

THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA, HELD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY ROOM IN THE CITY/COUNTY BUILDING ON THURSDAY, SEPTEMBER 15, 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, Mr. Gibson, Police Chief Bailey, Mr. Thompson, Major Popp, Mr. Warren Nash, Mr. Hall and Mrs. Glotzbach

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 Budget Hearing Meeting Minutes for August 24, 2016, **Mr. Blair** second, all voted in favor.

Mr. Blair moved to approve the Budget Hearing Meeting Minutes for August 31, 2016, **Mr. Phipps** second, all voted in favor.

Mr. Phipps moved to approve the Regular Meeting Minutes for September 1, 2016, **Mr. Blair** second, all voted in favor.

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

Audrey Skibo explained that many of the homes around her have been bought and turned into rentals or Section 8 and it has been a nightmare for them every since. She stated that they have turned a complaint over to Chris Habermel with Section 8 with no response, their home has been vandalized, they installed mesh over windows to prevent dogs from getting out when windows are broken, they installed cameras, they made numerous calls to code enforcement for trash, and eventually they were pushed out of their home. She explained that now they have two mortgages and are having trouble selling their home because of the condition of the homes around them. She stated that every time they tried to get help she was told to go to several different places but no one ever helped them. She explained that they have audio, video and photos of all the instances that they have had to deal with and when they would call the police their hands were tied because the people would scatter when they showed up. She stated that the neighbors threatened to kill their dogs with antifreeze, they jumped her fence and disconnected the electrical wires, and when they called, code enforcement would come out and would tell them to clean up the property and the harassment would get worse. She explained that she contacted her landlord and he wouldn't respond to any of the issues and told her to call the police. She presented photos of the properties beside her and explained that they put a lot of money into their home to fix it up, and now they need to sell it but the issues going on in her neighborhood are going to hinder that.

Mr. Phipps asked what area of town this is.

Ms. Skibo stated that they are on Shelby Street between Slate Run and McDonald Avenue.

Mr. Coffey asked if she has spoken to an attorney.

Ms. Skibo stated that she called the attorney general

Mr. Coffey suggested that she contact an attorney to sue the Housing Authority and the homeowner because he knows this has happened in other states and it has worked.

Ms. Skibo stated that she spoke with attorneys and they advised that she get in touch with the attorney general but that office said that they don't have jurisdiction.

Chuck Skibo explained that they are present because of the ordinance that is being proposed on restrictions for landlords. He stated that there should be more control over these properties and accountability is long overdue.

Carol Fisher stated that she is here to speak to on behalf of the Skibos and the issues they have dealt with at this property. She explained that when they bought their house there were few rentals but things changed when some of the properties were turned into Section 8. She stated that her daughter was afraid in her own home and they were in no position to be able to move. She explained that this has taken a toll on her daughter's health and they tried many agencies with no help for many years.

Angela Bauer spoke in opposition of G-16-02 and stated that it is important to note for the previous speakers that none of this ordinance applies to Section 8 housing. She stated that the only thing that she saw updated from 1969 were the fees and explained that the landlords can't evict someone on anything other than breaking lease. She stated that the tenant has to be cited and then they can be taken to court but they have to be cited from the city and a court of law has to stipulate that they are to be evicted. She explained that there isn't anything new in this ordinance besides the fees and the due process that they keep asking the council to consider when writing these ordinances is not included so the property owners will be punished for something that the law is not allowing them to correct with the tenants. She stated that she knows the process is frustrating because it is frustrating for the property owners as well but this council makes it seem like this issue is so important, but in the 9 months since they last talked about this none of them have reached out to her at all regarding this issue. She explained that the property owners have come to them multiple times to ask for help on their end and she doesn't see any of it in the proposed ordinance but they have included the fees to penalize them for something they have little control over. She asked that the council give as much bipartisanship to the property owners as they do to the tenants moving forward.

Brian Haeseley stated that he owns a property at 312 Marianna Drive and he just rented the property to Section 8 tenants and they are the ones having issues with the homeowner's next door so it goes both ways.

COMMUNICATIONS – COUNCIL:

Mr. Blair stated that he heard concerns from a resident on Beacon Drive about sign replacement going on in the city and asked Mr. Thompson if there is anything planned in that neighborhood.

Mr. Thompson stated that any signs that didn't meet retro-reflectivity were put on a list to be replaced and this was done city-wide.

Mr. Blair asked if he wants to get something done there who he should contact.

Mr. Thompson replied Mr. Ham.

Mr. Blair stated that there is a median on Castlewood Drive with overgrown trees and the city cut them down. He asked Mr. Barksdale if the tree board would be in charge of replacing the trees.

Mr. Barksdale stated that it could be put on the agenda for the next tree board meeting and he suggested that they set a meeting time and he would try to get the arborist there.

Mr. Blair asked if the city has a comprehensive plan for replanting something there.

Mr. Barksdale stated that the major discussion at the tree board meeting was a comprehensive plan but in the short term they have to figure out funding to pay for what they have removed now.

Mr. Blair asked if this specific situation was discussed with the tree board.

Mr. Barksdale replied no.

Mr. McLaughlin asked when they were cut down.

Mr. Blair replied this morning.

Mr. Blair asked if something was going to be planted tomorrow would he be aware of it.

Mr. Barksdale stated that he doesn't think it would happen that fast.

Mr. Caesar stated that downtown parking came up at redevelopment and there is no excuse for eight hour parking in front of businesses because there is ample parking on the upper level of the municipal parking garage. He added that the parks department put out a fall newsletter and he was impressed with all of the activities that are being offered.

Mr. McLaughlin suggested sending it to all of the grade schools.

Mr. Nash informed the council that their attorney is celebrating a birthday this evening and wished Mr. Lorch a happy birthday.

COMMUNICATIONS – MAYOR:

Mr. Hall passed out the monthly financial report for Mrs. Moeller who could not be in attendance tonight. He reminded the council that on Monday, September 19th at 6:00 p.m. there will be a public meeting at New Albany High School regarding two-way streets in downtown, and September 30th at 10:00 a.m. is the groundbreaking for the Ohio River Greenway Project 8th-18th Street segment.

Dr. Knable asked Mr. Hall to emphasize the location for that on the city website.

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

Dr. Knable introduced A-16-06 and moved to approve the first and second readings, Mr. Coffey second, all voted in favor.

Police Chief Bailey stated that they would like to replace 15 police vehicles that are in a state of disrepair. He passed out a list of the vehicles with the exact ones that are requested to be replaced highlighted on page 2.

Mr. Blair asked if he has the mileage on these cars.

Police Chief Bailey stated that all of these vehicles are over 100,000 miles. He explained that they are requesting the same as last year, which is the V6 platform that is much better on fuel and has a proven maintenance record. He stated that they are currently using the Dodge Chargers and they haven't had any issues with them at all and no recalls.

Dr. Knable stated that Police Chief Bailey has met with most if not all of the council members to discuss this. He explained that these vehicles are emergency equipped and serves as a secondary office for these officers. He stated that they are working towards a common maintenance program and they are looking at replacing 15 this year and 15 next year so that this can move to eventually coming out of the police department annual budget. He added that this is a recruitment issue, retainment issue, an issue of civic pride, and an officer-citizen safety issue.

Police Chief Bailey stated that there have been breakdowns of their vehicles in the past that were actual safety issues.

Mr. Caesar asked if this will cover all of the costs such as painting.

Police Chief Bailey replied yes.

Mr. Caesar asked if he anticipates any money being left over.

Police Chief Bailey replied no.

Mr. Barksdale asked about the Interceptors.

Police Chief Bailey stated that the Interceptors have not served them well and the quicker they can get rid of them the better.

Mr. Blair stated that he is surprised that there was about 3.8% that they were not spending and asked if there was a way to work this into the budget.

Mr. Gibson replied not without slashing from another area.

Mr. Blair asked if there is a portion of the budget that we are not using.

Mr. Gibson stated that it is not 3.8% on the entire budget.

Police Chief Bailey thanked the council for their consideration on this.

Mr. Gibson passed out balance projections for rainy day fund, EDIT and riverboat.

Mr. Coffey stated that it has been a goal to put the cars in the budget for a long time so he is happy to hear it could be a reality soon.

**G-16-02 An Ordinance Amending City Ordinance
150.095 through 150.999**

Knable

Dr. Knable introduced G-16-02 and moved to approve the first and second readings, Mr. Phipps second, all voted in favor.

Dr. Knable stated that this was introduced several months ago and has been a point of discussion prior to that for several months as well. He thanked everyone that has taken the time to give feedback and explained that to get to this point they also had a committee that worked on this before bringing it to the council as a whole. He stated that to say that they haven't taken into account things that they heard from the podium is inaccurate as some major concessions were made. He explained that an overriding concern was that they seem to be creating two codes for two sets of individuals and that is why this was brought forth as a housing code. He stated that they went through it line by line and the previous version's verbiage has been decreased across the board. He explained that some of the compromises include egress, window screens, inspections being complaint driven, inclusion of a requirement for a warrant for inspections, and penalties. He stated that for it to have some teeth they had to make it substantial and he invited anyone who doesn't see the compromised to go back and review chapter 160. He explained that they don't know if it will work until they try it and it will all come down to enforcement which they have made a priority to fund. He stated that he is discouraged that they aren't further along in the rental registration process and he doesn't think that this addresses clutter and dumping enough, so there are some shortcomings but they are aware of them and are working to address them. He stated that he thinks it is a fair compromise and complements the rental registration.

Mr. Caesar stated that he thinks Dr. Knable and the committee did an incredible job on this and thanked them for their work. He explained that putting everyone on equal ground was a major and necessary step. He stated that they cannot predict every single scenario that will happen but he feels these changes will go a long way to help address the issues.

Mr. Phipps stated that the study of need is obvious when they get complaints and can drive around and see the issues so he doesn't see it necessary to spend money on an actual study.

Mr. Coffey asked if there is any way that they can address Section 8 housing.

Dr. Knable stated that it is all going to come from a federal level but they could create a resolution crying for help.

Mr. Coffey stated that we need to hold the Housing Authority's feet to the fire.

Mr. McLaughlin thanked the committee for all of their hard work on this as he knows it has been time consuming.

Mr. Phipps asked if they can hold the Section 8 properties accountable if they don't mow the lawn or if there is trash in the yard.

Ms. Bauer stated that they can't cite federal ground.

Mr. Coffey stated that they can cite the tenant that is responsible.

Ms. Bauer stated that is what they are asking for.

Mr. Coakley stated that they can call him and tell him to cut his grass even though his tenants are Section 8 if it is a single family home in the city.

Mr. Coffey stated that it runs much deeper than that.

Dr. Knable asked the council attorney to research the subject.

Mr. Coakley stated that there are 409 units in the city of New Albany that are individually owned and they aren't all grouped together with the ones that Mr. Lane owns.

INTRODUCTION OF RESOLUTIONS:

R-16-12 Resolution Regarding Council Approval of Blair
Capital Improvements and Capital Outlays

Mr. Blair introduced R-16-12 and moved to approve, **Mr. Aebersold second, the resolution did not pass with 7 nay votes from Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. Nash, Mr. Barksdale, Dr. Knable and Mr. McLaughlin and 2 aye votes from Mr. Blair and Mr. Aebersold.**

Mr. Blair stated that he sees this as a step towards transparency and fiscal responsibility. He explained that the previous council appropriated \$1.9M for projects that were going to be done in the 2016 budget. He stated that several meetings back they were given a list of projects that totaled ~\$1.6M that the administration wanted to complete and then a week after that there was an email giving them further details about the projects. He explained that there was no discussion on the projects and the public had no knowledge or input. He stated that when the previous council appropriated this money the process included the ability to give the council the opportunity to bring these projects back for discussion and vote. He explained that the council has sole responsibility over these funds and he feels that they should have more discussions before the projects are completed and the public should be made aware. He stated that there is nothing on the list that is urgent so if something has already been started then the administration has jumped the gun because they knew that the council had the authority to bring these back and discuss before voting. He explained that these accounts are revolving accounts so it doesn't have to be used this year and more discussion and full disclosure can't hurt anything.

Mr. Phipps stated that he thinks most of them are on board with most of these projects so voting the resolution down would be their way of reaffirming that.

Mr. Blair stated that there are several things he would like more information on and he would like to understand better before the money is spent. He explained that reading it in an email doesn't feel like it has been disclosed or discussed.

Mr. Coffey stated that there are a lot of things that the council is privy to that the general public might not understand but sometimes too much discussion can lead to nothing getting done and to him many of these project are necessary.

Dr. Knable stated that these projects were presented at a public meeting.

Mr. Blair stated that it was a list that was handed out.

Dr. Knable stated that he has read the list and even if he doesn't agree with all of it the mayor was elected to lead and this is his agenda. He explained that he is confident that he can sit down with any of his constituents and explain that this is going to make the city better and more livable. He stated that if they find something so egregious that everyone is opposed to then they can bring that up and vote it down.

Mr. Aebersold stated that he would like to have more information on the projects they are going to do and why.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:25 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk