

**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 THURSDAY, SEPTEMBER 7,
2017 AT 7:00 P.M.**

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

ALSO PRESENT: Ms. Stein, Mrs. Moeller, Mr. Gibson, Mr. Hall, Police Officer Korte 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 Budget Hearing Meeting Minutes for August 2, 2017, Mr. Blair second, all voted in favor with the exception of Mr. Coffey who abstained and Mr. Caesar who was not present.

Mr. Barksdale moved to approve the Budget Hearing Meeting Minutes for August 9, 2017, Mr. Phipps second, all voted in favor with the exception of Mr. Coffey who abstained and Mr. Caesar who was not present.

Mr. Phipps moved to approve the Regular Meeting Minutes for August 17, 2017, Mr. Barksdale second, all voted in favor with the exception of Mr. Coffey and Mr. Blair who abstained and Mr. Caesar who was not present.

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

COMMUNICATIONS – COUNCIL:

Mr. Phipps stated that he is sure everyone is aware that Spring Street, Bank Street and Pearl Street have been converted to two-way and despite the fears and many naysayers, things appear to be running pretty smoothly. He said there has only been one accident which was a fender bender at 11th Street and Spring Street. He also said that Market Street is scheduled to open on Tuesday, September 12th and then Elm Street not too far in the future. He then brought up his concern with President Trump's appeal of DACA and thinks it is a horrible decision. He stated that the Dreamers have known no other country but the US and he feels to send them back is a travesty and a very bad reflection on our nation. He is very concerned about how this is going to transpire and is very much opposed to this decision.

Mr. Coffey stated that President Trump actually kicked it back to congress. He said that he doesn't want to see them go either but we can't say that one is doing it when the other one has had for five or six years and chose not to do it and make a political issue out of it.

Mr. Phipps stated that he did repeal the executive order.

Mr. Coffey stated that the executive order was not legal.

Mr. Phipps stated that presidents have the power to do executive orders.

Mr. Coffey stated that they have the power as long as it is within the confines of the constitution.

Mr. Blair stated that Mr. Thompson was supposed to give him an estimate on striping the crosswalks and intersections so that we could come up with a number in the budget. He asked if Mr. Thompson gave that information to Mr. Gibson or Mrs. Moeller.

Mr. Gibson stated that it is about \$1,720.00 to have those done with some labor so he would say about \$2,000.00. He then said that the thermoplastic is about \$2,700.00.

Mr. Blair asked if that is \$2,700.00 for one intersection.

Mr. Gibson replied yes and explained that they normally put thermoplastic down on the roads that they redo but if it is something that is bad enough and the road is not going to be redone anytime soon then they will re-paint it but the paint doesn't last that long. He said that they do normally bid it out and add striping to the contracts and determine which roads are going to be paved and which ones are not as well as which ones are going to be thermal striped and which ones are going to be painted.

Mr. Blair stated that he has some streets and intersections from last year that still haven't been striped.

Mr. Gibson asked him if he could get those together for them to look at taking care of.

Mr. Blair stated that he went out and looked in his district at intersections and about half that he looked at needed some kind of attention.

Mr. Gibson stated that they need to know the locations in order to handle them.

Mr. Blair stated that Greenview Drive was paved about three years ago and they never went back to stripe it.

Mr. Gibson stated that he will put that on the list.

Mr. Barksdale stated that Councilman Knable and Fire Chief Juliot will be in the Hosparus Dancing with the Stars event on Tuesday, September 12th. He said that it is a very worthwhile fundraiser and wished them luck.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that the lieutenant governor was down today at the M. Fine Building and they had a small celebration for the project because it has been over 20 years since anything has been in that building. He also stated that it is going to be an assisted living facility and should be done in the spring of 2018. He then said that the McDonald Lane ribbon cutting will be tomorrow morning at 10:00 a.m.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mr. Blair stated that is quite an increase.

Mr. Gibson stated that normally that is structured off between the fire department and the police department but in this particular situation, it's not. He added that it is showing higher and the police and fire insurances are normally budgeted in their items but he didn't break those out but they are budgeted in their budgets.

Mr. Blair asked if he knows what percent of increase that would be.

Mr. Gibson stated that our total insurance cost per year is probably \$4.5-\$5M a year so it would be about 7%. He added that the overall general fund budget is just over 3% from last year.

Mr. Blair stated that he would like to ask for several amendments. He stated that he would like to do a separate line item for street striping and painting so he would like to take \$100,000.00 out of the paving line item and put it in a separate line specifically for that.

Mr. Coffey stated that sometimes we overbudget in some areas and asked if there are other places that we can get that money.

Mr. Gibson replied no and stated he didn't really set the budget up to do that.

Dr. Knable asked Mr. Blair if he intends to ask for amendments one by one or if he wants to package them.

Mr. Blair stated that he does have another amendment to ask for. He explained that the administration is asking for \$500,000.00 for office equipment, furniture and supplies for the new city hall and he personally believes that it is premature to allocate or appropriate that money at this point. He said he has not seen any plans, any budgets or a lease agreement and believes that once those things are more finalized, the administration should come back to the council with a presentation. He explained that he would like to hold the funds back in EDIT until the plans are finalized and are reviewed by the council. He said he feels that it is our duty as the city council to make sure that we know how the money is being spent.

Mr. Gibson stated that part of the budgeting process is to budget for future expenses so that is what he has done here instead of coming back ad-hoc. He added that he does not agree with Mr. Blair on this.

Mr. Blair stated that the EDIT fund is something the council can utilize as things come up and it is a big financial commitment to move the city offices to a new location so he thinks that the council needs to understand the entire economics of it and make sure it is affordable. He then asked the council if anyone has seen the plans for the new city hall and stated that he feels it is the council's responsibility to review the plans and know how the money is going to be spent before they appropriate it.

Mr. Gibson stated that he has heard the other argument of why didn't you budget for things that you knew were coming. He also stated that there will be things brought before the council at the right time but he is trying to do his due diligence in planning as he has always been expected to do. He added that if a new city hall is not done then the money will not be spent.

Mr. Nash asked how that number was settled upon.

Mr. Gibson stated it was an estimate that he got from architects to furnish out the building.

Mr. Phipps stated that in absence of that commitment, it may make it more difficult to move forward on the project. He said he disagrees with Mr. Blair on this so maybe the amendments should be separated because he supports him on the other one.

Mr. Blair stated that the council needs to understand the entire project before it is started. He also stated that he can mention a couple of projects that have been done that were a complete waste of money that went through this same process. He said he is talking about whether or not we can afford this building.

Mr. Gibson stated that it budgets money for the potentiality and if it doesn't happen then the money will not be spent.

Mr. Aebersold asked if the \$500,000.00 has anything to do with the lease on the property.

Mr. Gibson replied no.

Mr. Blair stated that it does in the overall profitability of the project.

Dr. Knable asked if the hardwiring of the building is coming from this or construction costs.

Mr. Gibson replied construction costs.

Mr. Phipps stated that we just don't want to have to take the old furniture to the new building.

Dr. Knable stated that he thinks Mr. Blair's concerns are legitimate because this project is on such a scale and asked Mr. Blair what his chief concern is.

Mr. Blair said that he is concerned with whether the city can afford this new building and if we have looked at it enough to make sure we can. He then asked why the council would appropriate money towards something that we don't know if we can afford.

Dr. Knable stated that Mr. Gibson is saying that if the project falls through then the money will not be spent and will go back to the general fund.

Mr. Blair stated that once we allocate that money, we have lost all say in this project and it will not come back in front of the council.

Dr. Knable stated that this money is just for furnishing and asked Mr. Blair if he wants it to come back to the council to discuss the furnishings.

Mr. Blair stated that he wants the project to come back to the council and at that time be told how much money is needed for the project.

Mr. Aebersold stated that he doesn't want them to come back to the council to discuss things like what type of chairs they want.

Mr. Blair stated that he is not against the project but just wants information before approving expenditures.

There was a lengthy discussion regarding how to word the amendment.

Mr. Coffey asked Dr. Knable if he is saying that the money is going to be there but there are stipulations before it can be touched.

Mr. Blair stated that he can do that but he got caught the last time he did it because he thought he had an agreement but it wasn't really an agreement.

Mr. Coffey asked if this project is going to be coming back to the council.

Mr. Gibson stated that he will bring various components back to the council.

Mr. Coffey stated that since it is coming out of EDIT, the council should have a say in it.

Mr. Gibson stated that none of that will be spent on anything other than furnishings if the building is constructed.

Mr. McLaughlin stated that it is for 2018 only, so if there are delays and this thing dies then it will have to be revisited anyway.

Mr. Coffey stated that he doesn't want to get hung up on it like the YMCA. He then asked Mr. Gibson if there is no way down the road that those numbers will change.

Mr. Gibson replied no and stated that we would lock into the agreement as we get everything completed.

Mr. Coffey stated that he just wanted to make sure that it isn't going to be structured the way the YMCA was. He added that he has never wanted to micromanage.

Mr. Blair stated that right now we are at \$1.25M for the new city hall plus maybe \$190,000.00 per year in rent. He said that is all the information that he has on this so far and asked Mr. Coffey if he is okay with that.

Mr. Coffey stated that when he first came on the council, he begged for a new city hall because of what we pay here for rent and it would have already been paid for by now. He said that he knows what Mr. Blair is saying but he assumes that some of it can't move forward unless the council agrees to it.

Mr. Gibson stated that it will be brought back to the council.

Mr. Blair asked him to give an example of what will be brought back to the council.

Mr. Gibson replied schematics, drawings, floor plans, etc.

Mr. Blair asked if the council will have a vote on those.

Mr. Gibson replied no and stated that is where there will be difficulties in getting things done.

Mr. Blair stated that he foresees this as the only time the council will get to vote on city hall and he wants to make sure that we all understand it. He said that if the council allocates the \$500,000.00, it is our last chance to vote unless there is a cost overrun at the end of the project then the council will have no choice but to fund it at that point.

Mr. Gibson explained that it will brought before the council again to look at. He anticipates that it will be looked at from a board of works standpoint as well as an administration standpoint and will be brought before the council for authorization and approval to move.

Mr. Blair gave the examples of the Providence Way improvement project and the dog park project, which he thought turned out very differently than presented. He said that in those examples, the council gave the money away at a budget hearing and had no say at all in the usage of that money in the projects. He added that the council members are stewards of the city's funds and are here to make sure that we agree with what is being done with the money.

Mr. Gibson stated that he disagrees with Mr. Blair because he feels that they followed through on everything that he told the council they were going to do.

Mr. Aebersold asked if the lease has already been signed on this.

Mr. Gibson replied that it is still in the works.

Mr. Aebersold asked who is ultimately in charge of the project.

Mr. Gibson stated that it will be run through the mayor's office and also has some redevelopment components to it.

Mr. Aebersold asked Mr. Blair if he could get the information he needs between the two by finding out when they are having meetings, etc.

Mr. Blair stated that the council needs to see the entire project and not just pieces from each group.

There was another lengthy discussion on how to word the amendment.

A-17-05 An Ordinance to Fix the Non-Reverting Barksdale 1&2
Budgets for the Year 2018

Mr. Barksdale introduced A-17-05 and moved to approve the first and second readings, Mr. Coffey second, all voted in favor with the exception of Mr. Caesar who was not present.

Mr. Barksdale stated that there are no changes on this and it pretty much includes everything that was discussed at the budget work sessions.

A-17-06 An Ordinance Setting Salaries for the Year Phipps 1&2
2018 for Non-Bargaining Unit Employees

Mr. Phipps introduced A-17-06 and moved to approve the first and second readings, Mr. Coffey second, all voted in favor with the exception of Mr. Caesar who was not present.

Mr. Phipps stated that this is the ordinance setting salaries for the non-union employees.

A-17-07 An Ordinance Setting Salaries for the Year Phipps 1&2
2018 for Elected Officials As Amended

Mr. Phipps introduced A-17-07 as amended and moved to approve the first and second readings, Mr. Barksdale second, all voted in favor with the exception of Mr. Caesar who was not present.

Mr. Blair moved to keep the city council salaries at the 2017 level and forego the 2% raise, Mr. Coffey second, all voted in favor with the exception of Mr. Caesar who was not present.

Mr. Gibson stated that this does include the 2% raise for elected officials as was done for all other employees.

Mr. Coffey stated that the city council members should not receive a raise because we are part-time and are doing our civic duty.

Mr. Phipps stated that he is okay with the salaries staying the same as they were in 2017 but pointed out that if they do that every year then they are lowering the potential salary for future councils.

Mr. Blair stated that in the past, Mr. Phipps has suggested doing it the year before an election year and he agrees with that.

Mr. Phipps stated that he does think that it needs to be done at that point and that the council may want to adjust the raise to reflect the percentage that the other employees received over several years. He added that he is certainly okay with not getting an increase in this ordinance.

G-17-08 An Ordinance Amending City Ordinance Nash 1&2
Section 50 Addressing Fines, Cleanliness,
Illegal Dumping and Funding

Mr. Nash introduced G-17-08 and moved to approve the first and second readings, Dr. Knable second, all voted in favor with the exception of Mr. Coffey who abstained and Mr. Caesar who was not present.

Mr. Nash stated that under (A) License to Perform Tree Removal or Trimmings, he didn't feel it was clear that a home owner could do that on their own so Ms. Stein put together a section to add to that. He said that it says "this section shall not apply to homeowners or residents removing or trimming trees on their own property or another person's property as an act of goodwill and not for compensation".

Mr. Gibson stated that he doesn't have any objection to that whatsoever but part of his request would be to have it put into committee if it gets a favorable vote tonight so that

we can delve into some other issues that may be able to be worked out in committee. He showed pictures of tree limbs and some of the types of things that the city deals with. He then stated that another major component of this is to have a fee free registry for professional tree trimmers so that we can make sure that they are properly insured. He also stated that he moved all of the fines and fees to a specific area in the fines and fees section.

Dr. Knable stated that he thinks the committee needs to address two other issues as well. He said one is the question of whether there is going to be a fee for this and what are the requirements for such license going to be. He suggested that a designated non-reverting fund for at least a portion of those monies to be utilized specifically for cleanup costs would be nice. He then asked Mr. Gibson if there is a preference to do that.

Mr. Gibson replied yes and stated that there is a funding mechanism that he feels would be appropriate to discuss. He also stated that the pictures he showed the council are things that the city struggles with from a funding standpoint too because he doesn't plan so much for these issues in the budget for cleanup.

Dr. Knable asked if it is also his intent for Section (B) to read that a homeowner can't really perform home repairs, debris removal, etc. on their own property.

Mr. Gibson stated that they would still want the homeowner to comply at the end of the day.

Mr. Nash stated that they wouldn't have to be licensed but they would still have to dispose of debris properly.

Mr. McLaughlin stated that he has a problem with people who cut their grass and blow the clippings out in the street. He asked if that is something that could be addressed in this or should it be initiated through storm water.

Mr. Gibson stated that he would like the committee to identify and focus on three or four of the primary issues and get something back in front of the council then keep the committee rolling on identifying the next tier of issues.

Dr. Knable stated that he did want to publicly thank the mayor for signing the ordinance that the council put before him and looks forward to working with him on the amendments to make this as optimal as possible.

Mr. Coffey stated that in some areas of town people can blow their leaves into the road and the city comes by and cleans them up when they should be writing them up. He said there is an ordinance against doing that so we either need to get rid of it and have the city sweep everyone's street or hold people to the ordinance.

Mr. Gibson said that is something that could definitely be factored into the committee work.

Mr. Phipps asked if you have a situation of someone dumping in the alley behind someone's house such as a senior citizen that can't move it, are they going to be fined or will the city help them clean it up.

Mr. Gibson stated that those are the most difficult situations but it is not the city's intention to penalize someone that got their yard dumped on. He added that is why he has a funding mechanism in the ordinance to help with the costs on some of the cleanups.

Mr. Aebersold asked if someone has a renter and they dump a lot of stuff on the property and move away, will they be fined and be held responsible.

Mr. Gibson stated that is another difficult situation but it usually comes down to the property owner.

Mr. McLaughlin asked if anyone would like to volunteer for the committee.

Mr. Coffey stated that he would.

Mr. McLaughlin stated that he and Mr. Caesar would serve on the committee as well.

Mr. Gibson asked that if any member has any ideas for the ordinance, please shoot him an email so that he can bring them up in the committee meetings. He then stated that he would get back with the committee members next week on scheduling dates for meetings.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

Mr. McLaughlin stated that Mr. Tony Toran has requested to be reappointed to the Police Merit Commission.

Mr. Coffey stated that this is the first that the council has heard about this and there may be other people interested.

Dr. Knable stated that it would be nice to have some time to put feelers out for that and asked if they could get back to this on the 21st.

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Mr. Roger Bailey stated that he agrees with Mr. Blair that the city hall project should come before the council for a vote as well as the funeral home project and the Knights of Columbus project. He also stated that the Knights of Columbus pursues a fairly conservative agenda and he doesn't like the idea of wherever these funds are coming from going towards an organization like that.

Mr. Phipps stated that he agrees.

Mr. Tony Nava, Chartres Street Neighborhood Association, asked what Ecotech's roll is in picking up waste as far as picking up items. He said that they were told that they will pick up one large item every week and yard waste outside of the regular garbage. He said that he set out four boards and a piece of a 2x4 and they said that they wouldn't pick it up because it is construction debris.

Mr. Blair asked how long ago that was.

Mr. Nava replied about two weeks ago and stated that he tried to contact Mr. Slade directly and received no returned call.

Mr. Nash stated that Mr. Slade told him that a 2x4 will not go through the standard garbage because the 2x4 will jam the blades in the dumpster they use and break them so the truck would be out of commission while the blades were replaced.

Mr. Nava stated that they crushed his garbage can with garbage in it and asked Mr. Nash if he is telling him that a little 2x4 would break the blades.

Mr. Nash stated that he is telling him that Mr. Slade told him that the blades in the standard garbage trucks do not crush 2x4s.

Mr. Nava stated that he thinks it is them not taking accountability for cleaning up messes. He pointed out that the council is discussing fines for debris on people's properties while Ecotech is failing in their responsibility to the city to collect garbage. He said that he thinks part of the city's problems with litter stems from Ecotech not taking certain items so the city needs to get with them to determine what an acceptable amount is. He also said that he saw someone move in and discarded a bunch of card board boxes and Ecotech wouldn't take them.

Mr. McLaughlin stated that going to the board of works with it may help enforcement because they hold the contract with Ecotech.

Mr. Coffey informed Mr. Nava that the board of works meet on every Tuesday morning at 10:00 a.m. in this room.

Mr. Nava then stated that they are going to do a walk around the neighborhood on September 22nd at 5:00 p.m. and invited the council to join them to address certain issues such as garbage. He said that the Floyd County Health Department has confirmed that Zika has been in the neighborhood. He stated that they are also having problems with rental houses. He asked how many people have registered their rental homes because property owners need to be held responsible for their residences. He stated that his street hasn't been swept in three weeks and asked why.

Mr. McLaughlin stated that it may be because of the construction going on.

Mr. Nava stated that the construction is only on one side of the street. He added that he has told people that if they get a ticket for not moving their car, give it to him and he will address it with the city. He said that he called the city about the street sweeping and was told he would get a returned call but didn't. He suggested that there be civilian review boards to make sure that these departments are doing their jobs. He mentioned that code enforcement only drive in front of houses and not in the alleys and that is where most of their problems are. He then mentioned the trees that need to be cut.

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:52 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk