

**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 7, 2013 AT 7:30 P.M.**

The meeting of the **New Albany City Council** was called to order by Mr. Zurschmiede at 7:30 p.m.

**MEMBERS PRESENT:** Council Members Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. McLaughlin, Mr. Blair, Mr. Gonder, Ms. Baird and Mr. Zurschmiede. Ms. Benedetti was not present.

**ALSO PRESENT:** Police Chief Knight, Major Whitlow, Colonel Pennell, Suellen Wilkinson, Ed Wilkinson, Chris Gardner, David Duggins, John Rosenbarger, Stan Robison, and Vicki Glotzbach

**MOMENT OF REFLECTION**

**PLEDGE OF ALLEGIANCE**

**ELECTION OF OFFICERS:**

**PRESIDENT**

**Mr. Coffey nominated Pat McLaughlin Mr. Gonder second.**

**Mr. Caesar nominated Diane Benedetti, Mr. Zurschmiede second,**

**Mr. McLaughlin received 5 votes**

**Mrs. Diane Benedetti received 2 votes.**

**VICE PRESIDENT**

**Mr. Coffey nominated John Gonder**

**Mr. Gonder received 8 votes.**

**Mr. McLaughlin** thanked the council for the opportunity to serve and thanked Mrs. Benedetti and Mr. Zurschmiede for their service over the past year.

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

**Mr. Phipps moved to approve the Regular Meeting Minutes for December 20, 2012, Mr. Caesar second, all voted in favor**

**Mr. Coffey moved to approve the Special Meeting Minutes for December 27, 2012, Mr. Phipps second, all voted in favor.**

**COMMUNICATIONS – PUBLIC:**

**Mr. Fox** stated that he wanted to comment G-12-28 and explained that the purpose is to basically manage state law and the safety of people in the community. He stated that this law went into effect in 2010 and they are ready to manage the law after digesting the details. He explained that the new law is enforced by the State Health Department or by the local health officer and the ordinance provides for permitting fees, penalties and

suspension of the permit. He stated that the Floyd County Commissioners passed the ordinance in 2012 and the city will have to play a role in the new state law by allowing the state to manage it, the Floyd County Health Department, or a health officer. He explained that this ordinance is to make sure that water re-circulates correctly in the pool and how the pools are constructed as well as other safety issues. He went over all of the public and semi-public swimming pool rules as well as 410 IAC 6-2.1-43 regarding closing and explained that the Health Department incorporates all of this into their ordinance.

**Mr. Gonder** asked if when closing pools they have 10 days to correct the problem before closing.

**Mr. Fox** replied yes. He added that the Health Department only wants compliance and they are not looking any kind of power or authority.

**Mr. Caesar** asked if the County Commissioners passed the ordinance as is.

**Mr. Fox** replied yes.

**Mr. Coffey** asked if Mr. Fox and Mr. Robison could get together on the parts where there are concerns and incorporate them into the ordinance.

**Mr. Robison** stated that they would.

**Mr. Fox** explained that they are just going to add “pursuant to the IAC with the code number”. He stated that the wording is already incorporated in the wording it is just being clarification.

**Mr. Blair** asked about the certified pool operator and asked if it needed clarification as well.

**Mr. Fox** stated that it is provided for it in the Indiana Code.

#### **COMMUNICATIONS – CITY OFFICIALS:**

**Mr. Phipps** stated that last week he stopped by the police department to see the guns from the buyback program and it was very impressive and looked to be a big success. He encouraged the other members to stop by and take a look.

**Mr. Blair** stated that the new accounting software presentation is scheduled for Monday February 4<sup>th</sup> and they are going to set up a demonstration from 1:30 p.m. to 5:00 p.m. for the staff from the Controller’s office and invited the council members to join this meeting. He explained that at 6:00 p.m. they will do a presentation for the council. He stated that he has met with Mr. Lorch and has been gathering market information from other communities regarding police, fire and other union employees. He explained that they have been working on that list and it is progressing ahead and they may drop some cities from that study because New Albany is a small second class city and they may have to look at some of comparable size.

**Mr. Robison** spoke with regards to the swimming pool ordinance that is on their agenda tonight and explained that the only problem he has with it is the other conditions that can shut down the pools and he would recommend that they refer back to the IAC rules instead of how it is worded. He stated that the rest of it creates a level of bureaucracy that they might want to consider between the state and the city and explained the state policy. He stated that the state rules are already well implemented in the city and would be happy

to answer any other questions they may have about it. He explained that he thinks that Rick Fox is agreeable to the changes he is recommending.

**Mr. Coffey** asked about the “other conditions” and how that affected the pool closures.

**Mr. Robison** stated that the ordinance as written reads that they can shut them down for anything.

**COMMUNICATIONS – MAYOR:**

**Mr. McLaughlin** appointed the committees and boards as follows:

**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: **Zurschmiede**
- PARKS & RECREATION: **McLaughlin**
- URBAN ENTERPRISE: **Coffey**
- REDEVELOPMENT: **Gonder, Coffey**
- ECONOMIC DEVELOPMENT: **Blair**
- BUILDING COMMISSION: **Zurschmiede**
- ANIMAL CONTROL: **Gonder**
- HEAD START: **Beth Hardin**

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES AND RESOLUTIONS:      READING**

G-12-28	An Ordinance Establishing Swimming Pool Regulations	Baird 3
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**Ms. Baird** moved to amend G-12-28 with **Mr. Fox** and **Mr. Robison’s** suggestions, **Mr. Coffey** second, all voted in favor.

**Ms. Baird** introduced Bill No. G-12-28 as amended and moved for the third reading, **Mr. Coffey** second, all voted in favor. Bill No. G-12-28 becomes Ordinance G-13-01.

**BOARD APPOINTMENTS:**

**Mr. Phipps** stated that he has been serving as liaison for the Human Rights Board and Historic Review Commission and asked if that would continue.

**Mr. McLaughlin** stated that it would.

**Mr. Zurschmiede** stated that he isn't sure of the terms but they do have an appointment on the Police Merit Commission, Sewer Board and Stormwater Board and they need to look at those.

**MISCELLANEOUS ITEMS:**

**Mr. Wood** stated that Reverend Marshall and the Second Baptist Church have signed the easement and it has been recorded. He explained that they can amend the ordinance to state that the money will not be released to the UEA until 1-1 matching is secured if the council would prefer.

**Mr. Mc. Laughlin** asked that A-12-21 be put on the next agenda.

**Mr. Coffey** asked for a list of when the meetings are for the new board appointments as well as the appointments.

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

**IN COMMITTEE:**

G-12-12	An Ordinance Amending the <i>Code of New Albany</i> Title IX: General Regulations, Chapter 99: STREETS AND SIDEWALKS, to include Section 99.03: RIGHT- OF-WAY MANAGEMENT PROGRAM, as permitted under Indiana Code 8-1-2-101, (a) through (d), to provide for the safety of the traveling public in the rights-of-way of the City of New Albany, Indiana.	McLaughlin 3
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**TABLED ORDINANCES:**

A-12-21	Appropriation from EDIT for Restoration of Second Baptist Church Clock Tower	Gonder 3
G-12-24	Ordinance Requiring Filing of Documents with City Clerk	Baird 3

**ADJOURN:**

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

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Pat McLaughlin, President

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Vicki Glotzbach, City Clerk