

**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 21, 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, Mrs. Benedetti, Mr. Gonder, Mr. Blair, Ms. Baird, Mr. Zurschmiede and President Mr. McLaughlin.

ALSO PRESENT: Stan Robison, Shane Gibson, Michael Hall, Police Chief Knight, Colonel Pennell, Major Whitlow, Mickey Thompson, Scott Wood, John Rosenbarger, Rob Sartell, Ed Wilkinson and Vicki Glotzbach

MOMENT OF REFLECTION:

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Baird moved to approve the Regular Meeting Minutes for March 4, 2013, Mr. Caesar second, all voted in favor with the exception of Mr. Blair who abstained

COMMUNICATIONS – PUBLIC:

COMMUNICATIONS – CITY OFFICIALS:

Mr. Coffey stated that it has come to his attention that there are dividers on Cherry Street and he doesn't understand why the company hasn't moved them.

Mr. Thompson stated that he did talk to them today and they will have them out within the next two weeks.

Mr. Coffey stated that he would like to know where we stand with the horseshoe foundation as far as who is sitting on the board

Mr. McLaughlin stated that his appointments are Mr. Blair and Mr. Gonder which were ratified by the council and he stands by those appointments

Mr. Coffey asked if they had given an answer as to why they aren't seating Mr. Blair.

Mr. McLaughlin stated that at this point they aren't recognizing the Independent Party as a major party.

Mr. Coffey stated that he has asked the council attorney to draft a letter to the State Gaming Commission and invited any members that would like to sign it to do so before he sends it off. He explained that they have citizens in the community whose intentions may be good that are working with the clock tower project that are causing some problems. He stated that Mr. Stumler had lanes shut down and they didn't have approval from the Board of Works or the Street Commissioner and they have contracted to do the work even though they don't have the money to do it. He explained that they have procedures in place for a reason and they can't continue to allow those to be ignored. He stated that this isn't the first time the city has been backed into a corner to fund a project because it was supposed to pay for itself and never did. He urged the council to go look at

some of these projects that the city or Redevelopment Commission has been asked to donate to and see how much of the work has been done. He stated that there are too many loose groups out there dictating what the city business is going to be.

Mr. Gonder stated that it was brought to their attention at the redevelopment meeting by the interim park director that there are three or four holes in the ball field big enough for a child to fall in and it is a terrible liability to the citizen and not fair to the children that use Griffin Street Center. He explained that the estimate to repair this was about \$100,000.00 and it is irresponsible for them to allow this to continue.

Mr. Blair stated that last year they filled those areas but they have caved back in.

Mrs. Benedetti asked why they don't look into the park's budget instead of coming to the council.

Mr. Gonder replied that he heard about it just this past Thursday and wanted to bring it to their attention but he thinks it is the responsibility of storm water or sewer.

Mr. Coffey stated that they may look at floating the money and then go back to recover it because he isn't sure they are set up to spend the money but the kids need a place to play.

Mr. Gonder stated that he will check with storm water to see if they are responsible.

Mr. Blair stated that last year he thought that the Parks Department filled the holes.

Mr. Phipps stated that \$100,000.00 sounds like a lot of money to fix four holes.

Mr. Coffey asked how many kids they have on that team that used it for soccer.

Mr. Blair replied 30 to 35.

Mr. Gonder stated that there are four clock faces for the clock tower are under repair at the moment.

Mr. Coffey stated that his problem is who is authorizing the money to pay for it because it doesn't go to them until it is matched and from what he has heard it hasn't been matched.

Mr. Gonder stated that they have just short of \$110,000.00 in the budget.

Mr. Coffey stated that the money doesn't go there until it is matched and \$110,000.00 isn't a match.

Mr. Gonder stated that he thinks the expenses so far are just about \$75,000.00.

Mr. Coffey stated that he is less worried about the money than a citizen going out without permission and closing a main roadway and throwing up barricades just because they want to.

Mr. Zurschmiede stated that he thinks it is wonderful that they have a group of volunteers working on the church and one of the reasons that it was shut down in that matter was because Mr. Padgett donated a crane and it was free that afternoon. He stated that he doesn't understand why some of the people from the city didn't show up to help out when they saw that this was going on.

Mr. Coffey stated no one knew because there was not notification given.

Mr. Zurschmiede stated that there was notification given.

Mr. Coffey stated that he didn't see anything in the paper talking about a closing on Main Street.

Mr. Thompson stated that Board of Works gave them stipulations on what they needed to do to get started and they didn't meet those stipulations. He explained that they made it very clear to them again what they needed to do when they called to ask for barricades and the contractor didn't do it and that is why they issued a stop work order. He stated that they wanted the work done as well but they asked that the contractor be licensed in the city and he didn't do it.

Mr. Gonder stated that the contractor is taking a test for general contracting next week.

Mr. Coffey stated that you are supposed to have that before you start the project.

Mr. Caesar stated that he has acquired pieces of information regarding paving that might warrant a work session before the next meeting. He explained that part of the issue is where he thought there would be some money there wasn't and where he didn't think there would be any there is. He stated that the light at the end of the tunnel is that it could happen that paving and sidewalks may be part of a budget style item and that hasn't happened in the last 4-8 years.

Mr. McLaughlin set the work session for April 1st at 6:30 p.m.

Mr. Blair gave the board an update on what work has been done regarding the new swimming complex. He stated that he met with the architect and Mr. Duggins this week and they are basically doing a profitability type modeling. He said that when you look at pool operations in his mind there are three variables that need to be reviewed which are how much the admission, how many days that the pool will operate and the attendance. He stated that they will gather whatever information they can from Clarksville, Jeffersonville and O'Bannon Woods and review that. He said that they will also gather information from the last couple of years of operations of Camille Wright. He then said that he will gather all of the information and come back for a work session.

Mr. Coffey asked where we stand on the computer system.

Mr. Blair stated that he left it up to the administration.

Mrs. Benedetti asked if we could do an RFP because there are local people in the community that need work and we are using a lot of outside individuals for projects that we are doing.

Mr. Blair stated that they could.

Mr. Coffey asked if they can provide the service for the same rate.

Mrs. Benedetti stated that is why we would do an RFP.

Mr. Caesar stated that he can say that there is a local architect that has done a lot of work for the school and it is the only one that has been on time and on budget. He updated the board on the Bicentennial and passed out the independent accountant's compilation report to look over. He added that Rodefer Moss went over their books and were happy with where things are.

Mr. Blair stated that they know the Bicentennial Commission put together a budget and some of those events have already happened and asked how they did on those.

Mr. Caesar started they are doing very well and explained that the ball came at about \$3,500 under budget.

Mr. Gonder asked if the Gala is shown somewhere on this list.

Mr. Caesar stated that it should be and explained that it was under show expenditures and it came in at \$13,265.00. He stated that they made money on the Gala.

Mrs. Benedetti asked if these are for January this year until now.

Mr. Phipps asked what the repair expense was.

Mr. Caesar stated that it was for the flag.

Mrs. Benedetti asked if they would get a report for 2012.

Mr. Caesar stated that they can and explained that the only place that they have really kind of fallen down was in book sales. He stated that he thought the book sales to businesses would be more.

Mr. Gonder stated that he thinks that they needed to print it locally and they really missed an opportunity there.

Mr. Caesar stated that he knew what his time commitment was and only one company could get it printed and delivered on time so that is why they went the direction that they did.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that they are going to have another public information session on April 2nd at Fairmont at 6:00 p.m. and the other will be on April 10th at the Cathy Wilkerson Center at 6:00 p.m. He stated that they will be sending out a press release tomorrow as well as adding them to the website.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

G-13-04	An Ordinance Amending City Ordinance 52.000	Caesar 1&2
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Mr. Caesar introduced Bill G-13-04 for first and second reading, Mrs. Benedetti second, all voted in favor.

Mr. Sartell stated that this is mandated by EPA and is more or less a format change.

Mr. Gonder asked if we are still getting anything from Georgetown.

Mr. Sartell stated that we are not.

Mr. Gonder stated that page 11 says something about sewer sludge being sold for reclamation and asked if that is a goal for the city.

Mr. Sartell stated that most sludge is used to cover landfill and considered hazardous waste.

Mr. Gonder asked if we have reached that point yet where it can be reused.

Mr. Sartell stated that they have not because the way it is treated is not considered Class A sludge so it can't be reused.

G-13-05 An Ordinance to Replace Chapter 91: Animals Gonder 1&2
 In the Code of Ordinances of New Albany,
 Indiana

Mr. Gonder introduced Bill No. G-13-05 for first and second reading, Mr. Phipps second, all voted in favor.

Mrs. Benedetti asked if this is just updating the code.

Mr. Gonder stated that it changed the fee structure. Mr. Hall is here to answer any questions.

Mrs. Benedetti asked if they are just changing the fee structure to regain their cost.

Mr. Hall stated that the fee structure only raises \$2.50 to defray some of the cost they incur in food and medicine. He explained that the other changes make it easier for Mr. Leachman to interpret when he takes cases to court.

Mr. Gonder asked if there are any significant changes made in the body that the council should know about.

Mr. Hall stated that the definitions were made easier to understand and it addresses the issues they have with invisible fences.

Mr. Gonder stated that Mr. Lorch mentioned that he had a couple of style changes that he would like to make so this might come back in a different form but it wouldn't change the content.

Mr. Lorch stated that he would be happy to meet with Mr. Leachman to talk about this.

Mr. Phipps asked if they considered put a limit of how many pets a person can have in a home.

Mr. Hall stated that if they enforce the ordinance in its entirety which includes licensing that they may stop those types of behaviors.

Mr. Phipps asked about pets defecating on other people's property.

Mr. Hall stated that it is an ordinance that can be enforced but it is a difficult thing to verify. He explained that they can install pet traps on his property and it would then come to the shelter.

Mr. Gonder asked if the animal services are being spread throughout the county or is it concentrated in certain areas.

Mr. Hall stated that the whole agency is stretched and the major difference between the city and county is the fuel.

Mrs. Baird stated that she would like introduce Bill No. G-12-24 for the third reading, Mr. Coffey second, the motion failed with only two aye votes from Mrs. Benedetti and Mr. Zurschmiede.

Mr. Zurschmiede withdrew his second,

Mr. Coffey second,

Mrs. Baird stated that she talked with Mr. Robison and he told her that it would only be one cabinet moved to the clerk's office.

Mr. Robison stated that he only included one cabinet for legal but the total of all would be 39 cabinets.

Mr. Zurschmiede asked if all the documents he is talking about are public records.

Mr. Robison replied yes.

Mr. Zurschmiede asked if the city is in pending litigation can the public get the information.

Mr. Robison stated that they could not.

Mr. Coffey asked if the public can still get the information now.

Mr. Robison replied yes. He explained that the public doesn't usually know where to go but if they fill out the proper form they can get the information that they are looking for.

Mr. Gonder stated that he thinks that the intention was for the council to have some touch of the process so that there is a little bit of transparency. He explained that a good alternative would be to have the clerk be the person who receives the documented requests and then processes them to the correct department.

Mrs. Glotzbach stated that she does have forms on hand that they can fill out but most of the time they either produce the document right there if it is in her office or send them to the right department.

Mr. Coffey stated that when they get the new software installed that might take care of a lot of the issues.

Mrs. Baird stated that there was some miscommunication between her and Mr. Robison on how many files cabinets it would be to transfer all the documents and the number that he is talking about now is way too much. She explained that she does see the problem though because if she were walking on to the floor to look for information without knowing where to go the first place she would go to would be the City Clerk's office.

Mr. Blair stated that he likes the intention but it is just a management issue.

Mrs. Baird stated that she would like to revisit this when the new system is in place but she definitely doesn't want to ask that they move that many cabinets to the clerk's office.

of New Albany, Indiana Title XV Chapter 156
(Docket P-01-13; SDR Development Inc.)

Mrs. Baird introduced Bill No. Z-13-01 and moved for the second and third reading, Mr. Zurschmiede second, all voted in favor with the exception of Mr. Gonder who abstained. Bill No. Z-13-01 becomes Ordinance Z-13-06

Mr. Coffey thanked all the individuals that came in to clarify this for them and expressed his confidence in Mr. Solomon.

Mr. Caesar asked if what they talked about in the Work Session would go with this.

Mrs. Glotzbach stated that they won't be in these minutes but in a separate document.

See Attached March 21st Work Session Minutes for more information regarding this project.

Mr. Gonder stated that he could not be here for the work session so he will abstain since he didn't have an opportunity to ask any questions at the meeting.

BOARD APPOINTMENTS:

MISCELLANEOUS ITEMS:

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
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TABLED ORDINANCES:

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:50 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk