mr. McLaughlin asked if recommended how they would enforce it.

Dr. Knable stated that it is the same as any other ordinance. He said that if you catch someone red handed then you got them and he doesn't know if 10 people or 100 people could be caught a year but when you do, it will be a deterrent. He also said that we have all talked about having a cleaner city and this is the one thing that we can do from a legislative standpoint that puts meat on the bones of this. He added that we can't enforce it but we legislate and set the priorities so if we legislate this then we put a strong tool in the toolbox and if the executive branch wishes to encourage or prioritize the enforcement with the resources that they have then they can do so.

Mr. Aebersold asked if the executive branch wants to enforce it.

Dr. Knable stated that it is a joint effort so on the rare occasion that someone is caught, they are going to be taken to task on it. He said that enforcement is not even in the purview of this body.

Mr. Aebersold stated that he knows that but it is just kind of like we are throwing stuff out there and expecting them to enforcement.

Dr. Knable stated that if someone driving down the road throws a lit cigarette out the window right now, there is nothing on the books that would address it but with this if the officer sees it then he can issue a \$200.00 fine.

Mr. Aebersold stated that he believes 90% of the stuff we are talking about is done when no one is around.

Dr. Knable stated that even by Mr. Aebersold's admission, 10% of it is done in the light of day then. He asked why we passed a code division and stated that it was because we thought if we could catch the worst 5% of the scofflaws or the slumlords then we could change the culture of this city. He said that if we can catch one to three people a week and make it so that they don't do it again then we are well ahead of the game compared to a year ago. He also said that right now if he throws out an old refrigerator and gets a \$25.00 fine, do you think he is going to worry about throwing out the next one but if he gets caught and gets a \$500.00 fine and the next time will be \$1,000.00, do you think he will think about it doing it again.

Mr. Nash stated that if he read in the newspaper that Dr. Knable got fined \$1,000.00 for throwing out a refrigerator, he certainly wouldn't think about doing it.

Dr. Knable agreed and stated that the priorities have to start here and the mayor can prioritize whatever they want but this still places tools in the toolbox to do so. He also stated that he can't spend time worrying about what the executive branch is going to do.

Mr. Aebersold stated that he would just like their input on how they will enforce it because it obviously hasn't been enforced for the last 20 years.

Dr. Knable stated that he spoke with the mayor about it and he thought it was a good ordinance as long as we brought forth money for education and more containers. He also stated that he spoke with Police Chief Bailey about it and he said he thought it was a great ordinance. He added that it is not going to put any greater burden on enforcement but it will give them a bigger club when they find someone who is flagrantly breaking the law.

Mr. Coffey stated that a man was hired to go out and clean up the alleys and it seems to him that we are getting more and more junk in the alleys and around town so that needs to be addressed because you have to have money to do these things and money set aside for cleanup. He added that you will have to take them to court which takes a long time and the trash still has to be cleaned up and anything we do costs money.

Dr. Knable stated that this generates more revenue than anything that is on the books right now.

Mr. Coffey stated that would be in a perfect world but Dr. Knable said himself it might be only one a week and said that is not cover what we still have to clean up.

Dr. Knable asked if he would like us to continue to what we've been doing for the last 20 years with no effect.

Mr. Coffey replied and stated that he would like for the council to make a complete ordinance and that would include money for specific things.

Mr. Phipps stated that he feels it is a step in the right direction and suggested putting it in place for six months and if we need find there are some weaknesses in it then we can tweak it at that point. He feels that it is better than what we have now and added that one of his platforms when he ran for council was to clean up the city and this is a step in the right direction.

Mr. Coffey stated that he doesn't want the ordinance to die but he would like to add a little more to it and asked Dr. Knable to table it until the next meeting.

Dr. Knable declined to do so.

Mr. Blair entered the meeting at 7:35 p.m.

G-17-06	Ordinance Amending Title 3, Chapter 37, Section 2 of the New Albany Code of Ordinances	Knable 3
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Dr. Knable introduced G-17-06 and moved to approve the third reading, Mr. Barksdale second, all voted in favor. Bill G-17-06 becomes Ordinance G-17-11.

Dr. Knable stated that this ordinance is a simple corrective measure that allows the clerk to collect the maximum fine in accordance with state law. He said that we are below that ceiling and this ordinance would raise that maximum amount to \$7,500.00.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned 7:40 at p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk