

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
WILL HOLD A REGULAR COUNCIL MEETING IN SUPERIOR COURT
ROOM 1 ON THE SECOND FLOOR OF THE CITY/COUNTY BUILDING ON
THURSDAY, SEPTEMBER 1, 2016 AT 7:00 P.M.**

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

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

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

MOMENT OF REFLECTION

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Phipps moved to approve the Regular Meeting Minutes for August 18, 2016, Mr. Coffey second, all voted in favor.

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

Grant Rickard owner of Past Times spoke against G--16-01. He stated that this is a double edged sword and it will affect all of New Albany. He explained that they are just now starting to grow their business in New Albany and he feels like this will set them back.

Steve Price presented the board with a petition of signatures against G-16-01. Said petition is on file with the City Clerk's office. He explained that they would have had more signatures but they didn't know about it and feels like it was rushed and should have gone to the public for comment. He stated that he has issues with the ambiguity of the ordinance and with the fines. He explained that he thinks that there should be warnings before fines are given out and while he knows they want to make an impact the fines are too steep. He stated that the way it is written it seems as though they are singling out the bars in the area and in particular the owner of Past Times, and that is discrimination.

Donn Baker spoke in opposition of G-16-01 and explained that he thinks it is important to have a definition of what constitutes loud and a way to measure decibels so that the businesses can be in compliance and actively work to try and control.

COMMUNICATIONS – COUNCIL:

Mr. Blair stated that he was originally going to ask the council to take action on the capital projects that were described to them at the last meeting but he would like to hold off on that until the next meeting.

Mr. Coffey recognized Mr. Rickard and thanked him for his service. He stated that he brought up a bond issue to do all the roads in New Albany about four years ago when the interest rates were so low and explained that they can't seem to catch up even though they are spending \$2-3M on paving per year. He stated that they have an opportunity for low interest rates and a decrease in cost of oil and he thinks it would be a good idea to do a bond issue to do all the roads to get ahead of the game.

Mr. Blair asked if he would propose adding sidewalks into that.

Mr. Coffey stated that he would be in support of that.

Mr. Phipps asked if he is saying every street or just the ones that are in bad shape.

Mr. Coffey replied every street. He explained that if they can get everything done they can stay ahead and make repairs instead of playing catch up every year.

Mr. Blair stated that he would be interested in getting the cost of paving the streets and sidewalks.

Mr. McLaughlin asked if they were bid now would the price be locked for next year.

Mr. Coffey replied yes.

COMMUNICATIONS – MAYOR:

Michael Hall stated that the Mayor wanted the council to know that Mr. Duggins has been in contact with the individuals from Reas Lane to provide them with a timeline of what will be happening and when and the city will try to get that out to the public tomorrow. He explained that they have the final bicentennial park concert on Friday and a movie night on Saturday at Silver Street Park where they will be viewing Star Wars: The Force Awakens. He invited them to come out and enjoy the weekend events.

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-16-01	Ordinance Amending Noise Control Ordinance – Chapter 96 of the City of New Albany Code	Knable/Barksdale 3
----------------	---	---------------------------

Mr. Barksdale introduced Bill No. G-16-01 for third reading, Mr. Phipps second, all voted in favor with the exception of Mr. Coffey who abstained and Mr. Caesar who was absent. Bill G-16-01 becomes Ordinance G-16-08.

Mr. Coffey asked for this to be tabled to explore some of the concerns that were voiced tonight.

Dr. Knable stated that this ordinance was not rushed and the conversation began last year when he was going door-to-door during his campaign where he heard from all 6 districts that noise was such a huge issue. He stated that he personally logged over 200 complaints during that time and while he applauds those present tonight for putting out a petition and for being here, the first article regarding this ordinance was in the paper over 3 weeks ago. He explained that they had a public meeting two weeks ago with several speakers present that were in favor of the ordinance so he doesn't buy into the fact that this has been rushed, nor has it been isolated or targeted. He stated that with regards to warnings he does agree that most reasonable people will take a warning and remedy the situation, but he can guarantee that if you haven't received a citation at your business in the last

five years the likelihood of you receiving one under this ordinance is close to zero. He explained that this was designed because their current citations are in no way a deterrent for those that scoff at the law, write a check and continue doing their business. He stated that if there is a willingness with the council to make the first citation a low value and serve as a warning he would support that but he doesn't think it is standard practice to ask that of an officer.

Mr. Nash stated that the ordinance is the warning and if someone has to deal with the officers going out to give a warning then they will be awake another hour before an actual citation could be given.

Dr. Knable addressed Mr. Price's concerns that this was a targeted ordinance and explained that the exemptions on the proposed legislation are the same exceptions that were in the ordinance when he sat on the council, and all they did was copy them over with the exception of an amendment to the board of works exemptions.

Mr. Barksdale stated that they heard last time about some exemptions granted by the board of works and he spoke to Mr. Warren Nash who explained that he only remembers one exemption granted by the board over the last five years.

Mr. Coffey stated that there is an individual that harasses Mr. Rickard and does call the police on him before the time and during harvest when no one else gets complaints.

Dr. Knable stated that it all comes down to enforcement and they are not the body that does this. He explained that they were asked by several hundred people to tighten the ordinance so that enforcement could exercise a deterrent. He stated that if it comes out that it is unevenly enforced then that will not set well with him and they will change the law.

Mr. Aebersold stated that he would agree with the request for a warning with no fine because most of the time if individuals are asked to turn down the noise they will.

Dr. Knable stated that he doesn't know that they have the authority to request that an officer give a warning.

Mr. McLaughlin stated that it is the officer's discretion on whether to give a citation or a warning.

Mr. Phipps stated that most laws give the officer some degree of discretion.

Mr. Barksdale stated that he agrees with Mr. Nash in that the ordinance is the warning and if you know it is 11:00 p.m. then it can't be any clearer than that.

Mr. Coffey stated that there are individuals that call before the cut-off time.

Dr. Knable reminded the council that there are up to 6 exemptions per year so if they are having a special event they need to come get permission then they won't have to worry about it.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 7:37 p.m.

Pat McLaughlin, President

Mindy Milburn, Deputy City Clerk