

**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, APRIL 17, 2014 AT  
7:30 P.M.**

**PRESENT:** Council Members, Mr. Coffey, Mr. Caesar, Mr. Phipps, Mrs. Benedetti, Mr. Blair, Mrs. Baird, Mr. Gonder, Mr. Zurschmiede and President McLaughlin.

**OTHERS PRESENT:** Mr. Lorch, Mr. Thompson, Police Chief Knight, Major Whitlow, Colonel Pennell, Fire Chief Juliot, Mr. Brinkworth, Mr. Hall, Mr. Gibson, Mr. Wood, Mr. Duggins, Mrs. Moeller and Mrs. Glotzbac

**MOMENT OF REFLECTION:**

**PLEDGE OF ALLEGIANCE:**

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

**Mr. Phipps moved to approve the Regular Meeting Minutes for April 7, 2014, Mr. Gonder second, all voted in favor.**

**COMMUNICATIONS – PUBLIC:**

**Greg Atkins** spoke about Z-14-03 and presented pictures to the Council of the property that he purchased on Kenzig Road. He explained that the dirt is washing off of the hills into the creek and he didn't realize how badly until Mr. Coffey asked him to go out and take photos.

**Mrs. Benedetti** asked if they cleaned out the debris of limbs and trees if it would allow it to flow better.

**Mr. Atkins** stated that he thinks that would increase the erosion.

**Mr. Zurschmiede** asked Mr. Atkins if he feels that the development has caused it and if he is concerned about future development making it worse

**Mr. Atkins** explained that the pictures show that for 20 years it was okay but in the last few years a lot of water has started to come through so he would ask them what has changed.

**Mr. Blair** stated that he went out there last week and where there was the retention pond the water was up over the fence posts.

**Mr. Zurschmiede** stated that the question would be how is it running off differently today and compared to what it was in the past.

**Mr. Atkins** stated that the dirt on the hills that is washing out isn't natural dirt but has been packed in and block for a dam but there has never been this much water so there is no way to avoid it being washed out. He stated that if you bring in dirt and pack it down with bulldozers the dirt is not longer going to absorb the water the way it would naturally.

**Mr. Coffey** stated that over the years he can show where water has been taken off of developments and put onto other people's properties and once it is done there is no recourse for the people. He said that it is a problem that has to be solved and they need to check up on these developments during the process.

**Mr. Atkins** stated that if it was all natural dirt it probably wouldn't be a problem and with the development being above them it is making it worse.

**Mr. Coffey** stated he is not saying that they should stop the development but they need to make sure that it is done right.

**Mr. Gonder** asked if there is some kind of bond that could be set for the developments for damage from future run off.

**COMMUNICATIONS – CITY OFFICIALS:**

**Mr. Gonder** stated that he called Mr. Thompson regarding Faucett Hill and explained that there is work going on up there that is now damaging the road itself. He stated that there are large trucks going up through there that are now running off the road because they can't make the tight turn and have muddied up the corners which will lead to the road washing out.

**Mr. Thompson** stated that he didn't see the damage that day he was up there because they are just started to put the road back from where they installed the towers

**Mr. Gonder** asked Mr. Wood about when the Kelly Project was put on the shelf they made it a stipulation that heavy trucks couldn't use Faucett Hill and asked if that only applied to the Kelly project.

**Mr. Wood** stated yes and explained that they cannot tell LG&E or their contractors what roads they can or cannot use because the Plan Commission cannot regulate utilities.

**Mr. Gonder** asked what recourse they have when the work is done.

**Mr. Wood** stated that he could talk to Mr. Gibson regarding this issue.

**COMMUNICATIONS – MAYOR:**

**Michael Hall** stated that the final count at the Indiana Statewide Preservation Conference was 182 attendees this year so it was exciting to have that many people visiting the downtown area and everyone seemed to have a great time. He explained that Mayor Gahan wanted to thank the council for considering the important items on the agenda tonight and wished the Council a Happy Easter.

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES AND RESOLUTIONS:      READING**

A-14-03	Ordinance for Appropriation of EDIT/Riverboat Money for the Capital Equipment Needs and Paving	Caesar 1&2
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**Mr. Caesar introduced A-14-03 and moved to approve the first and second readings, Mr. Phipps second, all voted in favor.**

**Mr. Caesar** stated that he doesn't think this is anything they need to rush through.

**Mrs. Benedetti** asked Mr. Thompson if he could give them the paving list from last year.

**Mr. Gibson** stated that Mrs. Moeller passed out budget to actual for the first quarter and he mentioned the warranty aspect in the work session and he gave them a copy of the

items regarding that. He explained that if they spend what is in front of them not including the Rainy Day Fund they have \$1.1M. He stated that their recommendation would be to finance the truck and pay cash for everything else and that would leave \$2.1M for other things that may come up. He explained that the expenditures do include one that is not in this appropriation and that is for \$200,000.00 for the salt.

**Mr. Blair** stated that it also includes the \$700,000.00 that they already set aside and that means bringing that back in. He explained that they can make the decision regarding the truck but he would like to see what kind of bids they get back.

**Mr. Zurschmiede** asked if they leased a fire truck is it monthly or yearly payments.

**Fire Chief Juliot** stated that it is yearly.

**Mr. Zurschmiede** asked if they could pay it off 6 months later if they decided to.

**Mr. Gibson** stated that they could.

**Mr. Zurschmiede** stated that the sooner they get the truck the better for the citizens

**Fire Chief Juliot** explained that the one finance packages allows them to get the truck and once the contract is signed they don't have to make a payment for one year.

**Mr. Blair** stated that he thinks they need to put together some proposals for financing and send them out to the banks.

**Mr. Gibson** stated that the truck is available and they can pay it off next year

**Mr. Zurschmiede** asked if they can figure out a way to get it without the extra cost in financing and then negotiate a local bank to provide financing for the remainder.

**Mr. Gibson** stated that they will put together a finance package and send it out to find out what deal they can get and to be sure to get the trucks as soon as they can and they will report back as soon as they can. He explained that part of the appropriation was to get the ball rolling and if they get the consensus from the Council they will get a more structured package for them.

**Mrs. Benedetti** asked Mr. Gibson if he thinks they will have those packages back by the third reading.

**Mr. Gibson** stated that they will do their best.

**Mrs. Baird** asked about the option to sign a contract and not pay for a year.

**Fire Chief Juliot** stated that when you sign for the leasing then they will have one year before they commit to make the payment.

**Mrs. Baird** stated that they need a truck as quickly as possible so this sounds like the way to go.

**Mr. McLaughlin** asked if it worked pretty well with receiving the paving lists from the council.

**Mr. Thompson** replied yes. He explained that they took the lists and looked at the previous study and did anything that was around those areas in bad shape.

**Mrs. Benedetti** asked how long they have to give another list.

**Mr. Thompson** stated that they want another list now and that is how he knew they still had \$600,000.00 left.

**Mr. McLaughlin** asked about the road going into Home Depot and asked if that had anything to do with the City.

**Mr. Gibson** stated that he believes that is Home Depot's responsibility.

**Mr. Thompson** stated that they actually patch there at the entrance because it got so bad.

**Mr. Phipps** asked about Eighth Street and the manholes sinking in.

**Mr. Thompson** stated that it is base failure and explained that something happened during the Charlestown Road Project.

**Mr. Gonder** asked if the Bono Road project is still on.

**Mr. Thompson** stated that there is not a Bono Road project but there needs to be. He explained that he doesn't think the Council wants him to go out and spend the money to pave Bono Road because they wouldn't get much else done as most of the money would go to that project. He stated that they can continue to patch it but the whole project is going to cost about \$500,000.00

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

**Mr. Coffey introduced A-13-11 and moved to approve the third reading, Mr. Caesar second,**

**Mr. Zurschmiede** asked if there is any way to specify that it comes out of the \$700,000.00

**Mr. Gibson** stated that they have to amend it in order to do that because it is already appropriated money.

**Mr. Caesar withdrew second.**

**Mr. Coffey reintroduced A-13-11 amended to reflect that the money would come out of line item 4490.0 Other Capital Outlays, Mr. Caesar second, all voted in favor. Bill A-13-11 becomes Ordinance A-13-09.**

Z-14-03      Ordinance Amending the Code of Ordinances of      Baird 3  
                  New Albany, Indiana Title XV Chapter 156  
                  Autumn Grove Subdivision, LLC

**Mrs. Baird introduced Z-14-03 and moved to approve the third reading, Mr. Caesar second**

**Mr. Caesar withdrew his second.**

**Mrs. Baird tabled the item until the next meeting.**

**Mr. Coffey** asked if this could be tabled until they have more information. He stated that he is not against the project but they have seen these issues in this area already and they need to get a better answer to address this.

**Mr. Caesar** asked why there is so much water in the holding pond.

**Mr. Brinkworth** stated that from his understanding the water normally stays about 3' below the road and during storms it come up to the road. He explained that to his knowledge it does not come up over the road so the pond is doing its job which is to slow the water from going downstream. He stated that Mr. Atkins told him prior to the meeting that this has been eroding since the highway was built in the early 60's so this is not an overnight thing and not something that this new development has created but he is afraid that it is going to continue and get worse with this development. He explained that he has assured Mr. Atkins that he will come out and speak with him and look at what is going on with his property before they do their final design as well as look at the detention basin. He stated that he thinks they may need a pipe a little lower than the road across the road which would pass the water through a little quicker and if the dirt is sandy it will erode but if it is clay it won't, and his guess is that it is sandy dirt which is causing this erosion. He explained that if he can slow it down the erosion he will but there is a large amount of acreage that drains to that ravine and this project is a very small amount of it and he doesn't think it has caused the problems at all

**Mrs. Benedetti** asked about the guarantee for him that it isn't going to get worse.

**Mr. Brinkworth** stated that anyone that lives on a creek or ravine can see that it changes, gets wider through the years and that happens and a lot of it is because of development and while detention basins may slow it down that wasn't a common practice years ago so they can install those now but they can control what was done in the past.

**Mr. Gonder** asked how far it would have to go to be contained.

**Mr. Brinkworth** stated that it goes down to the highway and is open with the exception of a couple of spots and eventually goes down to Falling Run.

**Mr. Zurschmiede** asked how water that gets in the detention basin gets out of it.

**Mr. Brinkworth** stated that he doesn't think there is a pipe there but there needs to be one.

**Mr. Blair** asked if there is any way to pipe it through Mr. Atkins property and if that would that be really expensive.

**Mr. Brinkworth** said that he would have to get with Mr. Wood on that.

**Mr. Zurschmiede** explained that Mr. Atkins is saying that before this development was ever there then the water ran into the ground and went wherever it went and now with all the development the water is going to a centralized location.

**Mr. Brinkworth** stated that 166 acres drains to that point and this is just 12 so it isn't making the difference.

**Mr. Coffey** stated that it adds to it though and if you keep adding to it then it will keep getting worse.

**Mr. Brinkworth** stated that this development is not going to affect the water going downstream whether it is across the street or down to Cherry Street and he will do all that he can to make it less.

**Mr. Gonder** asked if it is the case that a lot of the retention basins are not maintained.

**There was a lengthy discussion regarding the use of detention basins and ways to alleviate Mr. Atkins issues.**

**Mr. Brinkworth** stated that he can show them a final plan and he can give it to GRW for review.

**BOARD APPOINTMENTS:**

**MISCELLANEOUS ITEMS:**

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

**IN COMMITTEE:**

G-14-01	Ordinance Adopting the International Property Maintenance Code Standards for the City of New Albany	Zurschmiede 1&2
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**TABLED ORDINANCES:**

**ADJOURN:**

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

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Pat McLaughlin, President

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Vicki Glotzbach, City Clerk