

**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, NOVEMBER 6, 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, Mr. Hall, Mrs. Moeller, Mr. Wood, Mr. Thompson, Police Chief Bailey, Police Officer Davidson and Mrs. Glotzbach

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

MOMENT OF REFLECTION

Mr. McLaughlin stated that he would like for everyone to remember the victims of the church shooting in Texas during the moment of silence.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Phipps moved to approve the Regular Meeting Minutes for October 19, 2017, **Mr. Barksdale** second, all voted in favor.

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

Jerry Finn, Friends of Town Clock Church, explained that their organization plans to transform an underutilized area behind the church into an Underground Railroad gardens/plaza that will provide a functional and aesthetic area for the public as well as those who are touring the Town Clock Church. He stated that there is a real need for something like this since they have a lot of visitors in the city and there is very little there for them to see other than just walking into the church. He explained that the garden will be a public venue where the community can learn about the Underground Railroad when the church is not open for tours and it will be a place where student tours can gather to eat lunch and hear stories about the Underground Railroad. He added that the garden will also serve as a natural connector to the Ohio River Greenway and they hope to have a marker on the greenway directing visitors to the historic church. He explained that community engagement will be key to this project with contributions from NAHS, FCHS, IUS, Prosser, Eagle Scouts and other community volunteers. He stated that the first phase will be the construction of the plaza, structures and landscaping the gardens and phase 2 will be the addition of markers, signage and sculptures. He explained that the total cost of the URR Gardens infrastructure is \$64,000.00 with \$22,000.00 raised to-date with \$9,500.00 coming from Duke Energy Foundation, \$10,000.00 from the Horseshoe Foundation and \$2,500.00 from UEZ. He stated that they need \$42,000.00 to finish the infrastructure and presented the blueprints to the council for their review. Said blueprints are on file with the City Clerk's office.

Dr. Knable thanked Mr. Finn for coming to the meeting and asked him to expand on the relationship between the church and the Friends of the Town Clock church organization.

Mr. Finn stated that this council gave \$75,000.00 for the first 911 phase to stop the leaking on the clock tower and when that happened the congregation signed a legal

easement between the City of New Albany and the Friends of the Town Clock Church. He explained that their mission is to make sure that the historic building never gets into the shape that it was and to-date they have raised approximately \$638,000.00 for the project and 100% has gone into the restoration work. He added that any administrative oversight is volunteer and stated that they do have a board of advisers that will become a board of directors as soon as they receive their 501C3 status.

Dr. Knable asked if he has a rough feel for how many visitors come from outside the community.

Mr. Finn explained that right now because there isn't a lot there to see, there aren't that many. He stated that the Carnegie Center has said that almost everyone that comes to their exhibits asks about the church and that leads them to believe if they have something there for visitors to see, they will come.

Mr. Phipps asked if there is a plan to eventually have regular hours for tours.

Mr. Finn explained that they have about 10 tour guides trained and would like to continue training and have regular hours set up by next summer. He stated that currently Reverend Marshall has office hours between 11:00 a.m. and 2:00 p.m. on Tuesdays and Thursdays to give tours.

Mr. Caesar stated that the handout says that \$42,000.00 will complete phase 1 and asked what they are getting for that and how much more phase 2 will cost.

Mr. Finn explained that phase 1 includes the gazebo with the cupola, art pieces, movement of the historical marker, concrete work, electrical work and brick pavers to match the historical sidewalk. He stated that they plan to get most of the plants donated and volunteers will do all the planting of the gardens.

Mr. Caesar asked what the budget is for phase 2.

Mr. Finn stated that they don't have a budget yet because they are getting bids from artists for a piece of art that will reflect what the riverfront originally looked like. He explained that he will be going to the Indiana Historical Society once they get those bids back to let them know what phase 2 will cost and ask if they will help fund it. He added that they just submitted a grant application on a separate piece of the project to protect the building from moisture.

Mr. Caesar stated that he mentioned the county council and asked if he has been to the Community Foundation.

Mr. Finn stated that Community Foundation has given them two grants, one for \$5,000.00 and the other for \$10,000.00 and those were more for the 911 phase of the tower. He added that there is no stone that goes unturned when looking for funds for this project.

Dr. Knable stated that the county was looking to put it in their budget rather than doing a stand-alone ordinance.

Mr. Blair stated that it doesn't sound to him that phase 1 will have to be supported by phase 2.

Mr. Finn stated that is correct and added that even if phase 2 never happened, it would still be a wonderful place to gather.

Mr. Coffey thanked Mr. Finn and stated that the way he explained the plan is far better than the handout which makes it easier for him to vote in favor.

Mr. Caesar asked if it will be ADA compliant.

Mr. Finn replied yes with the exception of the door into the undercroft.

Mr. Caesar asked if there will be a recognition plaque put up at some point.

Mr. Finn replied yes.

Mr. Caesar asked if the council wants to be recognized.

Mr. Coffey stated that this is the taxpayer's money and he doesn't think they should asked to be recognized for the good that they do in the community.

Mr. Finn stated that if the council would like recognition, they will gladly do it.

Mr. Coffey stated that the recognition should be reserved for the people doing the work.

COMMUNICATIONS – COUNCIL:

Mr. Barksdale stated that the Mayor's Prayer Breakfast is this Saturday, November 11th at 8:00 a.m. and encouraged everyone to attend.

Mr. McLaughlin stated that he received a phone call regarding handicapped parking spaces on Culbertson and it turns out there are four total that were installed years ago and the original recipients are no longer there. He explained that Mr. Thompson and Traffic Division Officer Miller looked into this and two will be pulled out immediately.

Mr. Aebersold stated that he saw 14 or 15 pictures of new ADA compliant ramps downtown that are holding water and when the weather gets cold, the water is going to freeze and cause a lot of issues.

Mr. Thompson stated that they go by letters A-F for the different types of ramps and it is determined by the sidewalk and the road. He explained that the engineer will look at all the specifications and decide which one goes in. He stated that the ramp must meet the pavement so that it is accessible and that doesn't always allow for the water to run off to the nearest catch basin. He stated that they do have an inspection going on right now to make sure they are compliant and if it is determined that they are compliant, they will have to address the drainage issues.

Dr. Knable asked if he is saying that the water seems to be damming on one side.

Mr. Thompson explained that it pulls the water.

Mr. McLaughlin stated that he doesn't know what can be done other than put catch basins in.

Mr. Thompson stated that he can have the inspectors look at the locations they have photos of so that he can inspect it after a rain event.

Mr. Phipps explained that there is a catch basin at the corner of 11th Street and Market on the northeast corner that is missing the manhole cover and asked if he could pass along that information. He stated that there is new sign that went up on Pearl Street and Main Street that says the 200 block of Main when it should be the 100 block of Pearl and asked him to get that corrected.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that Mayor Gahan asked him to report that the city’s Halloween events had great turnouts despite the cold weather. He added that the greenway project is nearing completion and encouraged them to go down and take a look.

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

A-17-08	Ordinance for the Appropriation of Riverboat or EDIT Funds for the Friends of the Town Clock Church Underground Railroad Gardens Project	Knable/ Barksdale 1&2
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Mr. Barksdale introduced A-17-08 and moved to approve first and second readings, Dr. Knable second, all voted in favor.

Mr. Barksdale stated that Mr. Finn did a great job of explaining the project to the council. He explained that being a location for the students and the community together makes this garden a wonderful and safe gathering spot. He stated that he thinks this will be even larger than what Mr. Finn anticipates and mentioned that the church was designated by the National Parks Services as an official Network to Freedom site. He suggested that they use riverboat funds for this instead of EDIT.

Dr. Knable stated that there were some 1st Amendment concerns when this was brought up and he wants to guarantee everyone that there are multiple federal, state and local precedents when a structure’s historical significance establishes itself in an equal if not separate area of importance from the church itself. He called their attention to paragraph 3 of the ordinance that states that this space shall serve a primarily secular purpose and accessible to all citizens on an equal basis.

Mr. Phipps stated that he was the lone person that voted against the funding before but he will be voting in favor of this because of the strong educational component as well as relating to diversity. He added that they didn’t have the easement on the building the first go around so he is happy to hear they have acquired that but he does think that someone needs to write a first refusal on getting that property in the event that the congregation

disintegrates at some point. He asked about the scenario of someone wanting to gather there and use the space that was contrary to the church teaching such as a marriage.

Dr. Knable stated that the right of first refusal is being pushed and negotiated. He added that he brought up his other concern and was assured that everyone would be given full faith and equal consideration and he made it clear that this ordinance was not going to get his support without that.

Mr. Phipps asked if it is open to everyone, would that include a white supremacy group that wanted to hold a protest.

Dr. Knable stated that equal access still exists at the Bicentennial Park as far as that goes so it will be equally open to all.

Mrs. Moeller suggested using riverboat funds since it is not taxpayer funded.

Mr. McLaughlin stated that going forward he feels that the county council should be an entity that is frequented when asking for funds.

Dr. Knable agreed and added that when they first came to them it was for the full \$42,000.00 but were advised to get the county and others involved.

Mr. Blair stated that they could make it subject to the county's participation.

Mr. Coffey stated that the county has never dealt fairly with this council or the city so he doesn't want to depend on them and hold this up.

Mr. Blair stated that it could always come back to the council if they don't but that would be a way to make sure that they are approached.

Mr. Coffey stated that he doesn't want to risk the project going forward.

Mr. Blair pointed out that they have spent more time talking about a \$21,000.00 appropriation than they did on \$1.9M and more in budgeted projects.

**Z-17-03 Ordinance Amending the Code of Ordinances Phipps 1&2
of New Albany, Indiana Title XV Chapter 156
(West Street Mews, Inc. requests a PUDD to permit
freehold townhouses in the R-2, Urban Residential
district at 1105-1109 West Street)**

Mr. Phipps introduced Z-17-03 and moved to approve first and second readings, Dr. Knable second, second reading did not pass with Mr. Phipps, Mr. Aebersold, Mr. Barksdale and Dr. Knable voting yes and Mr. Coffey, Mr. Caesar, Mr. Nash, Mr. Blair and Mr. McLaughlin voting no.

Mr. Barksdale stated that on the map it looks like there are 30 dwellings listed.

Mr. Way stated that was from the initial application but through working with Mr. Wood they have increased the width from 16 ft. to 20 ft.

Mr. Phipps stated that it is an area that floods and doesn't know if that was sufficiently addressed by the planning commission.

Mr. Way stated that based on council approval, they would instruct their engineering firm to do storm water management.

Dr. Knable asked if they will be owner occupied or rental units.

Mr. Way stated that they will be owner occupied

Dr. Knable asked what the price point would be on the units.

Mr. Way stated that they are looking at a market starting out at ~\$150,000.00

Mr. Aebersold asked about Ivy Court and who owns it.

Mr. Way stated that is a question they still haven't answered.

Mr. Aebersold asked if the street would be wide enough for two cars to pass.

Mr. Way stated that the allowance right now on the street is only 16'.

Mr. Coffey pointed out that the people in that area have fought continuously to keep that single-family residential. He stated that as long as he can remember back that area flooded and a lot of money has been spent in the area over the years but it still floods. He added that this will only add to a problem that hasn't been solved.

Mr. Blair stated that he thinks it is just too dense to squeeze 26 units in that area and the flooding in that area is such a big issue that he can't imagine adding to it.

Mr. Aebersold asked how many square feet the townhouses are.

Mr. Way replied ~1,200 square feet.

Mr. Barksdale asked who would maintain the private drive identified on the drawing.

Mr. Way replied the homeowner's association. He explained that part of what they did when doing a property search was to look for places that were underdeveloped and this was in poor condition. He stated that they are looking to bring housing to the market that is affordable and to help clean up a blighted area. He added that as of yesterday, the owner of the three properties at the end of Ivy Court has agreed to start negotiation with them on possibly selling those properties.

Dr. Knable stated that anything that gives people an entry level of home ownership is something he will look at but he asked Mr. Way to put himself in their shoes. He explained that a lot of the phone calls they received are regarding flooding and it is hard to image that this project will make it better in that area. He stated that the curb coming in from Cherry Street is also a concern for him and asked how/if they have looked into that.

Mr. Way stated that question was raised at a committee meeting and may be why they entered into negotiations with the neighbors and discuss a realignment of a portion of Ivy Court to allow parking attached to the property and added access points. He added that

they do have to do the storm water management design to the state requirements as well as pre/post calculations that are all metered.

Mr. Coffey stated that you have to go back to how this is zoned and recognize that a PUDD is an easy way to change that zone. He explained that they can talk about the ordinance and the state requirements but they have seen both fail. He stated that he thought it was unfair to call the area blighted when there are so many homeowners trying to fix up their properties and he thinks this project is unsafe and unfair to the people next to project.

Mr. Steven Day, Schuler Bauer Realty, stated that they in no way are trying to call the west end a blighted neighborhood and Mr. Way was referring to one house at the end of the street. He explained that the storm water for this project has to be approved by a licensed engineer for the state of Indiana and when they put their stamp on a plan they are liable to make that plan accommodate for a 100 year event. He added that he thinks that this will be a nice product for New Albany and great entry level affordable housing.

Dr. Knable asked if Mr. Phipps would consider tabling the item so that they can get more information.

Mr. Phipps stated that it has been tabled once. He asked Mr. Way and Mr. Day what sort of timeframe they are working on and if they could come back with additional information.

Mr. Way stated that they have time if there are specific things the council would like for them to address.

Mr. Phipps stated that he would have to see more than what he is seeing tonight but doesn't want to put them through the trouble of doing that if it is clear that it will not pass.

Dr. Knable stated that he would consider it favorable if some of his questions were answered.

Mr. Blair stated that he would like to see a market feasibility study.

Mr. Phipps stated that would be another expense that they are asking them to take on and he doesn't want to do that if the council is leaning towards a no vote.

Mr. Coffey stated that it also isn't fair to those that live there because they would like to know sooner rather than later what is going on. He explained that he has yet to see an engineer that is liable when a property floods as it always falls on the city.

Mr. Blair stated that he has trouble getting comfortable with this because of the density and believes it is out of character for that neighborhood.

Mr. Way stated that they did have a public meeting and they have spent a lot of time talking with the neighbors without any resistance at all about what they are proposing. He reiterated that they do have to meet state requirements for storm water and he isn't aware of any flooding at the proposed property.

Dr. Knable stated that it is a downstream problem because they are taking permeable ground to impermeable that will run off.

G-17-09 An Ordinance Amending City Ordinance Phipps 3
Section 72.01

Mr. Phipps introduced **G-17-09** and moved to approve the third reading, **Mr. Coffey** second, all voted in favor. **Bill G-17-09** becomes **Ordinance G-17-16**.

Mr. Phipps explained that this is assigning a fee to parking in more than one designated parking space and the fee is \$20. He added that he is working on an ordinance to update all the parking fines.

INTRODUCTION OF RESOLUTIONS:

R-17-11 Resolution Establishing a Moratorium in Regard Blair
to the Issuance of Any Improvement Location
Permits for Billboards in the City of New Albany
or the Unincorporated Two Mile Fringe Area

Mr. Blair introduced **R-17-11** and moved to approve, **Mr. Phipps** second, all voted in favor.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:20 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk