

**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 MONDAY, DECEMBER 3, 2018
AT 7:00 P.M.**

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. McLaughlin, Mr. Nash, Mr. Blair, Mr. Aebersold, Mr. Barksdale and President Knable.

ALSO PRESENT: Ms. Stein, Police Chief Bailey, Police Officer Schultz, Mr. Thompson, Mrs. Moeller, Mr. Staten, Mr. Summers, Mr. Rosenbarger, Mr. Gibson and Mrs. Glotzbach

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

MOMENT OF REFLECTION:

Dr. Knable asked that everyone be mindful of the passing of President George H. W. Bush as well as the passing of Mr. Wayne Estopinal who had an incredible impact upon the community at large.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Barksdale moved to approve the Regular Meeting Minutes for November 15, 2018 with corrections, **Mr. Coffey** second, all voted in favor.

COMMUNICATIONS – COUNCIL:

Dr. Knable stated that Mr. Paul Holba with One Southern Indiana who was very instrumental in the Workforce Initiative Program is moving on to other employment. He asked Mr. Staten if he knows who is replacing him.

Mr. Staten stated that he has not heard who the replacement will be yet but One Southern Indiana usually moves pretty quickly on things like this.

Dr. Knable stated that he would like to request that whoever takes that position keeps the council abreast of the progress of that program especially since they seek funding from this council. He then stated that the council sent flowers to the family of Elke Monica Gibson with her passing and he received a thank you note for those.

Mr. Blair referenced an email that he sent to everyone regarding the Community Crossings Grant and stated that he is an advocate of road improvement and making sure that we properly maintain our roads. He is concerned because there is a lot of work we are still behind on and we are not funded properly. He said that he, Mr. Caesar and Mr. McLaughlin were on a street committee last year and they spoke with a consultant that made them aware of the grant money that was available for road repairs, etc. He was a little upset because the administration did not feel that they needed a consultant at that point and he was told that the city engineer was too busy to talk with a consultant. He explained that on the internet he found a listing of governments in the State of Indiana that had received money in 2018 from the Community Crossings Grant and the City of New Albany was not on the list so he sent an email to the state asking why we weren't. He received an email back stating that we did not fill our application out correctly so we

weren't part of the grant process and didn't even get a chance to get some of that money. He stated that he sent back several questions which were answered in red on the email that everyone received. He pointed out that 18% of the applications were not filled out properly but 82% were. He said he called Mr. Summers two times and left voicemail messages but never heard back from him and sent the mayor a text and never heard back from him. He also said that he did speak with Ms. Kathy Eaton-McKalip on the phone and she said that they were so overwhelmed with applications and just threw out the ones that were not filled out properly. He said that he wants to understand what happened as well as what we can do differently because we want to do everything we can to get some of that money. He explained that in 2019 there is another cycle opening up on January 9th and that there will be two cycles next year so he wants to do everything we can do in order to be considered for that next cycle. He stated that he understands that if we get the application in early, INDOT would be willing to review it and if there are any issues with the application, they will send it back to us to correct and resubmit. He then asked if the council should seek out a consultant to help with this process.

Mr. Summers went over the history of the Community Crossings Grant Program which started in 2016 and said it did require a city-wide approved asset management plan from any community that was submitting an application. He explained that the maximum amount that you could be awarded was \$1M and we were awarded that full \$1M in 2016. He said that in 2017, the staff attended the information session and training in Seymour and a new rule called the Rule of 50 was implemented which means that 50% of the funding had to go to cities or towns with a population of 10,000 or less or a county with a population of 50,000 or less so basically that cut the pot in half immediately and put us in the most competitive pool right away. He said that year INDOT awarded \$150M total and we were awarded \$421,799.00. He stated that this year the staff again attended the information session and training on July 10th but this particular application cycle required a GIS mapping of any streets that you were going to be including in your application as well as traffic counts. He added that they were also notified that if you were awarded funds in previous years, your chances of being selected this year were going to be very small. He explained that INDOT suggested breaking our submissions into several smaller applications so we submitted four separate applications for \$500,000.00 each and if we were selected, it would have been \$250,000.00 from INDOT for each application. He stated that they submitted the applications by the September 28th deadline and in total the applications were 43 pages long. He said that INDOT again this year cut the amount that was funded down to \$100M and they released the communities that were selected on November 2nd in a press release and he spoke with Ms. Kathy Eaton-McKalip on November 9th and she notified him that we weren't selected because of lack of funding. He stated that a few days later he received the actual denial letter and there were 1,297 applications totaling \$237M in requests and only 22% of the communities that submitted applications were actually selected. He then went point by point through the email that Mr. Blair sent to INDOT which was responded to by Mr. Michael Cales. He said that Mr. Cales stated that there were multiple problems with our applications and Mr. Christmas of Clark-Dietz reviewed all 43 pages and found one digit that was wrong on one line of one application. He also said that Mr. Cales stated that more than one road was not mapped correctly and this was a new application system and INDOT's mapping did not have one of our roads in it. He explained that we had to redo an application multiple times because of that so he felt that their system was faulty. He said that Mr. Cales stated that one of the applications contained an error in the actual amount requested and that was a one digit typo. He said that the requested amount was \$125,000.00 and there was an extra zero in it which made it look like \$1,250,000.00.

Mr. McLaughlin asked if that number was repeated throughout the document.

Mr. Summers stated that it was on that particular line and then there was a total down at the bottom of that particular application.

Mr. Coffey asked if it was only one application out of the four.

Mr. Summers replied yes and stated that they could have just disqualified that application and still have three other applications to choose from. He said that Mr. Cales said that there wasn't a beginning and end point to one of the road estimates but Mr. Christmas reviewed it and said that there were beginning and end points for every one of those. He said that Mr. Cales' final comment was that all applications indicate that they were bid in May yet there were no documents from the bidding and application amounts differ from the summary sheet because they were rounded numbers so if the project had been bid, then the application should have included bid documents. He explained that based on the training session that they attended earlier in the year, that is not the information that he was given and he has the notes from that particular class that say the bid documents are not required until you have been selected. He also explained that in previous years when we were selected, they asked for us to bid the job and then submit bid documents to them before they would award us the funds. He stated that they did round on their estimate but that most people just submit estimates to begin with, not something that has already been bid. He also stated that overall our relationship with INDOT has been really good and this particular issue is with Ms. Eaton-McKalip, who is the department head and Mr. Cales, who is her subordinate and the email he sent out didn't quite jive with the information that she provided in her denial letter and subsequently in her second email. He added that the City of New Albany has gotten the lion share of the funding from KIPDA over the last few years since 2015. He said that we are doing Grant Line Road, Mt. Tabor Road and State Street Signals which are all from federal funding and we have over 40% of the KIPDA funds so we are known as some of the best grant writers in the state.

Mr. Blair stated that he talked to Ms. Eaton-McKalip on November 29th and there were 440 government entities that applied for the grants and 78 filled out the application incorrectly. He said that he asked her what the two biggest problems were with the applications and she said that the number one problem was that we used rounded numbers and you can't base grants off of rounded numbers. He added that these were projects that were already bid out so we had actual numbers in-house. He said that the second problem was that we did not itemize by line item. He said that it was a very competitive process and we may not have received anything but the fact is that we need to be up to bat for those dollars and we just got thrown out because we did not fill it out correctly.

Mr. McLaughlin asked if the process we did this year was the same as we followed in the two previous years.

Mr. Christmas, Clark-Dietz, stated that he was surprised to hear that the biggest problem with our application was that we rounded numbers and did not provide bid items. He said that he has the application with him and showed that all line items were not only listed but listed as bids and the rounding happened at the total at the very bottom where it was summed up. He also said that he has done these for many places and many people and he has never had any problem with rounding to the nearest \$100.00 on an application that is for millions of dollars. He added that he doesn't feel that someone looked at the attachments correctly.

Mr. Coffey asked if there was an attachment to every application that was sent in the packet.

Mr. Christmas replied yes.

Mr. Summers stated that they broke down every one by road and by bid items and all of the numbers that we submit are estimated amounts because some of these hadn't even been done yet. He said that last year he submitted Bono Road and we were awarded \$421,000.00 but when we bid it shortly thereafter, the amount was less so we ended up only getting a certain portion of that. He pointed out that all numbers we submit to them are estimates in some regard so for them to say that rounding was the problem just doesn't make sense to him.

Mr. Christmas stated that the city has been awarded funds in the previous two years by following the same process and he just thinks there was a lack of funds.

Mr. Aebersold asked Mr. Summers if he asked them what we did wrong as soon as he found out that we were not selected.

Mr. Summers stated that he found out Mr. Cales' comments at the same time that Mr. Blair did and after having talked with Ms. Eaton-McKalip and receiving the denial letter, on all accounts it has been that they didn't have the funds.

Mr. Aebersold asked if there was any way to rectify the issue after she told him the problem.

Mr. Summers stated that once the application is submitted, we don't hear back from them. He said that she did say that we could submit the application early and they could review it but when they have 1,300 applications coming in through that small of a window of time, they have already made up their minds that they are not sending comments back.

Mr. Blair stated that the application was submitted on September 28th and asked when the submission process opened.

Mr. Summers stated that he doesn't know off the top of his head but we submitted on the day that it was due.

Mr. Blair said that we had no chance of them reviewing it and getting back with us for resubmission.

Mr. Summers stated that if it was submitted within in the last two weeks of the submission period, there would have been no way they would've gotten back with us for resubmission due to the volume of applications.

Mr. Coffey stated that it was turned in at the last possible moment and that hurts.

Mr. Summers stated we started the process early on but part of the problem was that we had to move numbers around because their GIS system wasn't showing the roads.

Mr. Christmas stated that it was a new online application process for INDOT and it had a few issues so the application process was difficult.

Mr. Blair stated that 82% got it correct.

Mr. Coffey stated that is it a lot of money.

Mr. Christmas stated that we submitted three other applications that did not have any problems.

Dr. Knable asked if he thought our area had unique GIS issues.

Mr. Christmas stated that that he doesn't think they were unique but thinks it has gotten much more competitive because more communities are applying.

Mr. Summers stated that the first time there was \$300M to go around and the Rule of 50 was not in place which throws us into the more competitive pool.

Mr. Christmas added that he knows that a lot of communities did not get their asset management plans done in previous years because he received a lot of calls. He also added that it is not an overnight process or an easy process. He stated that we did get that process done and got in on the first round but now, after three years of this program, the other municipalities have finally gotten to that point so there are a lot more requests.

Mr. McLaughlin stated that it would be interesting to know if some of those municipalities came in with some typos but since this is the first time they had applied or were turned down last year, they got theirs.

Mr. Christmas said there is no way of knowing.

Mr. Blair asked why they would respond the way they did. He also said that he called Mr. Summers last week as well as the mayor and received no response.

Mr. Summers stated that he was on vacation last week but he sent emails to get information to put together the summary that he is presenting tonight.

Mr. Blair stated that he would like to have a copy of the letter that states there were no availability of funds.

Mr. Summers said that he can send him the electronic version.

Mr. Coffey stated that he is listening to them blaming this and that and asked what we are going to do to make sure that it doesn't happen again.

Mr. Christmas stated that he agrees with Mr. Coffey and there was an extra zero on one of the applications so they threw it out. He explained that part of the reason that we did four applications was to give them multiple levels that they could fund us and the other part of the reason was if they threw any applications out, we would still have others to be reviewed. He stated that he does not believe that we were not in the game and he does not agree with the assessment of multiple errors.

Mr. Coffey stated that he wants what was sent up there because things can always be added at a later time so he is going to ask them for a copy of what they have.

Dr. Knable stated that we seem to have two different statements from two individuals with INDOT so he asked if we could request an official letter from them reconciling their statements.

Mr. Summers stated that he requested that and Ms. Eaton-McKalip did not want to provide that document.

Dr. Knable stated that he feels we could do it in the context of wanting to do better next year. He added that the nine council members are not going to be able to resolve this while having conflicting statements from two different individuals from INDOT so he feels we should submit a formal letter of request on it. He said he would also like to hear a concrete plan on what we are going to do differently next year and that Mr. Blair suggested a consultant but he doesn't know if that is needed because we received grants two out of the three times but that offer is on the table.

Mr. Summers stated that he is working with Mr. Christmas already on the first application in January.

Mr. Blair stated that January 7th is when it opens so he would suggest getting the application in as early as possible.

Mr. Summers stated that it takes a couple of days to electronically enter all of the information.

Mr. McLaughlin stated that he tried to call Ms. Eaton-McKalip as well but did not receive a call back or an email because he did provide his email address for her.

Mr. Aebersold stated that he would like for Mr. Summers to take all of the information and sit down with Ms. Eaton-McKalip and ask what we did wrong.

Mr. Summers stated that she told them in training that if you have received funding before, your chances are significantly diminished already and there were small boxes to check if you were selected in 2016 or 2017 so he thinks that automatically throws you to the bottom of the list.

Dr. Knable stated that we can't give them any reason to exclude us. He also stated that he would like reconciliation on it as to why, but more importantly, he would like to know how we are going to be more competitive in 2019.

Mr. Coffey asked Dr. Knable to have the council attorney send a formal letter to these people asking why we were taken out of the process because he is hearing a lot of excuses on this end but he can't see them saying that we did not get it because they didn't have enough money. He added that they could get in trouble for that.

Mr. Summers stated that in 2019 they are no longer going to allow applications for something that has already been bid so that's really going to clear things up and we won't have the rounding deal to take care.

Mr. Caesar asked if we are sure that the mapping thing is taken care of.

Mr. Christmas stated that we won't know until they open the call. He explained that one of the first things he will do this time is that after identifying the roads, if they do not have the same roads on their maps as we have he will call immediately to let them know that the limits of the road that we need to apply for are not on their map and ask them what they need to do on their end so that we can properly select it.

Mr. Coffey stated that the board of works gave a \$140,000.00 contract to a firm to look at the engineering at the Reisz Building.

Mr. Blair stated that it was \$154,000.00 that was given to HWC Engineering for inspections and asked what it is.

Mr. Gibson stated that it is an inspection contract to ensure that the builder is doing the project as requested and that it is being built appropriately.

Dr. Knable asked if that was something that was budgeted in.

Mr. Gibson replied no and stated that the council is watching over the administration and we want to watch over them to make sure that this project is done right.

Mr. Blair asked how the money got approved.

Mr. Gibson stated that it was approved by the board of works and they have the power to approve contracts.

Mr. Blair asked who approved that appropriation.

Mr. Gibson stated that they are not asking for an additional appropriation from the council and will work within their budget as they always do.

Dr. Knable stated that they already awarded the contract and are now going to ask for approval afterwards.

Mr. Gibson again said that they are not asking the council for an additional appropriation and will live within their budget.

Mr. Blair asked where the money is coming from.

Mr. Gibson stated that it will come out of contractual services.

Dr. Knable asked if it is the city's crews that are cutting grass behind the floodwall by Riverside Terrace.

Mr. Thompson stated that flood control does contract out cleaning along that area every year, otherwise they do it themselves.

Mr. Nash stated that he has seen actual cars on the Greenway and asked Police Chief Bailey if he should call him when he sees something like that.

Police Chief Bailey stated that they have had some complaints of people four wheeling in that area especially near Loop Island and there is a future plan to make that more difficult to get vehicles down in that area.

Mr. Nash stated that he saw someone fishing that just drove up 10 ft. from the bridge.

Police Chief Bailey told Mr. Nash that anytime he sees something like that to call them because they are not supposed to be on that pathway.

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mrs. Moeller presented the financials for October 2018.

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

PLAN COMMISSION – Mr. Phipps

Mr. Phipps stated that with the way the last meeting fell, they had not had a meeting so he couldn't give an update at the last meeting. He said that they had a meeting shortly after that and they had several minor plot subdivisions where people were just dividing lots like for family members. He stated that they also approved two or three existing daycare centers because they needed to go through the process that the state requires. He explained that the significant one they looked at was Kaiser Home Health Support Services which is located on Grant Line Road in the old Key Communications building and is proposing transitional housing for veterans. He said that the veterans will live there for up to a year and will have social services to try to place them in permanent homes afterwards. He stated that they sent that to the board of zoning with a favorable recommendation and he assumes that they will hear that tomorrow night.

Mr. Coffey stated that Kaiser is very helpful to our veterans.

HORSESHOE BOARD – Mr. Caesar and Mr. Aebersold

Mr. Caesar stated that the fall grant awards were given out at the Culbertson Mansion last Wednesday and it is hard to express how grateful these people are to get this money and with a good deal of these organizations, these grants are what makes it happen for them. He also stated that we should be very proud of what the Horseshoe Foundation has allowed to happen in our community.

Dr. Knable asked if the construction is going well out there.

Mr. Caesar replied yes.

Mr. Aebersold stated that the board approved Mr. Jerry Finn as the director of the Horseshoe Foundation again for another year and they also recognized Mr. Mark Seabrook as a retiring president of the board and asked how many years he served.

Mr. Seabrook stated that he has been on the board for 15 years.

REDEVELOPMENT COMMISSION – Mr. Barksdale

Mr. Barksdale reported on the following:

- Approved an agreement with Mitchell Market Analysts, Inc., to do a comprehensive housing-market study for the city.
- Approved a downtown study with Axis Architecture in the specific area south of Main Street between Pearl and Bank Streets, including the southwest corner of Pearl and E. Main Streets.
- In regards to the Rails to Trails project using the CSX rail bed from New Albany to Bedford, NARC entered into a contractual agreement with Faegre Baker Daniels, Washington D.C., to complete negotiations with CSX to determine the cost of the corridor and the terms of the acquisition and to prepare an initial development plan and funding strategies for acquisition and trail planning. FBD will also prepare (in cooperation with partnering communities) an application to the State of Indiana for funding the corridor acquisition and included in the scope of work, there will be recommendations of a trail extension for the current terminus (north of Sazerac) to the downtown and the Ohio River Greenway.
- Authorized the purchase of five blighted properties on King Street right off of Vincennes Street.

- Entered into a tentative agreement with the urban development team of YARD & Company to lead a day-long workshop focusing on the revitalization of the Uptown area along the Vincennes Street corridor.

Mr. Coffey stated that in the past, redevelopment was for building up neighborhoods that were kind of getting in rough shape and now they are tearing them down to build something else there. He asked how much money is going into the neighborhoods in the areas that are earmarked because it seems like an awful lot of this money is going to downtown. He added that we just don't seem to be helping the older people or people that don't have the money to fix their houses up.

Mr. Barksdale stated that those properties on King Street are blighted and he feels that they are not worth saving and they will be able to control that area now and that alone will help with the problems along Vincennes Street.

Mr. Coffey asked how many hundreds of thousands of dollars has been put into the old feed store at the expense of other neighborhoods. He said that his point is that redevelopment has dumped tons of money into the historical aspect of our city at the detriment to the people in this community that helped build this community.

Dr. Knable stated that is a valid point that probably belongs in the mayoral race next year and not here because Mr. Barksdale is just reporting on redevelopment's last two meetings. He then asked if anyone spoke of an estimate on the Rails to Trails project.

Mr. Barksdale asked Mr. Rosenbarger.

Mr. Rosenbarger stated that just an off the cuff, the estimate for the entirety is \$25M.

Mr. Staten said that is the estimate for the whole thing and that there is no estimate for our portion only yet.

Dr. Knable asked if they are anticipating a pretty nasty legal fight with the people that feel like they have rights to those properties.

Mr. Coffey said that they have one in the Supreme Court.

Mr. McLaughlin asked how many miles that will be in New Albany.

Mr. Rosenbarger stated that we have about 2-3 miles in our city limits.

Mr. Blair asked if we have had meetings with the other counties between here and Bedford regarding their commitment levels.

Mr. Rosenbarger stated that there have been a couple of meetings about whether there is support for it.

Mr. Blair asked if we are the first community to appropriate funds.

Mr. Rosenbarger stated that they are not to that point yet.

Mr. Blair stated that he thought we spent \$125,000.00 for a contract.

Mr. Staten stated that we are taking the lead on it.

Mr. Blair said that his thought is that sometimes you can take a lead and then it doesn't materialize and we could end up with a two mile trail into a corn field or something. He then asked why this wouldn't be contingent upon the other communities lining up with funding too. He said that we could put this money out and then the project doesn't materialize so we would just be out that money.

Mr. Rosenbarger stated that we will want to see their commitments before we apply. He also stated that money invested will be counted as part of the match.

Mr. Nash asked if there has been any discussion with CSX on the area from Sazerac to downtown.

Mr. Rosenbarger replied not yet.

Mr. Staten explained that Sazerac will be using the railways and one part of the study we are having done is to find another way from Sazerac down to the Greenway.

Mr. Coffey asked where the money is coming from for the study.

Mr. Rosenbarger replied from the Park East and Grant Line TIFs.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

INTRODUCTION OF RESOLUTIONS:

COMMUNICATIONS – PUBLIC: R-18-10 (Police Cars)

COMMUNICATIONS-PETITIONER: R-18-10 (Police Cars)

R-18-10 Resolution Appropriating Funds for Police Cars McLaughlin
Mr. McLaughlin introduced R-18-10 and moved to approve, Mr. Caesar second, all voted in favor with the exception of Mr. Coffey who abstained.

Mr. McLaughlin stated that Police Chief Bailey was present to answer any questions.

Police Chief Bailey explained that the 10 new cars would be the same exact style they have gone with for the past seven years which is the V6 Dodge Charger fully equipped with lighting and a striping package because they have found that it is much more economical for the city to purchase those in that manner. He stated that they would be replacing their oldest and/or highest mileage vehicles so the four 2013s would go and the others would be 2014s. He said some of those vehicles are outside of warranty and are getting to be problematic with regards to maintenance.

Dr. Knable asked what the average mileage is on those.

Police Chief Bailey stated that the average mileage on those 10 is approximately 75,000 miles. He added that there is one that is about 140,000 miles and one that is about 120,000 miles as well as some in the 60,000 miles range.

Mr. Blair asked if the Ford Taurus' are in the 60s.

Police Chief Bailey replied no and stated that those are the 2013s.

Mr. Blair asked if we are phasing those out.

Police Chief Bailey replied yes and stated that they were maintenance nightmares.

Mr. Blair stated that he would really like to try to just get this in the general budget next year and every year after that. He then asked about releasing funds for the sewer bonds which he thought were released previously for the new city hall.

Mr. Gibson stated that this is similar to what was done about three or four years ago with police cars when we had capital improvement line items in EDIT and we did a resolution to transfer those to be used for police cars. He also stated that the \$570,000.00 is budgeted money that we budgeted last year for this year.

Mr. Blair asked if he meant \$340,000.00.

Mr. Gibson stated that the \$570,000.00 is the sewer component but we only need \$340,000.00 of that. He said that it is money that is already budgeted that is being reallocated so that is why it doesn't require an ordinance.

Mr. Coffey stated that this money is being moved around to cover other things like a shell game.

Mr. Caesar said that it is not and that it is 2018 money that is going to be spent in 2018.

Dr. Knable asked if the dealer is John Jones and if trade-in offset the new purchase price.

Police Chief Bailey replied yes and stated that we would probably have enough in trade-ins to purchase an additional vehicle.

Mr. Barksdale stated that he has had discussions with Police Chief Bailey regarding vehicles for patrolling the Greenway and asked him to explain his plans to the council.

Police Chief Bailey explained that the Greenway is important to them because it is a whole new way of policing in this community. He said that they had a bicycle program for a number of years and the bicycles got to the point where they needed a lot of maintenance so last year they invested in them and got them back up to the point where they are functional again. He said that they will allow for officers to be mobile on that route and he is researching to find some sort of flexible motorized vehicle to get in and out of that terrain in case they need to extract someone from down in the Loop Island area, etc.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:40 p.m.

Al Knable, President

Vicki Glotzbach, City Clerk