

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
HELD A WORK SESSION IN THE THIRD FLOOR ASSEMBLY ROOM IN THE
CITY/COUNTY BUILDING ON THURSDAY, MARCH 21, 2013 AT 6:30 P.M.**

The meeting of the **New Albany City Council** was called to order by President Pat McLaughlin at 6:30 p.m.

MEMBERS PRESENT: Mr. Coffey, Mr. Caesar, Mr. Phipps, Mrs. Benedetti, Mr. Blair and Ms. Baird. Mr. Gonder and Mr. Zurschmiede were not present.

OTHERS PRESENT: Mr. Lorch, Mr. Wood, Mr. Solomon, Mr. Copperwaite and Ms. Glotzbach

Mr. Coffey asked if anyone has come up with a plan for drainage.

Mr. Copperwaite stated that they will be reviewing plans from Primavera for drainage plans at the site and they will make a recommendation but they will have to get the Floyd County Storm Water Board's approval first because of the possibility of annexation.

Mr. Coffey stated that there have been projects in the past that have needed approval but still had problems down the road such as Eagle Lane that was passed by all the boards after studies were done but it didn't work out. He explained that the water goes down on this lot and it is not going to come off any quicker so how will the guarantee that it won't be an issue. He stated that maybe they need to start thinking about putting long term bonds on these types of projects.

Mr. Wood stated that if he wants to do that they need to consider making these public facilities. He explained that Indiana law prohibits bonding development if it is not a public dedication

Mr. Coffey stated that when the developers leave a mess the city is the one that has to come back and clean up the mess.

Mr. Wood stated that he isn't arguing but the point is that they would also be taking on the maintenance responsibility for all of that. He explained that if they look back 20 years to 1992 there was a Storm Water Master Plan created with three stipulations, that the Plan Commission begin to evaluating drainage in a series context, set up a Storm Water Board that was responsible to the Council, and fund a Storm Water Board. He stated that two and three in those stipulations never happened.

Mr. Coffey stated that the Storm Water Board is funded.

Mr. Wood stated that it wasn't in 1992

Mr. Coffey stated that this is not 1992 and it doesn't matter.

Mr. Wood stated that it does matter

Mr. Coffey stated that he is trying to say that if these other things were in place the issue on Eagle Lane wouldn't have happened but it has been happening since the Storm Water Board was created.

Mr. Wood stated that there are going to be rain events that are beyond anyone's control.

Mr. Coffey stated that they aren't talking about rain events but serious erosion taking away peoples yards.

Mr. Wood stated that they have two types of erosion which is wind and water and they are not talking about wind here.

Mr. Coffey asked if he was saying that everything that has happened was an act of God and not poor planning to start with.

Mr. Wood stated that he isn't saying it is an act of God but as a community they have chosen to design for a certain level of storm and recognize that other levels of storms do happen.

Mr. Coffey stated that any rain that they have is washing away those yards it doesn't take a large rain event.

Mr. Caesar stated that he has seen these storm water events since being on the council and they do defer to the experts to guide them on these issues because they have much more expertise. He explained that they know that this area is a low lying area and they are concerned about downstream and they have to turn to them, the experts, for assurances that what is supposed to be done is going to be done down to the details.

Mr. Wood stated that he understands this concern and he also understands that Mr. Coffey is representing the community. He explained that they have hills all over the west side, they are in a low area, and they are right next to one of the major rivers in the United States, it is going to rain here, and it is going to rain in other places and the water will end up here. He stated that there are a ton issues for them to overcome and that includes development in other areas that they have no control over but they have never thought regionally about drainage issues around here and at least locally they are now going to think about what the downstream effects are and that is important. He explained that they did amend the ordinance and it states that Mr. Copperwaite is going to certify after construction that it was built in accordance with his design so that is their assurance.

Mr. Coffey asked what stands behind that assurance and who is responsible if it doesn't work.

Mr. Copperwaite stated that he has been doing work in New Albany for 15 years and a lot of things have changed in that short amount of time to help address these concerns. He explained that last year new storm water standards were approved by City and County and every time there has been an increase in the level of review and required standards. He stated that this gives some teeth to the board to look at the downstream effect and also requires as-built plans by a registered land surveyor. He stated that once this is done they have to produce a set of plans that shows what changed, what the deviation was and produce a totally new set of plans that shows the bid documents with the as-built plans. He explained that these have to then be certified by someone like himself and he knows that he is not going to lie for anyone so his reputation, years of experience and ultimately his liability insurance is what stands behind that certification.

Mr. Coffey stated that if they see one set of plans how do they know that those are not going to change behind the scenes without them knowing. .

Mr. Copperwaite stated that record documents would show that it wasn't constructed according to plans. He explained that the documents also talk about a designated inspector and he isn't sure if New Albany has a staff person that does this or if it will be on the developer to have an independent third party but that language is in the requirements as well.

Mr. Caesar asked Mr. Wood if they have a designated inspector for this project.

Mr. Wood stated that they would.

Mr. Copperwaite explained that the document does say that if the field inspector determines that it is a minor change it can be approved in the field but if it is determined to be a major change then it has to go back through the review process.

Mrs. Benedetti asked if they go to inspect it during construction and after construction or only after construction.

Mr. Copperwaite stated that the inspection would be ongoing during the construction and will be certified at completion.

Mrs. Benedetti asked if Mr. Ham was an engineer.

Mr. Copperwaite stated that he isn't a licensed engineer but he does have an engineering background and has been around it for a number of years.

Mr. Coffey stated that he couldn't sign off on it.

Mr. Copperwaite explained that he could not certify the construction of the as-built drawings but it calls for a registered land surveyor not an engineer.

Mr. Coffey stated if that is what is called for then that is what they should have. He asked Mr. Wood if they had a City Engineer could that person be responsible for overseeing this project.

Mr. Wood stated that they could if they would designate that person as having responsibility over Storm Water. He explained that in his opinion using a civil engineer is overkill and that someone with construction knowledge could do it.

Mr. McLaughlin asked if it called for a certified engineer.

Mr. Wood explained that it calls for a registered surveyor.

Mr. Copperwaite stated that it does require a land surveyor and certified engineer and he is both.

Mr. Blair asked Mr. Wood what he said about annexation.

Mr. Wood stated that the approval of the Plan Commission required voluntary annexation into the City of New Albany.

Mr. Copperwaite stated that they were just reading the documents and it does require an engineer to sign off on the as-built set of plans as well. He passed out the rudimentary set of plans and explained that it shows the detention basin north of the swimming pool and the storm water detention and green space area between the trash compactor and the building. He explained that a new plan has been adopted so it will have to be fixed to meet those new standards and requirements. It's not complete because of the new standards.

Mr. Coffey asked if any of this going to be section 8.

Mr. Thieneman stated that it is not and it is all going to be at market rate.

Mr. Blair asked what the expected rental price is.

Mr. Thieneman stated between \$800 and \$900. He explained that he would compare it to Arbor Ridge or Kingsfield.

Mr. Caesar asked if Mr. Wood feels comfortable with the storm water plan.

Mr. Wood stated that he feels comfortable that the Storm Water Board is going to make them design this in a matter that is going to equal the current run off and he feels even more comfortable that GRW will be reviewing it and making a recommendations. He explained that 40% of the property is still green space and they also required a landscape plan because trees are a definite part of the drainage system.

Mr. Caesar asked if they feel comfortable with the entering and exiting coming off of Grant Line Road and if they thought a light would be necessary.

Mr. Wood stated that they may look at that with the secondary PUD but the state relinquished that road to the county.

Mr. Caesar asked if it would be a bad idea to connect one entrance to St. Joe Road.

Mr. Wood stated that they can't do it because of the creek. He explained that they do want to reserve the possibility of connecting across the railroad.

Mr. Caesar asked if that would be a long timeline.

Mr. Wood stated that it would be in the next few years.

Mr. McLaughlin asked where the creek eventually crosses under Grant Line.

Mr. Wood stated that it follows St. Joe in a southeasterly direction and ties in under 265.

Mrs. Benedetti asked if they are familiar with the project the county just did out in this area after they had all the flooding problems.

Mr. Copperwaite stated that it is the very beginning of Bald Knob Creek but he isn't sure if it is the same thing because it doesn't go to Blackiston but ties into Jacobs Creek.

Mr. Coffey stated that is the one that is seriously eroding people's property.

Mr. Copperwaite explained that the state redid the bridge that crosses the creek on Charlestown Road about 5 years ago and they recently did a flood study of that section and it looks very stable but he isn't sure about downstream from there.

Mr. McLaughlin asked if this gets into Rainbow Drive

Mr. Copperwaite stated that it doesn't and explained that it stays on the north side of 65 and goes behind Processor and eventually ties into Jacobs Creek before it dumps into Silver Creek.

Mr. Coffey stated that they can't be held accountable for the problems that are already there but they also can't add to them.

Ms. Baird stated that she thinks they have a good plan especially with the new laws being in effect now so they will be in a better place.

Mr. Coffey stated that because they have Mr. Solomon on this project it carries a lot of weight with him.

Mrs. Benedetti stated that they are just timid because of all the flooding.

Mr. Wood stated that he did a lot of research on the fringe area and if you go out and look at the roads there are no curbs, gutters or sidewalks and this was all developed under the county but if they go out and look at the areas that were developed by the city they have all of these things and it is a higher level of development finish than it was when the county was doing it.

Mr. Blair asked what the return to the city is as far as property tax, sewer fees, and storm water retention fees.

Mr. Copperwaite stated that before the economic downturn this project reached a tentative agreement with the Sewer Board to prepay \$365,000.00 in taps but this didn't happen because of the downturn but this is still in the range of what the tap fees would be and they think the taxes would be about \$600,000.00

Mr. Coffey stated that a lot of that goes to the state.

Mr. Blair stated that he understands that but they do still get a cut of it.

Mr. Caesar stated that the city just wants to make sure it can recoup some of its investment.

Mr. Coffey stated that they had to upgrade our sewers to take this on so the tap in fee doesn't even cover the cost of that and they can't even maintain what they have now so this would just be an additional thing to take care of.

Mr. Blair stated that this is all new so there shouldn't be any maintenance for the city to do.

Mr. Copperwaite stated that all infrastructures on site are maintained by the apartments and the road is maintained by the county.

Mr. Blair stated that he is mainly talking about police and fire.

ADJOURN:

There being no further business before the board, the meeting adjourned at 7: 15 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk