

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON MONDAY, JANUARY 6, 2014 AT 7:30 P.M.**

**PRESENT:** Council Members, Mr. Coffey, Mr. Caesar, Mr. Phipps, Mrs. Benedetti, Mr. Blair, Mrs. Baird, Mr. Gonder, Mr. Zurschmiede and President McLaughlin.

**OTHERS PRESENT:** Mr. Lorch, Mr. Duggins, Mr. Wood, Mr. Gibson, Officer Popp, Deputy Fire Chief Gadd, Mr. Hall, Mr. Robison, Mr. Thompson, Mr. Gardner, Mrs. Moeller and Mrs. Glotzbach.

**MOMENT OF REFLECTION:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**ELECTION OF PRESIDENT AND VICE PRESIDENT:**

**Mr. Coffey nominated Mr. McLaughlin for President, Mr. Phipps second, all voted in favor.**

**Mr. Coffey nominated Mr. Gonder for Vice President, Mr. Phipps second, all voted in favor.**

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Phipps moved to approve the Regular Meeting Minutes for December 19, 2013, Mrs. Baird second, all voted in favor with the exception of Mrs. Benedetti and Mr. Zurschmiede who abstained.**

**COMMUNICATIONS – PUBLIC:**

**COMMUNICATIONS – CITY OFFICIALS:**

**Mr. Phipps** stated that the installation of the weather sirens was supposed to take place on January 6<sup>th</sup> but has been moved to January 16<sup>th</sup> and 17<sup>th</sup> because of weather.

**Mr. McLaughlin** asked the locations of the sirens being installed.

**Mr. Phipps** replied Spring Street firehouse and Bicknell Park.

**Mr. Caesar** thanked everyone for whatever they did on the Bicentennial and stated that he received many compliments on the events. He said he felt that all of the events were successful and the softball game even got some national coverage. He also said that he has taken the books to Rodefer Moss to have them go through everything because the commission ended December 31<sup>st</sup>. He stated that at the second meeting in February he should have another report. He added that there was \$5,000.00 from the city that was never used.

**Mrs. Benedetti** asked if he was able to have a dinner or something for all of the volunteers of the Bicentennial.

**Mr. Caesar** stated that they are going to do something but couldn't do it before the end of the year. He said that he will let this body know when that will happen. He then thanked everyone for their support.

**Mr. Coffey** stated that he feels that the council owes Mr. Caesar gratitude because his heart was truly in it. He then thanked Mr. Caesar and told him that he did a wonderful job.

**Mr. McLaughlin** asked Deputy Fire Chief Gadd about the fire that occurred on Ealy Street and if he could enlighten the public on safety for this time of the year.

**Deputy Fire Chief Gadd** stated that this particular fire was caused not by the space heater but by the use of the space heater. He said that space heaters get a bad wrap and it is the user that uses them in an unsafe manner that results in tragedies like we just had. He said that a lot of times people will put them in the kid's room to keep them warm and something like a blanket gets thrown over it which causes a fire. He explained that the fire is still under investigation but they got the call on the fire around 2:06 a.m. and the first hydrant that was hit was frozen so they had to wait on water. He said that the injury force crew from Green Valley advanced the hand line in the front door and went to the right to attack the fire and the truck company was coming in right behind them. He said that at the same time they were attacking the fire, the truck company saw the little girl move a little bit so they snatched her up and ran with her.

**Mr. Gonder** asked if there is anything that can be done to make the fire hydrants weather proof.

**Deputy Fire Chief Gadd** stated that anti-freeze can be put in them sometimes but they are not going to go check the hydrants now because they run a risk of them not draining off properly so unfortunately a lot of times they don't know that a hydrant is frozen until they hit it.

**Mr. Gonder** asked if there could be an access panel or something underground put in.

**Deputy Fire Chief Gadd** replied no. He said that the water company doesn't even like them going out and doing hydrant tests unless we contact them and let them know.

**Mr. Coffey** stated that in the past we had a program where we gave away smoke detectors and asked Deputy Fire Chief Gadd if that program still exists.

**Deputy Fire Chief Gadd** replied not currently. He explained that was obtained through a riverboat grant. He said that they bought the detectors and went around door to door and left flyers saying to give the department a call if they are interested in a home inspection or smoke detector. He stated that the detectors had the ten year lithium batteries in them and it's been well over that time.

**Mr. Zurschmiede** asked if he would bring that up to Chief Juliot and see if that is something that could be done again and then take it to riverboat.

**Mr. Coffey** stated that it could be taken to the boat or to the council.

**Mr. Zurschmiede** stated that is cheap for the sake of someone's life.

**Deputy Fire Chief Gadd** stated that when their crews arrived they didn't hear smoke detectors but he knows they were in the house but whether they were in working order he doesn't know. He added that the lithium batteries last for ten years.

**Mr. Coffey** stated that we could keep a record of where we install them and then go back after eight years.

**Mr. Blair** stated that the other thing that can be done in rental units is enforce it in the building codes and require it to be done and do inspections.

**Mrs. Benedetti** stated that she thinks that it is required in rental units.

**Mr. Blair** asked if we inspect.

**Mrs. Benedetti** replied probably not.

**Mr. Coffey** stated that it would be hard to do something like that unless you do it through the fire department as opposed to the building inspector.

**Mr. Blair** stated that he is thinking more of a safety inspection.

**Deputy Fire Chief Gadd** said that they have limited access to residential properties. He explained that in apartment buildings they can inspect the common areas but cannot enter an apartment.

**Mrs. Benedetti** stated that we could possibly solicit the apartment owners to agree to inspections. She added that she would think that they would want to do that.

**Mr. Zurschmiede** stated that by 1985 it was building code that you had to put a hard wire smoke detector in so that a battery didn't become an issue.

**Deputy Fire Chief Gadd** stated that providing it is a hard wire with battery backup because if you lose your electricity then you lose your protection.

**Mr. Phipps** asked what happened the day after Christmas at the city parking garage.

**Deputy Fire Chief Gadd** replied that there was a fire at the bank.

#### **COMMUNICATIONS – MAYOR:**

**Mr. Hall** stated that the mayor wanted to express his condolences to the family members of the Ealy Street fire. He stated that winter and spring brochure for the parks department will be coming out soon and there will be tons of activities for all ages.

#### **APPROVAL OF CF-1 FORMS:**

#### **INTRODUCTION OF ORDINANCES AND RESOLUTIONS:      READING**

G-13-07      Ordinance Prohibiting Aggressive Panhandling      Baird 3

**Mrs. Baird introduced G-13-07 for the third reading, Mrs. Benedetti second, all voted in favor with the exception of Mr. Gonder and Mr. Zurschmiede who voted no and Mr. Phipps who abstained. Bill G-13-07 becomes Ordinance G-14-01.**

**Mr. Gonder** stated that with it being 3 degrees below 0 today, if he were out panhandling he would be panhandling aggressively. He asked who determines what is aggressive and stated that he just doesn't like it. He said that Officer Whitlow is basically saying that it won't and can't be enforced and he just thinks it's an exercise in futility and kind of mean spirited in the process. He told Mrs. Baird that is not a knock against her because he knows that her heart is in the right place. He also said that he thinks that we are singling these people out and saying get out of here and we don't want you.

**Mr. Caesar** stated that Mr. Gonder is right; that's what we are doing tonight and that's what we want.

**Mr. Gonder** stated that is why he will most certainly vote no on it. He explained that he doesn't want to encourage panhandling but unemployment insurance has been cancelled, you have people that have lost jobs and can't pay bills and there are a myriad of reasons that these people

are on the short end of the stick. He said that he thinks one of the most unkind things that we can do these people is say we don't want you here.

**Mrs. Baird** stated that it was more or less meant for the people who are professional panhandlers that pick people that appear to be vulnerable.

**Mr. Blair** stated that we need to be more cognizant, aware and encouraging of human services agencies for homelessness, food, shelter, counseling, etc. He also stated that as a council he feels that we should be more involved and supportive of these agencies.

**Mrs. Benedetti** stated that the council got an email from the Salvation Army and St. Elizabeth and she is definitely going to meet with them because their funding has been cut and they do supply here in our city. She invited anyone on council to work with her.

**Mrs. Baird** stated that she would like to work with her.

**Mr. Coffey** stated that he believes that the council can cover what they lost.

**Mrs. Benedetti** stated that maybe the council could help them with what they need until they can get their fundraisers in place and then reevaluate next year.

**Mr. Blair** stated that it is his understanding that there is a mostly Clark County group that is a homeless task force that is looking at the whole issue. He also said that IUS is doing a study to help address the homeless situation in Southern Indiana and he may have them come and address the council. He added that he thinks there is more that the council can do to support people in need.

**Mrs. Benedetti** stated that she is more concerned with long-term solutions for these agencies.

**Mr. Blair** stated that this homeless task force is looking more at long-term permanent types of solutions.

**Mr. Gonder** stated that it doesn't make sense because if you fine a panhandler then he is going to have to panhandle more to pay the fine.

**Mrs. Benedetti** asked Mr. Thompson if he has seen any homeless people by the viaducts this year.

**Mr. Thompson** stated that he hasn't seen any this year.

**Officer Popp** stated that there is a state statute addressing panhandling but he feels that this ordinance is addressing the problems of the thugs, scam artists, etc. He also stated that most people who need help are not running up to people on the streets.

**There was a lengthy discussion regarding panhandling scams.**

**Mr. Phipps** stated that he has never been more torn on an issue than this one because he sees the validity of both sides so he will have to abstain.

G-13-08	Ordinance to Create the Port Authority of New Albany to Provide for its Governance by a Board Of Directors to Be Appointed By the Mayor with the Advice and Consent of the Common Council, And to Promote the Community's Economic Development, All in Accordance With the Port Authority Statute of the State of Indiana	Gonder 3
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**Mr. Gonder introduced G-13-08 for the third reading, Mr. Phipps second, all voted in favor with the exception of Mr. Coffey and Mr. Zurschmiede who voted no. Bill G-13-08 becomes Ordinance G-14-02.**

**Mr. Gonder** stated that it was amended last time to specify that the appointments to the board are with the advice and consent of the council.

**Mrs. Benedetti** asked if the council is allowed to recommend people.

**Mr. Gonder** replied yes that would be the advice part and the consent part would be that we can vote a candidate up or down.

**Mrs. Benedetti** asked if the governing body would write the rules of the Port Authority.

**Mr. Gonder** stated that the Port Authority is state mandated.

**Mrs. Benedetti** asked if it comes to the council to levy a tax and if it comes to the council if they bond anything.

**Mr. Gonder** replied yes.

**Mrs. Benedetti** asked Mr. Gibson if he would be the lawyer seeing over the Port Authority.

**Mr. Gibson** replied that he assumes it will be through his office but nothing has been established. He added that they also hired a firm to make sure that we established everything correctly.

**Mr. Caesar** stated that he thinks organization is needed for the riverfront and he is happy with the amendment that was made at the last meeting. He added that he is not real happy about new taxes but that would have to come back before this body again and we can vote up or down. He also said that the council has control over this entity and he thinks that is where his comfort level is.

**Mrs. Benedetti** stated that before levying a tax, redevelopment can look at it and use TIF funds.

**Mr. Gonder** stated that we can't use TIF funds.

**Mrs. Benedetti** asked if we can always amend the TIF areas.

**Mr. Duggins** replied yes.

**Mrs. Baird** stated that she likes that it will help with keeping the greenway updated and maintained.

**Mr. Coffey** stated that his fear has already been brought up about expanding TIFs and to him that is taking money from the general fund. He said that the simplest solution to him was to create a board to maintain the riverfront. He also said that he can agree with what Mr. Caesar is saying but down the road we are not all going to be sitting here and there will be a different mayor and he has seen council people who were dead set against raising taxes and then they raised them because another board recommended it. He stated that you are creating a new entity on the people in this community and ultimately expanding is all that government does.

**Mrs. Benedetti** stated that it doesn't mean we have to pass that tax.

**Mr. Coffey** stated that it doesn't mean that we have to but the opportunity is there. He added that Mrs. Benedetti has already said that we can expand the TIF and when you do that you

automatically take away from the general fund. He said that you could always create your own board with your own bylaws.

**Mr. Gonder** asked Mr. Coffey if he created a board to take care of the greenway and riverfront, how the money would be raised to fix the greenway.

**Mr. Coffey** stated that his argument is that what Mr. Gonder is saying is that we will have to raise taxes.

**Mrs. Benedetti** stated that you are going to have to pull money from somewhere to maintain it.

**Mr. Coffey** stated that you can do that without creating a Port Authority.

**Mr. Gonder** stated that you would have to create a Greenway Authority which would also be a taxing authority.

**Mrs. Benedetti** stated not if this body decides to put up the money to maintain the greenway every year.

**Mr. Coffey** stated that he would be comfortable with that. He said that he is just not comfortable in creating a new possible taxing unit.

**Mr. Blair** asked how many other Port Authorities there are in Indiana.

**Mr. Duggins** stated that it is not a whole lot but it is ones that have riverfront development such as Madison, Jeffersonville which is slightly different and Logansport.

**Mr. Blair** stated that this is the typical tool that is used to do riverfront developments.

**Mr. Duggins** stated that is correct. He added that is the only tool that has the statutory authority to do the things that we are looking for.

**Mr. Gonder** stated that it will take care of the greenway but it also takes into account rail and we do have one line that only Pillsbury is dependent on and if the railroad was to abandon that line, it could sink them.

**Mr. Duggins** stated that rail is the reason that Madison created a Port Authority.

**Mr. McLaughlin** asked if there is another entity that can apply for the Port Authority besides the city.

**Mr. Duggins** replied that the county can.

**Mr. Coffey** stated that we start subsidizing and that's why we can't get the money together to take care of own infrastructures.

**Mrs. Benedetti** stated that we turned the money over to the Greenway Commission to manage it and develop it so evidently someone has the board that can do it.

**Mr. Wood** stated that the Greenway Commission does understand that maintenance is important but they are still focused on getting the greenway built let alone getting to the point where they can go out and solicit funds for maintenance.

**Mr. Zurschmiede** asked if there is property that is the actual greenway or is it on parcels that the city owns.

**Mr. Wood** stated that the greenway project area has strict limits to it and they basically followed the north side of levy from W. 10<sup>th</sup> Street to Silver Creek and it would take an act of congress to do anything beyond that area. He said that the Port Authority gives you all of the riverfront along the corporate boundaries of the city of New Albany plus the railways.

**Mr. Zurschmiede** asked how the maintenance has been done up to this point.

**Mr. Wood** stated that it is done through Flood Control.

**Mr. Coffey** stated that it is going to take funds and asked where the funds are going to come from.

**Mrs. Benedetti** stated that either TIF will have to be expanded or there will be a tax levied.

**Mr. Coffey** stated that you can only expand a TIF so far and then what's going to happen is that TIF is not going to big enough and then a tax will have to be levied. He added that he just thinks there are other ways to do this.

**Mr. Duggins** stated that a TIF is established by the base year so the base year is what the general fund collects now so if that TIF is expanded it does not remove money from the general fund.

**Mr. Coffey** stated that it doesn't remove but it doesn't add to it. He also stated that we have had TIFs for a long time that should have been gone long ago but they find new uses for that money which doesn't necessarily, until the last few years, benefit the public as a whole.

**Mr. Duggins** stated that the Charlestown Road TIF is an excellent one that has been around and has a sunset of 2038. He said that when you look at the development of Charlestown Road, the reason why a lot of that is there is because of residential moving but is also because of the investments that TIF made and that road project is the signaling of what the pure use of TIF is for.

**Mr. Gonder** asked if the Port Authority is formed and no tax is levied, is it possible to fund it with the general fund of the city.

**Mr. Duggins** replied yes.

**Mr. Gonder** stated that we would be in total control over whether we fund it or not fund it.

**Mrs. Benedetti** asked if that tax was levied at on all of the residences in the city, how much would that pot be.

**Mr. Duggins** stated that the rough estimate is close to \$400,000.00.

**Mr. Zurschmiede** asked about the Port Authority's power of eminent domain.

**Mr. Duggins** stated that eminent domain is not what it used to be where you could come in for private development and take it. He said that in redevelopment they take blighted areas and all of those other things. He said that the laws have changed and are a lot stricter than they used to be.

**Mr. Gibson** stated that they also have to have the funds to purchase.

**There was a lengthy discussion regarding eminent domain.**

**Mr. McLaughlin** asked if the board can be dissolved by the council.

**Mr. Duggins** replied yes and stated that it is set up by ordinance and can be taken out by ordinance.

**Mr. Zurschmiede** stated that he thinks that the council needs to have a work session on this before we act on it.

**Mr. Blair** asked who brought the idea of a Port Authority to the city.

**Mr. Duggins** replied that the administration looked at what would help do development and maintenance on our riverfront.

**Mr. Blair** stated that he thought it was the Greenway Commission.

**Mr. Duggins** stated that they cut a letter of support for the Port Authority.

**Mr. Gonder** stated that he doesn't see jeopardy in this at all because the council has ultimate control. He said that we don't have to pass a tax and don't have to approve the board members to be appointed. He also said that the council is truly in the driver's seat and it's performing a function that he doesn't believe the council could perform.

**Mr. Coffey** stated that he saw it with the sewer board and the stormwater board. He said they started spending and we had to raise rates.

**Mr. Zurschmiede** asked if the Port Authority would have any assets or take control of any city property.

**Mr. Gibson** replied no.

**Mr. Zurschmiede** asked if they acquired a property through eminent domain would it then be titled to the Port Authority.

**Mr. Gibson** stated that it would be titled like the redevelopment ones are. He said that they would read City of New Albany for the use and benefit of the Port Authority.

**Mr. Zurschmiede** asked if there is a general state or local ordinance that requires that bodies outside of this body have to come before us for approval of large bonds and other things or should that be in this language.

**Mr. Gibson** replied that he can't answer that one offhand.

**Mr. Duggins** stated that there is not a revenue stream.

**Mr. Zurschmiede** stated that there is not a revenue stream today but 20 years from now when we're not here and there is a revenue stream is his concern.

**Mrs. Benedetti** asked Mr. Gonder if an amendment could be made.

**Mr. Coffey** said that he thinks that it needs to be tightened up.

**Mr. Gibson** stated that the ordinance can be amended.

**Mr. Coffey** asked how many banks will loan the Port Authority without a property tax backup.

**Mr. Blair** stated that they will probably want that property tax backup.

**There was a lengthy discussion regarding a marina.**



**Mr. Duggins** stated that all of the other things came up because we were talking about what has been done in other communities and is not what we are specifically trying to do here. He said he wanted to be perfectly clear that however this goes, those side things were brought up because he was asked two weeks ago what things were successful in other cities that have a Port Authority.

A-13-10 Additional Appropriation from Riverboat Fund Coffey 3  
for matching fund of Fire Department Grant for  
Fire House Vehicle Exhaust Systems

**Mr. Coffey introduced A-13-10 for the third reading, Mr. Phipps second, all voted in favor. Bill A-13-10 becomes Ordinance A-14-03.**

**BOARD APPOINTMENTS:**

**STANDING COUNCIL COMMITTEES**

BUDGET: **Council**

DEVELOPMENT & ANNEXATION: **Phipps, Zurschmiede, Gonder**

RULES: **Benedetti, Blair, Caesar**

PUBLIC UTILITIES & TRANSPORTATION: **Coffey, Blair, McLaughlin**

POLICE DEPARTMENT: **Blair, Gonder, McLaughlin**

SCHOOL & LIBRARY: **Benedetti, Zurschmiede, Coffey**

PUBLIC WORKS: **Gonder, Blair, McLaughlin**

PUBLIC SAFETY & TRAFFIC: **Phipps, Caesar, Gonder**

FIRE DEPARTMENT: **Phipps, Gonder, Baird**

**COMMISSION & BOARD APPOINTMENTS**

HORSESHOE BOARD: **Blair, Gonder**

PLAN COMMISSION: **Baird**

BUILDING AUTHORITY: **Coffey**

ZONING APPEAL BOARD:

DEVELOP NEW ALBANY: **Baird**

SOLID WASTE: **Coffey**

PARKS & RECREATION: **McLaughlin**

URBAN ENTERPRISE: **Coffey**

REDEVELOPMENT: **Gonder, Coffey**

ECONOMIC DEVELOPMENT: **Blair**

BUILDING COMMISSION: **Zurschmiede**

ANIMAL CONTROL: **Gonder**

HEAD START: **Beth Hardin**

**MISCELLANEOUS ITEMS:**

**COMMUNICATIONS – PUBLIC (non-agenda items):**

**IN COMMITTEE:**

**TABLED ORDINANCES:**

A-13-11 Additional Appropriation in an amount of \$450,000.00 Coffey 3  
from the EDIT/Riverboat Fund for the Police Department

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 9:10 p.m.

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Pat McLaughlin, President

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Vicki Glotzbach, City Clerk