

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, MARCH 4, 2013 AT 7:30 P.M.

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

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

ALSO PRESENT: Stan Robison, Shane Gibson, Michael Hall, Police Chief Knight, Colonel Pennell, Fire Chief Juliot, Major Whitlow, Stan Robison, Mickey Thompson, David Duggins, Scott Wood, John Rosenbarger, David Brewer and Vicki Glotzbach

MOMENT OF REFLECTION:

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Caesar moved to approve the Executive Session Meeting Minutes for February 19, 2013, Mr. Coffey second, all voted in favor with the exception Mr. Zurschmiede who abstained and Mr. Blair who wasn't present.

Mr. Caesar moved to approve the Work Session Meeting Minutes for February 19, 2013, Mr. Phipps second, all voted in favor with the exception of Mr. Zurschmiede who abstained and Mr. Blair who wasn't present.

Mr. Coffey moved to approve the Regular Meeting Minutes for February 21, 2013, Mr. Phipps second, all voted in favor with the exception of Mr. Blair who was not present.

COMMUNICATIONS – PUBLIC:

COMMUNICATIONS – CITY OFFICIALS:

Mr. Caesar stated that they wanted to get a meeting together last week for paving but that didn't work out. He said that he is pretty much convinced that there is not going to be many TIF funds available for paving. He explained that when you do paving TIF funds have to almost intersect with that street to be able to be used and we have paved all of those streets. He said that there is a little bit of money but just not enough to do that. He also said that because of using the estimated \$700,000.00 for 911 out of EDIT, there is not a lot of money left in EDIT funds either. He said that the committee will be meeting before the next council meeting and he will have more information on that.

Mr. Coffey thanked Mr. Caesar for getting the numbers together.

Mr. Caesar then stated that he had hoped that Rodefer Moss would have some information for Bicentennial but they have been extremely busy with tax season so hopefully the paperwork will be ready by the next meeting. He said that things are going very well with Bicentennial and that there will be an article in the paper because a gentleman with the state of Indiana spoke with Mr. Barksdale, Ms. England and himself to bounce a few ideas around. He added that the state will be 200 years old in 2016. He stated that he was honored to talk with him. He then stated that there will be a style show

on April 6th, Mr. Harshey has a motorcycle ride on May 18th to honor veterans and they are going to have a historic walk through the old trolley line on Silver Hills on May 18th. He said that things are coming together for the 4th of July and book sales are okay. He also said that there will be a vintage baseball game in late July

Mr. McLaughlin asked if the baseball game will be at Binford Park.

Mr. Caesar stated that they have talked about Binford Park and Community Park and they aren't sure at this point where it will take place.

Mr. Phipps stated he followed up with Mr. Herthel regarding the civil defense alarms and was told that the next step would be to get some funding for it and then Mr. Herthel can do a feasibility study on where to put them. He said that he is a little uncomfortable funding it until he knows where they are going to be so we will have to decide how many we think they want so that we have a rough idea of how much we are going to spend. He said that he thinks that there is a need for at least two. He then asked the council if any of their areas were under covered.

Mr. McLaughlin stated that his area is well covered but it bothers him that areas downtown are not covered. He added that if there was to be a large attendance at the amphitheater or something downtown, it could be a problem.

Mr. Phipps stated that he thought one should be put at the Spring Street firehouse and that would kind of give coverage to the west and east ends. He stated that Mr. Herthel said that they need more than that to get sufficient coverage. He then stated that as long as he pretty much has the council's support on it then he could go ahead with the feasibility study and come back for funding at a later time.

Mr. Caesar asked if they run test on these.

Mr. Phipps stated that they do testing the first Saturday of each month at noon.

Mr. Caesar suggested putting a committee together to listen on a Saturday at noon.

Mr. McLaughlin stated that he doesn't think that there is one down toward Main Street and State Street.

Mr. Coffey stated that he does like the idea of one at the firehouse and also likes the idea of a committee.

Mr. Phipps asked the council if there would be support for at least two.

Mr. Zurschmiede stated that he thinks that they need more information on where you can and can't hear it.

