

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR
ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON MONDAY, MAY 6,
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, Mrs. Baird, Mr. Zurschmiede and President Mr. McLaughlin.

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

MOMENT OF REFLECTION:

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Caesar moved to approve the Regular Meeting Minutes for April 18, 2013, Mrs. Baird second, all voted in favor.

COMMUNICATIONS – PUBLIC:

COMMUNICATIONS – CITY OFFICIALS:

Mr. Gonder asked if any of the other the city council members have noticed that people are starting to sell cars on the lot of the old Hardees in the New Albany Plaza and he feels certain that is not allowed. He added that he would give Mr. Brewer a call about it.

Mr. Coffey stated that it is happening on Main Street as well.

Mr. Phipps stated that he noticed it on Daisy Lane and Grant Line Road at the old Payless Station.

Mrs. Benedetti stated that she also received a call about it happening on Market Street next to the Sprigler's offices.

Mr. McLaughlin stated that it is happening all over the city.

Mr. Robison stated that he will get with Mr. Brewer on it tomorrow morning.

Mrs. Benedetti asked if anyone received the 1782 or the circuit breakers.

Mr. McLaughlin stated that he got a copy of the 1782 last week.

Mrs. Benedetti asked Mr. McLaughlin if he would distribute it.

Mr. McLaughlin stated that he would.

Mrs. Benedetti asked if he would look into the getting something on the circuit breaker.

Mr. McLaughlin stated that he would.

Mr. Gibson stated that there is no data available yet for the circuit breaker.

Ms. Benedetti asked Mr. Gibson to email the 1782 to everyone.

Mr. Gibson stated that he would.

Mr. Robison spoke about R-13-05 and A-13-02 and stated that it is the county's responsibility in their emergency plan to provide these sirens so if the council is apt to fund them, the county should be liable for the maintenance. He said that maintenance will become an issue and to fund them without maintaining them would be a mistake. He suggested getting something in writing and an interlocal agreement. He stated that a letter needs to go to them requiring them to provide maintenance and when we spend the money; we need to demand some cooperation. He stated that the changes in language on the Human Rights ordinance are appropriate and thinks there is another problem which he feels is a transcription error on behalf of the publisher.

Mrs. Benedetti stated that in 2002 the Community Foundation of Southern Indiana raised over \$300,000.00 plus did other donations to fund sirens for Clark, Floyd and Harrison counties. She said that the county then took over the maintenance.

Mr. McLaughlin asked how much of that was Floyd County's cut.

Mrs. Benedetti stated that it doesn't say. She then stated that there was a claim in the amount of \$18,000.00 for Community Foundation of Southern Indiana in the Board of Works meeting and asked what that was for.

Mr. Thompson stated that he wasn't sure but he will check on it for her.

Mrs. Benedetti asked Mr. Robison if he was suggesting that the council shouldn't make the move yet.

Mr. Robison stated that he would advise to put a provision in that it is not for maintenance. He said that they could take care of the maintenance issue by sending the county a letter making it clear that they will take care of maintenance.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that Bicentennial Park is almost ready for the public and there are a couple of adjustments being made on the fountain right now but final preparations are being made on the grand opening and he will send out a press release once he has that information. He said that they are still looking at a mid-to-late May opening. He stated that Mayor Gahan wanted to thank the council for their support of the Bicentennial and is very happy with the way the events have gone so far and is looking forward to the continued celebration. He said that for the annual Memorial Day celebration, they will be showing Disney's Wreck It Ralph on Friday, May 24th at the riverfront amphitheatre. He stated that the first concert in the Bicentennial Park Summer Concert Series will be on Friday, June 7th at 6:00 p.m. He added that these are free after work events that will be held every Friday night throughout the summer from 6:00 p.m. until 9:00 p.m. in the Bicentennial Park. He also stated that these events will be paid for through a combination of budgeted funds, private donations and corporate sponsorships.

APPROVAL OF CF-1 FORMS:

Mitchell Veneers, Inc., Compliance with
Statement of Benefits referencing R-05-11 (RE)

PAAR, LLC, Compliance with Statement of Benefits referencing R-04-32 (RE)

PAAR, LLC, Compliance with Statement of Benefits referencing R-07-36 (RE)

S & J Precision, Inc. Compliance with Statement of Benefits referencing R-05-48 (RE)

Wallace Family Properties, Compliance with Statement of Benefits referencing R-04-24 (RE)

Mrs. Benedetti moved to approve the above CF-1s, Mr. Coffey second, all voted in favor.

Mr. Duggins distributed a tax abatement properties status report and went over it with the council. He then recommended that the above CF-1s be approved.

Mr. Gonder asked why Beach, Mold & Tool show 0 jobs created.

Mr. Duggins stated that 570 employees are over and above their SB-1 estimation. He added that the council just approved abatement a few months ago for an additional 200 hirings.

Mr. Gonder asked if it is pretty easy to track those jobs that are created by the tax abatement.

Mr. Duggins replied that it is very tractable and that is why the spreadsheet is a pretty good tool.

Mr. Gonder asked how many people work there now.

Mr. Duggins replied 570 and they are planning to add several hundred more.

Ms. Baird asked Mr. Duggins if he has spoken to Hitachi Cable because they lost 137 employees.

Mr. Duggins stated that the economy has been hard on that type of business and we will continue to monitor that and work with them.

Mr. Coffey added that they are half way through their abatement anyway.

Mr. Gonder asked if there is an incremental cost of the jobs created.

Mr. Duggins stated that they break it down to average hourly wage. He said that you can take the amount of abated taxes for that ten year period and divide it by the number of jobs and that salary number and that will tell you how much money you are giving up per job. He added that if it is a new company and they come in with a very low wage then it's not a company that he usually brings to the council for abatement. He said that the company could come directly to the council and go through the process and fortunately we haven't had that. He stated that he likes to use the county average wage as a barometer of type of positions that we are trying to recruit into the community.

Mr. Coffey stated that TG Missouri came in at \$8.50 per hour but they offer very good benefits and he thinks they are now up to \$14.00 per hour. He stated that we should be looking at the actual wage.

Mr. Gonder asked if would be worthwhile to formalize your subjective judgment there and say that we are only going to give abatements to companies that provide a living wage.

Mr. Duggins stated that in Jeffersonville, there was a very strong relationship between Redevelopment and City Council and any companies that come in that fit the criteria set by the council, their abatement was granted. He said that he would be happy to work with the council on formalizing the process if they choose to.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

R-13-04	Resolution of the Common Council of the City of New Albany Concerning the CDBG FY2013 One-Year Action Plan	Gonder
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Mr. Gonder moved to have the Clerk read title only, Mr. Phipps second, all voted in favor.

Mr. Gonder moved to approve R-13-04, Mrs. Baird second, all voted in favor.

Mrs. Benedetti stated that she compared 2013 with 2012 and the figures in different areas decreased and asked if there was a reason why.

Mr. Duggins asked which ones.

Mrs. Benedetti stated that the Minor Housing Rehabilitation decreased.

Mr. Duggins stated that we don't know what our funding number is going to be yet but we expect it to be decreased. He said that they have carried forward what they hope will be their best case scenario. He added that everything basically went down except for Sidewalk Spot Improvements and/or Park Facilities.

Mrs. Benedetti stated that the Support of Affordable Housing went up to \$170,000.00.

Mr. Duggins stated that there was some talk of doing a couple of different things so they kept the numbers in there but also moved a few dollars around so if there are any acquisitions that we are looking at in the CDBG area. He also said that they really wanted to target keeping all of the programs exactly where they are for parks, after school programs, YMCA, etc. He stated that they moved some money into Spot Improvements and Park Facilities because a couple of the major parks fall within the CDBG money and there is a lot of sidewalk work that needs to be done within the CDBG area.

Mr. Caesar asked if the sidewalk work was going to spread around or is it only going to be done on the park.

Mr. Duggins stated that this money can only be spent in the CDBG area and he would be happy to show them the map.

Mrs. Benedetti asked if they could get the map.

Mr. Duggins stated that he could email it to them.

something that we could look for other sources of funding. He added that he agrees that this is urgent and something that we should do but thinks that we need to look for other sources of funding.

Mr. Phipps stated that this is something that is protecting the safety of the citizens. He added that he feels that the role of government in a civil society is to provide things like public safety and rely on private donations for nonessential things.

Mr. Coffey stated that the county is not going to pay and he would like to scratch the last paragraph of the resolution where we ask the county to help purchase and install them and just ask them to maintain them.

Mr. Phipps stated that he would be open to that.

Mrs. Benedetti stated that Mr. Herthel mentioned weather radios that could be given out but she doesn't know what that would cost.

Mr. Phipps asked Police Chief Knight if we have the reverse 911 capacity where all phones would ring in the city if there is a tornado or something.

Police Chief Knight replied that they do not have that service at this point but that would be done on the land lines and so many people don't even use home phones anymore.

Mrs. Benedetti stated that she thinks that they will maintain them.

Mr. Zurschmiede stated that in his opinion he thinks they should definitely be asked to pay to install them. He said that he thinks that we should garner one of the County Commissioners to put this in an ordinance form and have a vote on it.

Mr. Phipps stated that he agrees but he is worried about having an emergency in the meantime.

Mr. Zurschmiede stated that he doesn't think they should be considering funding this until the county says that they aren't going to do it.

Mr. Gonder asked how many sirens there are and what the radius is that they are supposed to cover.

Mr. Phipps stated that there are 16 or 19 throughout the county and cover a two mile radius.

Mr. Gonder stated that he questions how efficient they are because he heard it at Kroger on State Street on Saturday but he lives within two miles from Kroger and his wife didn't hear it at their home.

Mr. Phipps stated that Mr. Herthel told him that they are primarily meant to be an outside warning system but we are underrepresented at this point.

Mr. Zurschmiede pointed out that when they run the tests on the sirens, they don't run very long but if it was a true emergency, they would run continuously.

Mr. Phipps stated that he is fighting for the safety of his district.

Mr. McLaughlin stated that there definitely needs to be an alarm in the downtown area.

Mr. Phipps introduced Bill No. A-13-02 for first and second reading, Mr. Coffey second, all voted in favor.

Mr. Phipps stated that we are voting on this now but will hold up on the final reading until we get a response from the County. He stated that there was also another request from the industrial park but he told them that he didn't want to put that in this one because he would leave that to Mr. Blair who is their Councilman. He also said that they want one that has a vocal announcement in case of a chemical spill. He said that he will forward the email that Mr. Herthel received to Mr. Blair.

G-13-06 An Ordinance Amending the City of New Albany Phipps 1&2
Code Chapter 33 Sections 71 & 74 Concerning the
Policies and Practices of the Human Rights Commission

Mr. Phipps introduced Bill No. G-13-06 for first and second reading, Mrs. Baird second, all voted in favor with the exception of Mr. Coffey.

Mrs. Baird moved to have the Clerk read the amended versions of the ordinance only, Mr. Gonder second, all voted in favor.

Mr. Phipps stated that the commission found a typographical error in the ordinance so it is just being cleaned up in paragraph (B) and the other change is instead of having the commission meet every other month, they will meet quarterly. He also stated that there are some chapter number problems that will be addressed before the final reading.

Mr. Coffey asked what control the commission has over the private sector.

Mr. Phipps stated that it would cover private sector employers and employees as well.

Mr. Coffey stated that he doesn't have a problem with it covering government but he does have a problem with it covering the private sector.

Mr. Phipps asked Mr. Coffey if he thinks that a private employer should have the right to not hire someone based on certain reasons such as gender identity.

Mr. Coffey stated that he doesn't care what someone is and a small business can't deny hiring you for certain reasons but if someone is hired one way and then they decide to be another way, it could have an impact on their business.

Mr. Phipps asked what if someone changes their religion after hired. He stated that he sees Mr. Coffey's point but he just disagrees with it.

Mrs. Baird stated that she thinks a person who works for the private sector should have the same rights as a person who works for the government.

Mr. Phipps stated that this is a whole different issue and what is being brought before the council tonight is cleaning some mistyped wording and changing the frequency of the commission.

Ms. Baird stated that she thinks this case needs to go before the Human Rights Commission.

Mr. Phipps stated that is something that they will have to decide if it is brought before them.

Mr. Coffey stated that since this is being brought to be changed again then it is a new ordinance on the table.

Mr. Phipps stated that this is not going to affect the potential or pending case at all.

Mr. Coffey stated that he does understand this but he believes that you also have to respect the rights of an employer within reason.

Mr. Phipps stated that he is not going to strike anything out of the ordinance and it will be voted up or down as it is written.

Mr. Gonder pointed out that Mr. Coffey says that they are not being truthful with the employer but they are being asked to not be truthful with themselves at that point.

Z-13-03 Ordinance Amending the Code of Ordinances of Baird 1&2
New Albany, Indiana Title XV Chapter 156
(Docket P-03-13: ARC-UCG, LLC/API, LLC)

Mrs. Baird introduced Bill No. Z-13-03 for first and second reading, Mr. Phipps second, all voted in favor with the exception of Mr. Gonder who voted no.

Mr. Coffey moved that the Clerk read title only, Mr. Caesar second, all voted in favor.

Mrs. Baird stated that this is the University Commons area that the Planning Commission approved.

Mr. Goodman stated that they are also the developer of Wesley Commons on State Street and are very proud of that development. He stated that they are not subsidized housing and are attacking a higher end market. He passed out a presentation and went over it with the council. He said that they are proposing a total of 60 units with 141 parking spaces but one of the unique things about this development is that they are about 30-35% green space. He stated that they think it is important to have some common areas between the buildings and the benefit of that is to reduce the impervious areas because they do understand that drainage is a concern in the area. He said that they are proposing a detention basin not retention basin and their post-drainage will not exceed their pre-drainage. He stated that they will have to go through the third party review for drainage and apply for a Rule 5 and get the drainage plans approved through the state as well. He stated that the ultimate drainage will travel to the east and then goes north and goes back to the east and then goes to the south and eventually into Silver Creek. He then stated that they did a project in downtown Louisville called Soho Lofts where the building had a flat roof and it was all residential condo use. He said that it was a very attractive building and very well received and sold very quickly. He also said that they are using that particular project as a model for this one. He stated that they plan for two bedroom units and they range from \$800-\$900 per month.

Mr. Gonder asked how many units Soho Lofts has.

Mr. Goodman stated that there are 28 units.

Mr. Gonder asked how many parking spaces they have.

Mr. Goodman replied that there is a parking garage and they ended up with 1.8 per unit.

Mr. Gonder asked how come this has 4.

Mr. Goodman replied that they feel because of the student use they know they are going to have a lot of drivers and they had room for 141 parking spaces so that is what they accommodated. He added that they would like to build these in phases and if they feel like they don't need that much parking they can always take it out.

Mr. Blair stated that there is a future connection site and asked if that is an easement.

Mr. Goodman stated that it will become an easement. He said that was a concern during the original PUDD hearing so they wanted to make sure that there is future connectivity.

Z-13-04 Ordinance Amending the Code of Ordinances of Baird 1&2
New Albany, Indiana Title XV Chapter 156
(Docket P-04-13: Jeremie Reed)

Mrs. Baird introduced Bill No. Z-13-04 for first and second reading, Mr. Phipps second, all voted in favor.

Mr. Coffey moved for the Clerk to read title only, Caesar second, all voted in favor.

Mr. Copperwaite stated that this is a project on the west side of Charlestown Road just north of the Colonial Club Condominiums. He said that it was formerly the site of a single family residence that was in pretty bad shape and has been torn down. He stated that the proposal is for 12 duplex buildings on 2.897 acres and the current zoning is R2 which would allow 6 units per acre. He said that each unit has a single car garage and they will be all brick and showed pictures of the units that Mr. Reed had developed in Corydon. He also said that there will be just fewer than 3 parking spaces per unit. He then read a letter of recommendation from the town of Corydon commending Mr. Reed's work there. Said letter is on file in the City Clerk's office. He said that drainage would pass through a detention basin at the southeast corner of the property and would go into the storm sewers under Charlestown Road where it is conveyed a very short distance to Land Run which then flows a very short distance just south of Colonial Club and directly to Silver Creek.

Mr. Blair asked if they are rental units.

Mr. Reed replied yes and stated that in Corydon they are \$775.00 per month.

Mr. Zurschmiede asked what size they are.

Mr. Red replied that they are 975 sq. ft. excluding the garage.

Mr. Zurschmiede asked Mr. Wood what the vote was at the Plan Commission.

Mr. Wood replied 7 to 0.

Mr. Copperwaite stated that they did place about 20 conditions on it which he believes is part of the ordinance.

Mr. Caesar asked Mr. Wood if we are okay with drainage and lighting.

Mr. Wood replied yes.

G-13-05 An Ordinance to Replace Chapter 91: Animals Gonder 3
In the Code of Ordinances of New Albany,
Indiana

Mr. Gonder tabled this item.

BOARD APPOINTMENTS:

MISCELLANEOUS ITEMS:

Mr. Coffey asked about the highway barrier walls that are being stored on Cherry Street.

Mr. Thompson said that he talked with MAC and they asked if there was any possible way to lease or rent that spot until they get a job where they need them.

Mr. Coffey stated that he understands that but it just looks bad and it is the perfect place for Frisbee golf.

Mr. Thompson said that he could tell the mayor that the council wants them moved.

COMMUNICATIONS – PUBLIC (non-agenda items):

Mr. Megenity stated that for the past 50 years he has done good works for the community in areas of history, education and preservation. He said that four years ago he was appointed to the Bicentennial Commission and serve as Treasurer which he readily accepted. He said that Bicentennial Commission voted to bring in an Assistant Treasurer, Alice Glover and she made sure that the books were absolutely balanced to the penny. He stated that last October everything began to go south. He said that he went to the Bicentennial mailbox and found a letter returned to sender and it was a letter to a vintage baseball team in Indiana. He stated that it was a letter from Vice Chair Barbara Zoller confirming a particular date but there was something strange in the letter. He said it was a check for \$300.00 from Patricia Hughes whom he has never heard of. He explained that other checks surfaced and provided copies of those checks to the council. He stated that shortly after that Ms. Zoller presented him with an envelope that contained the proceeds from Stories Behind the Stones which was \$8.34 with a notation that \$1,700.00 had been run through Patricia Hughes' credit card machine. He said that Bicentennial monies were being comingled with Patricia Hughes' private account and found out that Patricia Hughes is Ms. Zoller's sister. He said that they met with Ms. Zoller and indicated to her that it is highly unusual and probably illegal to move Bicentennial money into someone's private checking account where it couldn't possibly be accounted for. He told her that he needed that information and credit card receipts for \$1,700.00 because he couldn't balance the books. He said that her answer was very short and told him no, she doesn't have to do that. He said that he then met with Mr. Caesar and Ms. England and they saw the situation and agreed that it wasn't good and indicated that they would take care of it but nothing happened. He then said that at the next Bicentennial Commission meeting he was going through the fact that he couldn't give a final result on the books because money was missing and Mr. Duggins interrupted him to say that was not the proper place for this and that they would take care of it elsewhere but nothing happened. He said that he then called a special meeting with Mr. Duggins and laid out all of the information and Mr. Duggins told him that he would take care of it but nothing happened. He stated that he then met with the Mayor and told him what was going on. He said that the mayor said that he would take care of it but nothing happened. He stated that he received a call from Mr. Caesar the next day informing him that he would pick up all of the financial reports and that they were going in a different direction. He said that Mr. Caesar also informed him that he was firing the Assistant Treasurer because Ms. Zoller has a personality conflict with her. He also stated that Mr. Caesar informed him of an executive committee meeting to fire the Assistant Treasurer and him. He said that he has been doing professional work in this city for 50 years and has never been treated so unprofessionally. He stated that he showed up for the meeting and read a prepared statement and then resigned his position on the commission and the Assistant Treasurer

resigned by proxy. He stated that he heard there was an audit done by Rodefer Moss that was distributed to the City Council and in it the report clearly states that they have not audited or reviewed the company financial statement. He said that over \$250,000.00 has flowed through the treasury since he was Treasurer. He then stated that Mr. Caesar was quoted in the newspaper as saying that now since we are going through Rodefer Moss, we will probably start using city monies. He added that they have already received \$66,000.00 of taxpayer's money. He suggested that two audits be done. He said one should be done through his tenure ending on January 28th and the other should be done from the 28th to now. He said that this is about doing the right thing for the taxpayers of the community.

Mr. Coffey stated that Mr. Caesar has made every effort to make sure that the council has had all of the information and he is very comfortable with what has been provided.

Ms. Benedetti asked Mr. Caesar if there is a report for 2012 and if so, could he distribute it to everyone.

Mr. Caesar stated that he would.

IN COMMITTEE:

TABLED ORDINANCES:

ADJOURN:

There being no further business before the board, the meeting adjourned at 9:40 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk

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