

**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 MONDAY, JUNE 2, 2014 AT  
7:30 P.M.**

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

**OTHERS PRESENT:** Mr. Wood, Mr. Hall, Mrs. Moeller, Major Popp, Police Chief Bailey and Mrs. Glotzbach

**MOMENT OF REFLECTION:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

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

**Mr. Phipps moved to approve the Regular Meeting Minutes for May 15, 2014, Mr. Gonder second, all voted in favor with the exception of Mrs. Benedetti and Mrs. Baird who abstained and Mr. Zurschmiede who was not present.**

**COMMUNICATIONS – PUBLIC:**

**Shaunna Graf – Greenway Project Update**

**Ms. Graf** stated that she is the project director of the Ohio River Greenway Commission and began the annual update. She went over the members of the commission and explained that they hired an administrative assistant last year and also have an intern. She then showed a map of the greenway project and went over it with the council. She said that in Jeffersonville the Big Four Bridge is open and is a wonderful connection into Jeffersonville so we now need to open the K&I Bridge. She went over funding that was new in 2013-2014 which was Jeffersonville's Redevelopment Commission and they also got grants for the marina and Big 4 landing. She explained that the Big 4 landing is a full two city blocks that is being transformed into a park which is due to be finished in 2015. She also said that they are moving very fast on the marina and are just waiting on the US Army Corp of Engineers to issue their permit approval. She then moved on to fundraising and explained that they set out to do a Local Technical Assistance Program Grant to develop a maintenance plan. She said that they were also able to secure \$50K from the Duke Energy Foundation to design the Jeffersonville/Clarksville connector which is underway right now. She said that there was a \$1M from an anonymous donor that they needed a match for and a \$1M pledge was made by the Horseshoe Foundation that met that requirement and the \$250K annual installments are due to begin in August, 2015. She then moved on to the wayfinding signs and said that fabrication will be in June or July with installation in August. She stated that they have been working on the erosion of the riverbank and Clarksville hired a governmental liaison named Scott Johnson and he has really been pushing this with the help of the council members to get state and federal officials to get something done. She then moved on to Greenways Foundation of Indiana and said that they participate in that and have been actively working on a state trails fund for maintenance and there are summer study committees that were formed. She also said that Samtec was awarded the outstanding corporate citizen in 2013 for trails. She stated that last year they had a team of seven members of AmeriCorps come in to do some maintenance on the greenway.

**Mr. Caesar** asked if these were local people.

**Ms. Graf** replied that none of them had ever been to the Louisville area before and they were from all different states.

**Mr. Caesar** asked if they should look at this and duplicate it at a local level.

**Ms. Graf** stated that there are definitely relationships that have been developed with other trail groups that work with the community to be able to maintain them. She also stated that maintenance is something that cannot be done entirely by volunteers.

**Mr. Caesar** stated that he didn't think that it all could be but feels that a lot of it can be.

**Ms. Graf** stated that the two key items she has learned is that there has to be heavy supervision and materials. She added that it all has to be supervised by someone that has the power within the city to help with access to resources. She then moved on to Clarksville and stated that they have a master plan where the junk yard is and the trucking company is and the idea is to transform it into a historic park. She added that they don't have the funding yet but are hoping that the fact that all of the archeological studies that held the project up for so long will mean that some funding will be made available.

**Mrs. Benedetti** asked if that is what was discussed about Home Depot coming down.

**Ms. Graf** replied yes that part of it would be. She also stated that Clarksville has tried to work many times with CSX.

**Mrs. Benedetti** asked if it was advertised with CSX and it was high dollar.

**Ms. Graf** replied yes and stated that the price that CSX offered was \$3.9M for a two mile linear stretch and that was just for property. She said that Clarksville would be responsible for any of the environmental cleanup that had to happen.

**Mr. Gonder** stated that he thought the railroad was reluctant on relinquishment of the right-of-way and that they would hold that right-of-way and allow use of it until they would need it back in the future.

**Ms. Graf** stated that as far as she understands, CSX will sell out right to you. She explained that Clarksville specifically asked for it to develop a trail.

**Mr. Gonder** asked if it is available for anyone to purchase it.

**Ms. Graf** replied yes. She then asked Mrs. Leist-Stumler to address the council on the K&I Bridge.

**Mrs. Leist-Stumler** thanked the council for passing the resolution last year acknowledging that the K&I needs to be open for public access. She stated that the commission is in the process right now of requesting the state legislature to amend the code that will give recreational immunity provisions to more closely match Kentucky statutes. She said that this would provide clearer protection for the railroad for the Indiana portion of the bridge and its approach and amending this code would provide greater assurance to other Indiana property owners. She also said that this additional connection between Louisville and New Albany will allow completion for the Kentucky/Indiana River Trail which is a 13 mile loop which will connect the riverfronts of Louisville, Jeffersonville, Clarksville and New Albany.

**Ms. Graf** stated that letters were sent out to all state legislatures regarding amending the recreational immunity law.

**Mr. Coffey** stated that he thinks the key to this project is the K&I Bridge. He asked if there was anything that the council could do to emphasize to the legislatures how important this is.

**Ms. Graf** replied that in terms of the recreational immunity law that is an easy option because it doesn't require conversation with them about what the state of Indiana can do for the city of New Albany that the city cannot do on its own. She said that it is not just New Albany's problem when it comes to working with railroads and having access. She explained that from a public relations issue, the city of New Albany has been working with the city of Louisville on strategizing as to how to present information to Norfolk Southern in a way that they will say yes to opening up the bridge to public access.

**Mr. Coffey** asked if there is any way to expedite it because if not we could easily be looking ten years down the road. He added that it took seven years to get a section for the wastewater treatment plant and we ended up having to take them to court.

**Ms. Graf** stated that there is no easy answer.

**Mrs. Benedetti** stated that she thinks that Ms. Graf is going back to the piece of legislation that goes to the general assembly that Mr. Grooms is going to try to introduce because we have to change a piece of legislation that we have in place.

**Mr. Coffey** stated that he understands but they will use that for at least a year to hold this up.

**Mr. McLaughlin** stated that was relinquishing property and he thinks that this wouldn't really be relinquishing but using it as a multiuse bridge that they already own.

**Mrs. Benedetti** stated that Louisville becomes the biggest partner because they are going to be maintaining the bridge.

**Mr. Coffey** stated that they have some pull so we need to get them involved.

**Ms. Graf** stated that there is a group of people within the commission and a group of people within Louisville that are working to present information that shows how the Big Four Bridge has been a game changer in terms of what the waterfront development has been on Jeffersonville and Louisville side. She also stated that not only would this open up the K&I Bridge for public access but it would transform the areas that are around there.

**Mr. Coffey** stated that if that bridge does not open that knocks out about 80% of this project. He stated that if we don't push it, it is not going to happen. He added that after a year he would like to have more information than he has now.

**Ms. Graf** explained that the mayor of Louisville and the mayor of New Albany are the leaders at the top level and will have to do the negotiating with Norfolk Southern's top level leaders.

**Mr. Gonder** stated that we just need to stand ready to assist Louisville. He said that there were some meetings being held with Young's office but they just kind of went away. He also said that it probably isn't high on his list and they ran into a brick wall.

**Mrs. Benedetti** stated that she thinks that the dialogue is still continuing and they are gathering their information but they want to have all of their i's dotted and t's crossed.

**Mr. Wood** stated that is correct.

**There was a lengthy discussion regarding opening the K&I Bridge.**

**Ms. Graf** then went over some of the events that the Ohio River Greenway is involved with. She said that David Crockett who is the Chattanooga City Council Chair stated that their greenway system has been key to revitalizing their city and attracting new businesses and that approximately \$1B in new private sector investment has occurred during the past 10 years.

**Mrs. Benedetti** asked how we are going to have funds to maintain the greenway.

**Ms. Graf** stated that from a local level it is something that you have got to address in terms of keeping the funds going to entity. She said that she knows that the council voted in the Port Authority so being able to use whatever means possible to make sure that there is money set aside is what will have to be done. She also said that is why they are working on that state fund.

**Mr. Blair** stated that we have the old city dump at 18<sup>th</sup> Street and he thinks there are some environmental studies going on now but turning that into a park or something would be a great way to enhance the greenway.

**Mr. Wood** stated that he knows that Mr. Rosenbarger and the consultants had been meeting last week to talk about some IDEM concerns that have been raised about it. He said that he couldn't say specifically what those concerns were because he wasn't sitting in on the meeting but he does know at least portions of the municipal landfill had a 2 ft. clay cap installed on them and whether that is completely on the sides or not is another matter. He said that is what the consultants are looking at right now and looking at reuse possibilities.

**Mr. Coffey** asked when the study is going to be done to basically tell us the deal on the maintenance of it.

**Ms. Graf** stated that the LTAP program will be done in October.

**Mr. McLaughlin** asked if anyone has checked into the maintenance infrastructure such as what they do in Chattanooga which is a real success story.

**Ms. Graf** replied that she doesn't know that on a local level that is being done but the summer study committee for the state maintenance will look into what other states do.

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

**Mrs. Benedetti** congratulated Police Chief Bailey on his new role. She said that she also wanted to thank him for the outside investigation that he called for.

**Police Chief Bailey** stated that he thought from an ethical point of view it was the right way to go just to make sure that they address all concerns.

**Mrs. Benedetti** stated that a lot of the public felt that we shouldn't investigate our own and should have an outside entity.

**Mr. Gonder** asked if the allegations by Officer Schook is the prime focus of the ISP investigation or will it also take into account the incident at the Grand.

**Police Chief Bailey** replied that there are some personnel matters that are being looked at but the request for the ISP investigation was based upon the allegations brought forth.

**Mr. Gonder** stated that was a very serious charge that was leveled relating to the Grand. He said that he spoke with the lady involved in the incident and she is very intimidated by the process and he thinks that the least we can do for the public is to make sure they are comfortable coming forward and not being fearful of reprisal.

**Police Chief Bailey** stated that all of these matters are under review and he believes that in a short amount of time we will have all of the answers that we need to move forward with any action that needed to be taken.

**Mrs. Benedetti** stated that any time there are accusations of ghost employment using taxpayer's dollars then the public sector is very interested in that if it did take place. She added that she is not accusing anyone but hopes that we will get down to that matter.

**Mrs. Baird** stated that she is getting a lot of feedback from people who are very glad that ISP was brought in.

**Mr. Gonder** asked if all of the incidents tagged on that one officer will be part of the ISP's mandate to investigate.

**Police Chief Bailey** replied that they have personnel matters that are under review and then there is the accusation of possible criminal behavior that is under review.

**Mrs. Benedetti** asked if the council will get a report once it is over.

**Police Chief Bailey** replied that at some point he will relay that information back.

**Mr. Coffey** stated that the problem is that you have a merit board and there are some people that have caused real trouble and it is decided in private and no one knows what happens. He said that when you have one individual that has acted violently on two different occasions then the ISP should be looking into that not the merit board. He added that there are people that are really upset about it and he feels that the merit commission should be open to the public.

#### **COMMUNICATIONS – MAYOR:**

**Mr. Hall** stated that the mayor wanted him to give a quick recap on the Boomtown Ball & Festival. He said that it was a real success with almost 7,000 people and they had a great show by Houndmouth at the Grand that evening. He then thanked the council and the general public for their support. He also stated that they kicked off the Bicentennial Park Summer Concert Series last Friday and it was one of the bigger crowds that they've had.

#### **APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES AND RESOLUTIONS:                      READING**

#### **BOARD APPOINTMENTS:**

#### **MISCELLANEOUS ITEMS:**

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

**Mr. Baylor** stated that in listening to the discussion on the greenway, he would like to encourage everyone to remember that unless we have some proactive way of linking that with the rest of the city, it is just in a vacuum someplace. He said that hopefully in the street study there will be some valid suggestions to link that with things because he really believes that having bike paths that start nowhere and end nowhere doesn't do any good.

**Mrs. Benedetti** asked if anyone knows when that study will be done.

**Mr. Phipps** said that he believes it will be done in August.

**Mr. Baylor** said that the situation with 18 wheeler rigs on our streets is getting really bad. He said that on Spring Street between 6:30 a.m. and 8:00 a.m. they go very, very fast. He explained that he heard that we have some sort of standard for the heaviness and aggressiveness of vehicles like these and if we do, he doesn't feel that we are enforcing it because it just really is bad.

**Mr. Blair** asked if they are just bypassing the interstate.

**Mr. Baylor** replied that he thinks a lot of them are bypassing the interstate. He also said that some of them are getting displaced by Main Street. He added that having that kind of mayhem on the streets really negates what the city is doing to revitalize that area.

**Mr. Blair** asked if an ordinance could be passed that you can't have a truck of a certain size use these streets.

**Mrs. Benedetti** stated that we have a tonnage ordinance but it goes back to enforcement.

**Mr. Coffey** stated that our roads have not been tested to tell what the tonnage is. He also stated that the council can pass an ordinance that says no thru truck traffic which means they can come in to do their business but not to bypass.

**Mr. McLaughlin** stated that some of the streets are still state run. He then asked if Indiana was one of the states that accepted the oversized super source trailers on certain roads.

**Mr. Blair** asked Mr. Lorch to research it.

**Mr. Phipps** stated that he believes that the traffic calming that is being done on Main Street is going to move that traffic to Spring Street, Market Street and Elm Street unless we do traffic calming and two way traffic.

**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:**

G-14-03	An Ordinance Increasing the Standard Travel Allowance Reimbursement for the City of New Albany	Benedetti 3
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**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