Mr. Caesar stated that he thinks they should listen on the first Saturday in April to see who is getting coverage.

Ms. Benedetti asked what Mr. Herthel's suggestion was.

Mr. Phipps stated that he knows that there are gaps all across the county and the county has funded it in the past but they don't have the money now.

Mr. Gonder asked if they have map where they show how far the sound reaches.

Mr. Phipps stated that there is a map of the locations of the alarms and he thinks that you can figure about a one to two mile radius.

Mr. Zurschmiede asked if this is a county organization.

Mr. Phipps replied yes.

Mr. Coffey stated that they don't have the money.

Mr. Zurschmiede stated that they have money in 911.

Mr. McLaughlin stated that there may be other funding sources through the state or even national since we have had a rash of storms over the last couple of years.

Mr. Phipps stated that he would talk with Mr. Herthel to see what can be worked out.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that Mayor Gahan wanted to invite the council to the first public information session regarding the upcoming projects on Monday, March 11th and they are looking at Green Valley Elementary School to host it and will get confirmation on the time tomorrow but right now they are tentatively set at 6:00 p.m. He said that he will send out a press release detailing the session. He added that the Redevelopment Commission will be there as well as the administration to answer questions and hear concerns from the public.

Mr. Caesar asked if it would be in the newspaper.

Mr. Hall replied that he is sending out a press release and will put it on the city's website as well as the city's facebook page.

Mr. Coffey suggested having public sessions in each district.

Mr. Hall stated that he can't confirm a number right now but they are planning to have multiple sessions.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

Z-13-01	Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV Chapter 156 (Docket P-01-13; SDR Development Inc.)	Baird 1&2
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Ms. Baird introduced Bill No. Z-13-01 for first and second reading, Mr. Coffey second.

Mr. Coffey withdrew second.

Ms. Baird introduced Bill No. Z-13-01 for first reading only with the amendment that GRW shall inspect construction of the storm water collections system to verify construction is in accordance with the approved storm water plans, Mr. Coffey second, all voted in favor with the exception of Mr. Coffey who abstained, Mr. Blair who wasn't present and Mr. Zurschmiede and Mr. McLaughlin who voted no.

Ms. Baird stated that it is a redevelopment of the Grant Line Road area and Mr. Wood is present to answer questions.

Mr. Wood stated that it will have to go to the county storm water board for their approval.

Mr. Coffey asked who will be responsible for paying to build the right-of-way and the paving, etc.

Mr. Wood replied the developer.

Mr. Coffey asked if it was going to be apartments.

Mr. Wood replied that is correct.

Mr. Coffey asked how many apartments are going in.

Mr. Wood replied 288. He said that the only controversy that this had at the council meeting was that it had fewer than two parking spaces per unit and Mr. Price was very concerned about that. He said that it is now to develop 2.17 parking spaces per apartment in the development which is substantially larger than what they normally require.

Mr. Caesar stated that he was concerned about traffic and asked if they have looked at that and possibly adding a lane on Grant Line Road.

Mr. Wood stated that they will be requiring that they align the roadway in such a way that you can cross the CSX track and connect up to the plan connection at Reas Lane so that you can disburse the traffic in two directions rather than just out Grant Line Road.

Mr. Caesar stated that he also has a concern for storm water.

Mr. Wood stated that they do show retention on site and they do show some piping on the site as an underground method of holding some of the water. He stated that they have been advised to go to GRW and get them to sign off on the drainage improvements and then take it to the county commissioners for their approval on the drainage aspect as well. He said that GRW is working with both the city storm water and county storm water on their manuals for drainage control to comply with state and federal requirements. He also said that GRW's development standards for a property like this are identical to what we would require. He stated that ours is different in the urban area where we have more existing drainage facilities like storm sewers than the county does but the requirements are the same and when we annex this, we don't want to annex a problem that the county is creating for us. He also stated that having GRW, who is familiar with our system and requirements, review it means that we are basically getting what we would require if it were finally going to our storm water board.

Mr. Caesar asked if the storm water drains to west or to the east.

Mr. Wood stated that it travels to the southeast and ends up in our drainage basin under 265.

Ms. Benedetti stated that they have had some drainage problems on Tye Avenue.

Mr. Zurschmiede stated that the way he read this the 2.17 parking is not set in stone and that it would be settled at secondary review.

Mr. Wood stated that our 1971 parking standards are the current standards that we use and we may be one of the last communities in the country using a standard that is that large. He said that he found multi-family of this scale can actually go down as low as 1.5 parking spaces per dwelling unit and he strongly suggested to the Plan Commission that they allow 1.75 up to 2.17 proposed. He also strongly encouraged the developer to go down to the smaller standard because it reduces the amount of impervious surface and because parking is a heat generator and has that entire environmental impact to it and it costs money to build and maintain. He added that he is a huge fan of the smaller parking requirement and is hoping to find a way to update the zoning ordinance.

Mr. Gonder asked why the developer wants to go to the 2.17.

Mr. Wood stated that he would probably have to ask the developer.

Mr. Gonder stated that the developer is actually putting a burden on the city's storm water system by going to the higher number. He asked if they should adhere to a lower number if we are going to pass it.

Mr. Wood stated that they will hear that answer when they go to the storm water board and when they go to GRW because they are going to calculate that extra 8.5% of off street parking surface area and that will mean more money spent in not only parking but building drainage facilities to retain the water. He added that he thinks that they would want to reduce it.

Mr. Gonder stated that maybe we should have a more proactive stance on it to say that you can't exceed what that minimal number is.

Mr. Wood stated that we should establish parking maximums instead of minimums.

Mr. Gonder asked Mr. Wood to draft an ordinance to that effect going forward, not that it will affect this one.

Mr. Coffey stated that we went by the same standards when the parking at Riverview Towers was built and now there is not enough parking. He stated that there was enough parking 20 years ago but there is not enough now. He added that there are more people living in these apartments that are driving.

Mr. Wood stated that Mr. Coffey brought up a good point because people are living longer and able to drive longer and he would like to take a broader look at the zoning ordinance.

Mr. Coffey stated that there are no answers on parking, no answers on storm water and there are still problems on Tye Avenue. He added that he thinks there are still a lot of things that need to be answered before this is passed.

Mr. Caesar asked if there is any underground detention.

Mr. Wood stated that will be opportunity to do some underground detention and that is their intention. He also stated that it will be addressed before the Plan Commission holds a secondary meeting. He said that is where they come with all of their sewer credits, construction drawings that have been reviewed and approved by GRW and the county and basically saying that they are ready to go.

Mr. Gonder asked if it is possible to take a 15 ¼ acre lot that is essentially grass now and pave it and have a net neutral flow rate of water.

Mr. Wood replied yes.

Mr. Coffey stated that it depends on the cost.

Ms. Baird stated that the cost would be on the developer.

Mr. Coffey stated that he knows that but it depends on who approves it afterwards.

Mr. Gonder stated that he does think there are questions that need to be answered on this before it goes forward.

Mr. Thieneman stated that the concerns are rightfully so because drainage is a big issue with the amount of asphalt going in. He said that they can't move forward without that being addressed right away. He also said that on February 19th the Plan Commission gave them a favorable recommendation with 19 stipulations and they have to check each one of those off before they can move forward. He stated that one of the first stipulations is adopting the ordinance. He explained that drainage is number three and they have to keep chipping away at each one of those things. He added that Mr. Copperwaite with GRW will put the rubber stamp on this before they move forward.

Mr. Gonder asked Mr. Thieneman if he would be prepared to back off the larger parking.

Mr. Thieneman stated that they really need to consider the calculations first and then design around those calculations. He added that he thinks they need to design the development around the way the standards are and the way they are approaching it. He said that drainage is the number one issue before they move forward.

Mr. Coffey stated that when something doesn't work after it has been approved; the people come to the council to demand that the problem be fixed.

Mr. Thieneman stated that they work with Primavera because their work is highly recommended and because they make sure their projects are done correctly. He also stated that SDR has been in business for over 25 years and they have to be aware of drainage and what they are dealing with. He stated that they are not going to release any more water off of that project than is being released today.

Mr. Benedetti stated that she thinks GRW knows how severe the drainage is.

Mr. Caesar stated that drainage is a big deal. He added that they have had to deal with things in the past where projects were not done exactly the way they were supposed to be done.

Mr. Zurschmiede stated that the real concern is that there isn't anyone from the city or county that goes out to inspect to make sure that it was built the way it was designed.

Mr. Wood stated that he believes that Mr. Ham does that for the city but he doesn't know who does it for the county.

Mr. Thieneman stated that the county engineer and Chris both set on the drainage board and those calculations are put together and we bring, together with Mr. Copperwaite and Mr. Primavera, all of the designs. He said that it is then inspected by the county engineer as a sign off. He added that they cannot get their final bank numbers or anything done until that happens. He also added that as far as a catch all, you do have that with your new drainage board in place. He stated they developed LaFollette Station and that's the way it was there and there wasn't a drainage board in place then but the county engineer inspected every pipe that they put in the ground.

Ms. Benedetti asked Ms. Baird if she would be willing to make the amendment to have GRW inspect it.

Mr. Coffey stated that **he** would feel more comfortable with an engineer hired by the city.

Mr. Zurschmiede stated that he is more comfortable with an outside firm such as GRW inspecting this because if they inspect it and say that it is built by the design standards then they are putting their neck on the line.

Mr. Coffey stated that they are but they are not because they are the design standards set by the city or the county and those design standards might not be right.

Mr. Zurschmiede asked if in other municipalities are possibly collecting a fee for future drainage issues that come up or requiring some performance bond.

Mr. Wood stated that a performance bond or maintenance bond can be required only on a public dedication but if it is on private property you can't bond it. He added that is state law.

Mr. Gonder asked if there is any responsibility that GRW would carry beyond the final inspection on this.

Ms. Benedetti stated that she thinks that they need to form a committee and get with Mr. Wood and go through all of that.

Mr. Coffey stated that he thinks it is a big enough issue that it needs to be the whole council.

Ms. Benedetti suggested setting up a work session.

Mr. Gonder suggested that they table it.

Mr. Zurschmiede stated that he wants to make sure that it is done right. He said that he feels certain that if Primavera designs it and GRW inspects then it will be fine. He stated that his concern is that whoever is building it might put in a wrong sized pipe or something that could cause issues. He stated that if there is no one on behalf of the city or county to go out and inspect it then that's when end up having issues.

Mr. Wood stated that Mr. Copperwaite was not able to be here tonight because he had a couple of other meetings. He stated that Mr. Thieneman is in agreement to just have the first reading tonight and then have Mr. Copperwaite come to the next meeting to answer questions and perhaps have the second and third readings. He also stated that he did take the liberty of amending the drainage stipulation in the ordinance to include that GRW shall inspect construction of the storm water collections system to verify construction is in accordance with the approved storm water plans.

G-13-03 An Ordinance Updating the City of New Albany Gonder 3
Common Council Administrative Procedures

Mr. Gonder introduced Bill No. G-13-03 and moved for the third reading, Mr. Phipps second, all voted in favor with the exception of Mr. Blair who was not present. Bill No. G-13-03 becomes Ordinance G-13-05.

BOARD APPOINTMENTS:

MISCELLANEOUS ITEMS:

Mr. McLaughlin stated that the council will have a work session for Z-13-01 at 6:30 p.m. before the next meeting.

Mr. Gonder asked Mr. Wood if it would be possible to get a list of some of SDR’s projects that have been done in the county to use as representative samples.

Mr. Wood replied yes.

Ms. Benedetti asked when the next session will be on the arbitration.

Mr. Lorch stated that they are supposed to have a phone conference this week and hopefully will meet in person afterward.

COMMUNICATIONS – PUBLIC (non-agenda items):

IN COMMITTEE:

R-13-02	A Resolution Making a Preliminary Determination to issue County Economic Development Income Tax Revenue Bonds of the City of New Albany, Indiana	Phipps
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

TABLED ORDINANCES:

G-12-24	Ordinance Requiring Filing of Documents with City Clerk	Baird 3
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ADJOURN:

There being no further business before the board, the meeting adjourned at 8:35 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk