

**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 THURSDAY, MARCH 20, 2014 AT 7:30 P.M.**

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

**OTHERS PRESENT:** Mr. Lorch, Police Chief Knight, Major Whitlow, Colonel Pennell, Mr. Wilkinson, Mr. Brinkworth, Mr. Duggins, Mr. Hall, Mr. Gibson, Mr. Wood, Mrs. Moeller and Mrs. Glotzbach.

**MOMENT OF REFLECTION:**

**PLEDGE OF ALLEGIANCE:**

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

**Mr. Caesar moved to approve the Regular Meeting Minutes for February 20, 2014, Mrs. Baird second, all voted in favor with the exception of Mr. Zurschmiede who abstained.**

**COMMUNICATIONS – PUBLIC:**

**Mr. McLaughlin** explained that he had a request to move non-agenda public speaking items forward on the agenda and asked if that was okay with the rest of the council members.

**Mr. Coffey** stated that he doesn't think it is fair to move all the individuals that showed up to talk about the farmer's market which is an item that isn't even on the agenda ahead of those that are present to speak about items that are actually on the agenda.

**Mr. McLaughlin took a hand vote to change the agenda to move up communications to the public and the vote passed with five members in favor.**

**Mr. Zurschmiede** stated that the members from the public that are here to speak on an agenda items need to be given the opportunity to speak before anyone else.

**Bob Woosley**, Town Engineer for Georgetown stated that he is present to discuss G-14-02. He explained that unfortunately the first that Georgetown heard of this was in the newspaper and they are concerned that they two entities haven't had a chance to sit down and discuss this before they take a vote. He stated that it will extend the boundaries 4 miles outside of the city boundaries and it will touch the eastern edge of the town where they have customers already on their system. He explained that all regulatory authority is given to the city in that instance instead of the town and while they understand the city wanting to protect their investment this is also important to the town as well. He requested that they table this item until the two entities can get together and talk because there is no hurry to push this through and they both have a vested interest in protecting their lines and servicing the community.

**Mr. Coffey** stated that one of the fears is that someone may come in and beat them to the punch.

**Mr. Woosley** stated that they have that fear as well and he thinks the two entities working together will make more sense to get this taken care of.

**Mr. Coffey** asked how quickly he thinks that the two entities could get together.

**Mr. Woosley** replied as soon as possible.

**George Mouser** stated that people all over Floyd County feel like they are being pulled on by both sides. He explained that he has always opposed sewer systems in rural areas and stated that they are not necessary. He explained that onsite septic systems have proven to work and there is no need to replace that with a sewer system that isn't infallible in its own right.

**Miguel Hampton** 17 E. 9<sup>th</sup> St. Jefferson spoke as a vendor of the Farmer's Market and stated that he is against moving it to the downtown parking garage.

**Mark Cassidy** 106 Meade Dr. New Albany stated that with the downtown street study coming he doesn't see a need to hurry into a decision about the Farmer's Market. He explained that he thinks a lot of things in the downtown have been done piecemeal and now is the time to look at a plan for the whole downtown area and have more discussion about it.

**Martha Steckler**, 15606 Oriole Road Leopold, IN spoke in opposition to moving the Farmer's Market to the parking garage. She stated that she has watched her business grow and thinks it will be hard to manage if they move it.

**Owen Kane**, 497 Tyler Drive, New Albany spoke in opposition of moving the Farmer's Market. He explained that the current location is open air and a much better location and then there is the added burden of recovering from a move and that generally takes any business 2 years.

**Ron Schroeder**, 7248 Atkins Road, Floyds Knobs spoke in opposition to moving the Farmer's Market and explained that as a vendor they have seen it grow and would like to continue that.

**Paula Cook**, 3901 Booker Avenue, New Albany stated that she is a baker and a vendor at the market and has seen it grow tremendously and would like the Farmer's Market to stay where it is.

**JoAnne Hughes**, 9458 Payton Road, Greenville stated that she is a loyal customer of the Farmer's Market and she has watched it grow and urged the council to leave it alone.

**Greg Sekula**, 1811 Ekin Avenue, New Albany stated that the current location of the Farmer's Market is pivotal and they can learn from what happened in Jeffersonville where they had a flourishing market and moved to offsite. He spoke in support of G-14-01 and presented a photo of 1819 Shelby Street which is right behind his house. He explained that the house burned back in January and showed all the fire debris that has not been cleaned up and feels that the property owners should be held responsible.

**Ralph Fenwick**, 3690 Martin Road, Floyds Knobs spoke in opposition of moving the Farmer's Market. He stated that the market is supposed to be open air and the current location is flourishing so it would be a mistake to mess with that.

**Susan Kaempfer**, 812 East Elm St. New Albany stated that she has been facilitating the Farmer's Market for the past eight years and they have grown to be the second largest in the Louisville Metro area and would like to keep it where it is.

**Kathleen Bloom**, 3807 Pine Creek Circle, New Albany spoke in opposition of moving the Farmer's Market explaining that it has been growing and she sees New Albany as a quaint small town and an open air market is more attractive.

**Lisa Cullins**, 922 Utica-Charlestown Road stated that she is a vendor at the Farmer's Market and feels that it is a jewel of a market and praised the amount of growth of businesses that started out and hopes that it will stay where it is.

**Dawn Wheatley**, 9325 N. Delaney Park Road, Scottsburg stated that she is a produce vendor at the market and feels it is one of the best that she has ever been involved and spoke in opposition of moving it to the parking garage.

**Randy Smith** stated that the land that the market sits on has more value than being used as a Farmer's Market. He explained that this is suddenly about building a palace for the existing vendors instead of trying to grow it and the current proposal for expansion is deeply flawed.

**Michael Kovatch 925 S. Parkline, New Albany** stated that he is a volunteer musician and plays down at the farmer's market periodically not for the tips that he receives but because he enjoys doing it. He explained that the garage will be a noisy environment and he would rather it be left without any improvements than to move to the garage.

**Valarie Russell**, stated that she is a vendor at the market and it bring a lot of business to the downtown area and the City should be looking at how they can help build that and contribute to the growth that is already going on there.

**Larry Ricke**, 917 E Elm St, New Albany stated that through Develop New Albany and with the help of the Farmer's Market they have created a vibrant place for people to visit, live, and shop. He urged them to vote against moving the market to the parking garage.

**Terry Lynch**, 2536 Corydon Pike, New Albany spoke in opposition of moving the market to the parking garage. She explained that if they expand the pavilion people will shop the market no matter what the weather is and a larger pavilion will help grow the market as well as the downtown area as people really enjoy being in the open area and will move on to the downtown businesses.

**Jeanette Westbrook**, 1827 Edenside Ave. Louisville, KY stated that she is a vendor at the farmer's market and has won 1<sup>st</sup> and 2<sup>nd</sup> place at the Harvest Homecoming for her products. She explained that she did consider relocating her business to downtown New Albany but looking at these plans she is glad that she didn't. She stated that parking garages are for cars, not a Farmer's Market and it is not a good match.

**Loren Miller**, 702 Roma Avenue, Jeffersonville stated that he started that he stopped going to the Jeff Farmer's Market when they moved it to a vacant lot and started coming to the one in New Albany and thinks it would be a mistake to move it to the garage. He suggested getting a shuttle to run from the parking garage to the market.

**Laura Buckingham**, Main and Bank, New Albany stated that through her research she learned the of the 18 in the area the one in New Albany is the most successful and they shouldn't mess with something that is working.

**Axel Cooper** stated that the parking garage is a very bad idea for the Farmer's Market and New Albany has worked to set themselves apart from other cities and this is one of the things that does that. He explained that they service a lot of the downtown business and it would be a mistake to move the market away from there.

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

**Ms. Baird** read a letter into the record From Steven and Jane Carr opposing the relocation of the Farmer's Market to the parking garage, and email from Toast on Market opposing the relocation of the Farmer's Market to the parking garage, and a Facebook post from Marcy Ziegler opposing the relocation of the Farmer's Market. Said documents are on file with the City Clerk's Office.

**Mr. Coffey** stated that the hard part for them is that people have an agenda for what they like and he understands that, but how can they justify to him spending this amount of money on a market

that the only reason they are talking about is because they needed more money for the project. He explained that the Fire Department needs a new ladder truck that is over \$1M and they have to prioritize how they spend the money and while he would love to be able to give them the money for the expansion there are so many other places that this money is needed.

**Dave Duggins** passed out the renderings for the Farmer's Market total bids. He explained that the overall bids came back high and he asked for time to go back through the project. He stated that in discussions they have reduced the scope of the project and now they just have a mirror image of the current pavilion with a bathroom and storage. He explained that these are just for them to review and they brought the cost down to \$280,000.00.

**Mrs. Benedetti** stated that the council went through the budget process and this project was approved. She explained that they did talk about moving or anything like that.

**Mr. Coffey** stated that they put projects in the budget that are basically a wish list and sometimes they don't get done.

**Mrs. Benedetti** stated that this money comes from EDIT not the General Fund. She explained that the Council passed the budget with this being one of the projects to be done so they knew before this discussion that it was on the table to do. She stated that once it is passed their part in it is over and it is now up to the Mayor and the Board of Public Works and Safety. She explained that she understands that there are other things that the City needs like a ladder truck and police cars but it should have been budgeted for during the budgeting process.

**Mr. Coffey** stated that they didn't have the money to budget for those things.

**Mrs. Benedetti** stated that if they can budget \$200,000.00 to the Board of Works for quality of life there are other places to look to make up the money shortfalls. She explained that it is out of their hands now.

**Mr. Blair** stated that the council can rescind it. He explained that the reason it is coming back is because it is over budget. He stated that they had a really bad winter with snow removal and a police contract that they are trying to settle so it might be worth reevaluating.

**Mrs. Benedetti** stated that they knew all of these things when they passed the budget.

**Mr. Blair** stated that it is over budget

**Mrs. Benedetti** asked if Mrs. Baird comes back with it under \$275,000.00 if they will approve it because it is under budget.

**Mr. Blair** stated that he thinks they should have a committee with the Council and the other players to work on this.

**Mrs. Benedetti** stated that they have had a council member working with this group and she has been working with them the entire time.

**Mr. Coffey** stated that the entire Council hasn't been updated throughout the entire project.

**Mrs. Benedetti** stated that they could have had conversations about it with Mrs. Baird like she did.

**Mr. Gonder** stated that it didn't come in under budget and that is why it came back to the Council and when it came back for discussion he suggested the idea of the parking garage simply to propose an alternate solution and stated that the space in front of the parking garage is the original site for the old Farmer's Market. He explained that they aren't talking about cramming

people into the parking garage but it is an alternative if it rains and the street and sidewalk in front will be all the open air space that they will need. He stated that it is only 400 feet so it will not negatively affect those businesses it was said to be helping.

**Mrs. Benedetti** stated that she believes that once the structure is completed it could be used for other venues for the City.

**Mr. Gonder** stated that a majority of the people here are asking to keep the market where it is and when he spoke to Mr. Duggins about not being tied to that property for just one use he was told that if someone comes in and wants to build on that property with a higher and better use then the market will have to move anyway. He explained that he thinks the idea of the parking garage has been tainted and people haven't really looked at the benefits.

**Mr. Duggins** stated that he has a good working relationship with every Council member and he was asked to scale it back so he did. He explained that the reason they haven't moved forward with anything is because they knew that the Council wanted to have input and he totally understands the sticker shock with the first round of bids.

**Mrs. Benedetti** stated that the conversations need to be with all of the entire body in a work session so that the public can come and be a part of the discussion.

**Mr. Coffey** stated that the best option is not to spend the \$300,000.00 just because they have the opportunity to do so. He explained that they have to start prioritizing what needs to be done.

**Mrs. Baird** stated that the cost was so high because of the ground work because it is so unlevel and needed to be fixed for handicapped access. She explained that they needed the second pavilion because the vendors told them that more people will come if they have shelter when it rains. She stated that this doesn't have to be just for the market but can be used for anything that the City or the public needs to use it for. She explained that this has brought business to the downtown area and it is an asset to the community.

**Mr. Coffey** stated that the entrepreneurs that are putting money into their business are the ones that are making the downtown grow.

**Mr. Blair** stated that he thinks this needs to be studied with a committee to understand the return on investment and whether or not there needs to be a partnership.

**Mr. Zurschmiede** asked why they have to spend more time studying why they are spending \$300,000.00 than they did spending \$18M. He explained that they don't want to do anything to jeopardize what they have because it is a huge asset and if the City has the ability to help them then that is what they should do.

**Mrs. Benedetti** introduced Ron Brown who is the new Vice President of the local firefighters. She asked what direction the Council wants to go with the discussion about the market because they really need to have a plan to move forward.

**Mr. Blair** volunteered to be on the committee.

**Mr. Gonder and Mrs. Baird volunteered to be on the committee with him.**

#### **COMMUNICATIONS – MAYOR:**

**Michael Hall** stated that Mayor Gahan asked him, Mr. Duggins and Tonya Fischer to meet with some of the downtown businesses in an effort to increase communication and they did have one of those meetings today. He reminded the Council that the easiest way to stay updated on the

Main Street Project is through [www.EastMainStreetProject.com](http://www.EastMainStreetProject.com) and the City website has that linked as well.

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES AND RESOLUTIONS:      READING**

G-14-01	Ordinance Adopting the International Property Maintenance Code Standards for the City of New Albany	Zurschmiede 1&2
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**Mr. Zurschmiede introduced G-14-01 and moved to approve first reading only, Mrs. Benedetti second,**

**Mr. Zurschmiede** explained that he would like to put this into committee with the goal being to take away the ambiguity so their code enforcement officials have one document to reference.

**Mr. Gonder** asked if the committee should be divided to deal more in-depth with different sections.

**Mr. Zurschmiede** stated that it might benefit because it is going to be a big undertaking.

**Mr. Gonder** asked Mr. Lorch if he saw any obvious divisions in this that could be divided among different committees or if he thinks it should be done together.

**Mr. Lorch** stated that there are different areas as mentioned so it is possible to do it in sections

**Mr. Zurschmiede** stated that he just wanted to introduce it and get it on the radar of the Council and he would like to have anyone that wants to weigh in on it.

**Mr. Coffey** asked that Mr. Zurschmiede get this done right because it is necessary.

**Mr. Zurschmiede** stated that it will be a lengthy process and he wants to put all the work in that is necessary to make it a successful change.

**Mr. Blair** stated that they have to make sure they have the people to enforce the codes if they are going to put all this work in it.

**Mr. Caesar** congratulated Mr. Zurschmiede on bringing this forward but they should focus on the whole document to start with and they have to understand that this is going to be a monumental task.

**Mr. Zurschmiede** stated that at the end of the process he would like to have some type of pamphlet to hand out to the citizens to let them know what is expected of them.

**Mr. Zurschmiede Mrs. Benedetti, Mr. Coffey were appointed to the committee. Mr. Gonder volunteered to be an alternate.**

G-14-02	Ordinance Establishing Exclusive Jurisdiction To Provide Sewer Service Within Regulated Territory	Caesar 1&2
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**Mr. Caesar introduced G-14-02 and moved to approve first and second readings, Ms. Baird second, all voted in favor.**

**Mr. Caesar** explained that this come from the Indiana Court of Appeals running in a case regarding Newburg and Chandler who both claimed the right to serve customers in the territory

between the two towns. He stated that the ruling was basically first come-first serve and with the situation that they have in this area it would be a good document to adopt to protect their area and prevent any further litigation.

**Mr. Gibson** stated that they have no plans to expand the sewer lines or sewer mains out into the areas where there aren't any but the goal is to lay out the boundaries and protect their investment. He explained that he did speak to Mr. Woosley in the hall and told him that he will be getting in contact with their Public Works Director to set up a meeting and that they have no intentions of going out to grab Georgetown's sewer because they want to see their plant succeed.

**Mrs. Benedetti** asked if he can get the Council an update before they have a third reading.

Z-14-01	Ordinance to Amend Chapter 157 "Special Flood Hazard Areas" of the Code of Ordinances For the City of New Albany	Baird 1&2
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**Mrs. Baird introduced Z-14-01 and moved to approve first and second readings, Mr. Coffey second, all voted in favor.**

**Mr. Wood** when DNR and FEMA wants language put in that keeps their maps current at all times so that their customers are always up-to-date with this. He stated that the Plan Commission adopted this unanimously and asked that the council pass it. He explained that it doesn't bring anyone into the flood plain or take anyone out.

**Mr. Caesar** stated that he received some calls on Linda Drive expressing fear that they are not going to be able to sell their homes because of the flood insurance that the new flood owner will have to buy will be prohibited.

**Mr. Wood** explained that FEMA has a procedure called LOMA and the City is not involved in that process that will make the insurance unnecessary so it is on an individual basis and he tries to work with them through the process.

**Mr. Blair** stated that the problem with that is the price of the elevation survey.

**Mr. Wood** stated that compared to a large monthly premium for flood insurance it isn't.

**Mr. Blair** stated that the issue is that when FEMA comes in and redraws a map that puts a homeowner into a flood plain and then they have to pay to prove that they aren't it causes concern.

**Mr. Gonder** asked how many people fall into this category.

**Mr. Wood** replied about 40 homes.

Z-14-02	Ordinance Amending the Code of Ordinances Of New Albany, IN Title XV Chapter 156 (Docket P-01-14: Anne Ragains)	Baird 1&2
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**Mrs. Baird introduced Z-14-02 and moved to approve first and second readings, Mr. Coffey second, all voted in favor.**

**Mr. Zurschmiede** stated that they are missing Exhibits A & B

**Mr. Caesar** stated that he is all for development but they are starting to put a lot of burden on Granline Road.

**Mr. Wood** stated that this is a section of Grantline that was relinquished in favor of Floyd County and this acts as a buffer between Grantline Road and the Industrial Park.

**Mr. Blair** asked about the storm water plans.

**Jason Copperwaite** explained that Granline Elementary is bordered on both sides by trees so they will bring storm water to the tension basins located on the north side of the creek. He stated that part of the agreement with the county is that they have to permit like INDOT so whatever the county requires they will have to install.

**Mike Naville** explained that the apartments at IUS is being occupied as soon as they are built so they had the idea of targeting married individual from IUS and they will be installing a computer lab onsite that they can utilize.

**BOARD APPOINTMENTS:**

**Mr. McLaughlin** appointed Savannah Darr to the Historic Preservation Commission Appointment

**MISCELLANEOUS ITEMS:**

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

**IN COMMITTEE:**

**TABLED ORDINANCES:**

A-13-11	Additional Appropriation in an amount of \$450,000 from the EDIT/Riverboat Fund for the Police Department	Coffey 3
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**ADJOURN:**

There being no further business before the board, the meeting adjourned at 10:20 p.m.

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Pat McLaughlin, President

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Vicki Glotzbach, City Clerk