

**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, JULY 1, 2013 AT
7:30 P.M.**

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

OTHERS PRESENT: Mr. Hall, Mr. Gibson, Major Whitlow, Colonel Pennell, Police Chief Knight, Mr. Wood, Mr. Duggins, John Rosenbarger, Ms. Prestigiacomo, Mr. Robison, Mr. Thompson and Ms. Glotzbach.

MOMENT OF REFLECTION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Ms. Baird moved to approve the Regular Meeting Minutes for June 20, 2013, Mr. Phipps second, all voted in favor with the exception of Mr. McLaughlin who was not present and Mr. Zurschmiede who abstained.

COMMUNICATIONS – PUBLIC:

COMMUNICATIONS – CITY OFFICIALS:

Mr. Caesar reminded everyone of the Independence Day Celebration on July 3rd. He said there will be many attractions for all ages. He said that there will be a couple of arcade booths, bouncy booths and some bands. He added that it will be a good evening for all.

Ms. Benedetti stated that on July 16th at 10:00 a.m. there will be a media event across the street from the Town Clock Church and they wanted to invite the council and the public. She then stated that she was approached by the Athletic Director at IUS about putting a flag pole in Bicentennial Park.

Mr. Caesar stated that the last time he purchased one it was about \$15,000.00.

Ms. Benedetti stated that he even mentioned that he may have an organization interested in donating one.

Mr. Phipps asked if there would be a U.S. flag, a state flag and a city flag.

Ms. Benedetti stated that there could be.

Mr. Duggins stated that the Bicentennial Commission voted not to have a flag pole in the park so that is why there isn't one there.

Ms. Benedetti asked Mr. Caesar if they could revisit it.

Mr. Coffey asked if the sponsor would have to have their nameplate on it.

Ms. Benedetti replied no.

Mr. Gonder asked if they would consider one off of the winery building.

Ms. Benedetti stated that would be a possibility.

Mr. Coffey stated that they are going to have a 4th of July Celebration at the W. 7th Street Park because the veterans would like to celebrate on the 4th. He said that they are going to have huge fireworks show and they have a lady that has actually signed a contract in Nashville that will be doing the music and she is absolutely fantastic. He also stated that they will have a hayride for the children and the event is free. He said that it starts at 6:00 p.m. and they will have a dedication to the Veterans of Floyd County and the ones that have died or missing in action as well. He also wanted to thank the Mayor and the administration for helping out with the details to put this on.

Mr. Gibson went over the proposed budget calendar for the council. He said that it basically outlines the important dates and deadlines. He asked that the council review the calendar and if they need to have more meeting times then it can be amended.

Mr. Gonder asked about the circuit breakers.

Mr. Gibson stated that the circuit breakers are the property tax caps that were passed several years ago by the legislature. He stated that the General Fund is just over \$1.1M and is what the circuit breaker is said to affect. He said that they don't feel that the budgets will be negatively impacted at this point. He said that there was a surplus of \$440,000.00 when we started the year and the actual tax collections for the May payments were up \$700,000.00 from what was anticipated in the budgetary process.

Ms. Benedetti asked if they would not need to consider an appropriation for MVH this year.

Mr. Gibson stated that it is possible and that they were waiting to get through six months to analyze and look at it. He said that they budgeted part of it out of the General Fund and part out of the MVH. He said that they will need to take a look at it to see where it is at and hopefully it won't be \$200,000.00 but they may need something at some point. He also said that June is a good point for them to look at to see how the next six months will go. He added that he has been told that next year we will receive an additional \$230,000.00 to MVH.

Ms. Benedetti asked if that hits parks or certain things when it comes in.

Mr. Gibson stated that the list actually breaks down the whole county and he will get the council a copy. He added that it does show each taxing district or each fund that gets part of that pie.

Mr. Blair asked if the tax cap shows which category reaches the maximum.

Mr. Gibson replied that it does not. He then went on to state that the first key date is August 1st is when the DLGF comes down. He said that's when we start getting some good numbers from the state that allows us internally to start projecting out what it is that we think we will get.

Ms. Benedetti asked what time the DLGF will be here.

Mr. Gibson stated 2:30 p.m. at the library.

Mr. Coffey stated that this is really good news and told Mr. Gibson that he needs to go back and tell the department heads that they have done a really a good job.

Mr. Gibson stated that the Mayor wanted him to convey to the council that the help they have given on the budget has been very good.

Mr. Coffey stated that this is the first administration to be open with the council in the last 12 years. He also said that the administration actually lets the council know where the funds stand and what the expenditures are.

Ms. Baird moved to amend the agenda to move up Communications from Public (non-agenda items), Mr. Caesar second, all voted in favor with the exception of Mr. McLaughlin who was not present.

COMMUNICATIONS – PUBLIC (non-agenda items):

Mr. Timperman stated that they are in the process of finishing up Phase 1A and the next step is the structural analysis of the tower to determine if the new tower can withstand the existing structure which he has no reason to believe that it can't but they will have to go through the structural analysis. He said that they will have to look into the timber and analyze it and determine if it requires any additional reinforcement. He said that if he gets approval then the next step would be to determine what type of structural modifications would need to be completed. He stated that the next step after that would be to start the construction documents and get them completed. He said that after the documents are completed, they would go through the bidding procedure and then receive the lowest best bid and review it with the city. He said that they would then initiate construction of the steeple system and they would like to proceed as soon as possible and may get it completed by the end of the Bicentennial year. He said they are looking at replicating the original steeple and passed out copies to the council.

Mr. Gonder asked Mr. Timperman what he would like to see before the first clock face goes on.

Mr. Timperman replied the structural analysis. He also said that before he sends these out to bid they have to be submitted to the Department of Homeland Security of the state of Indiana to get a state release and that has to be certified by him.

Mr. Gonder asked how long the structural analysis will take.

Mr. Timperman replied two to three weeks.

Ms. Baird asked if it would have to be done by the 16th.

Mr. Timperman replied not really. He said that he would like to get some kind of permission to proceed with the work.

Mr. Coffey stated that the \$75,000.00 would have to be matched and asked if that has been done.

Mr. Timperman stated that it is his understanding that it is a little over the match.

Mr. Coffey asked if the money is in the bank.

Mr. Timperman replied yes and said he presumes it is in the Friends of the Clock Church account.

Mr. Coffey stated that he wants to see that the money is matched.

Mr. Gonder stated that has been done.

Mr. Coffey stated that he wants to see it and thinks that they need to have an itemized list of the billings.

Mr. Timperman stated that it is his understanding that an itemized list exists.

Mr. Zurschmiede stated that this is similar to what they had last month and they need some kind of statement showing what actually has been deposited into a checking account. He said that they need to see in black and white that the match has been made. He said that he has heard from the people on the board that they are in the \$80,000.00-\$85,000.00 range but he would like to have documentation showing that.

Mr. Gonder stated that there is documentation and he assumes that it would have to be given to the controller.

Ms. Benedetti asked when they could expect to get the financial statement.

Mr. Timperman stated that they could get it this week.

Mr. Gonder asked what the cost of the steeple was.

Mr. Timperman stated that total estimate of Phase 1 was \$217,500.00 and to replicate the original steeple system was \$32,500.00. He also said that he incorporated a structural contingency allowance which was \$17,500.00. He then said that other elements of the first estimate have been completed and then there was a contingency allowance for soft costs which was \$19,000.00.

Mr. Blair stated that if his calculations are correct it looks like there is still about \$60,000.00 to be raised and asked how that will be raised.

Mr. Timperman stated that a lot of the work has been completed more economically. He added that in a couple of weeks they will have completed the clock faces and all of the exterior on the tower will be restored.

Mr. Blair asked if there are enough funds to complete Phase 1.

Mr. Timperman stated that he feels that there are. He stated that they will know precisely where they are in a couple of weeks. He stated that the big question is what the level is of structural remediation which may be \$0.00 or may be \$10,000.00-\$15,000.00.

Ms. Benedetti stated that they won't know that until they do the analysis.

Mr. Timperman agreed and said they won't know that until they go through and do the mathematical analysis of what is there.

Mr. Zurschmiede asked Mr. Timperman if he was present just to see if the \$75,000.00 is still on the table.

Mr. Gonder stated that Mr. Timperman was present to layout the progress and at the next meeting there will be a resolution to release the funds.

Mr. Zurschmiede stated that they have to have someone before the council to give an updated financial statement of where the project started and where they are and that there

are funds to complete the project. He also stated that the council needs to see a bank statement that shows that deposits have exceeded \$75,000.00. He said that he would like to have that information at the next meeting along with the resolution.

Mr. Gonder asked if the integrity of the existing timbers in place is in question.

Mr. Timperman replied that there is no problem at all in his mind of where we are with the existing steeple but there is no guesswork and it has to be calculated.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that there will be a small press event tomorrow at the Bicentennial Park at 11:00 a.m. for the Bicentennial Tree project to plant 200 trees for 200 years. He stated on July 3rd they will have a big celebration for Independence Day which will kick off at 5:00 p.m. with the penny arcade. He said that there will be bounce houses and six bands. He said that there will be three rock school bands, the Riverboys, Jimmy G and the Sidewinders and the Louisville Crashers. He also said that there will be fireworks between their two sets around 9:45 p.m. He said that there will also be another concert at Bicentennial Park on Friday.

APPROVAL OF CF-1 FORMS:

TG Missouri Corporation, Compliance with
Statement of Benefits referencing R-04-35 (PP)

TG Missouri Corporation, Compliance with Statement
of Benefits referencing R-04-35 & R-06-01 (RE)

TG Missouri Corporation, Compliance with
Statement of Benefits referencing R-07-24 (PP)

TG Missouri Corporation, Compliance with
Statement of Benefits referencing R-10-28 (PP)

Product Specialties, Inc., Compliance with
Statement of Benefits referencing R-04-08 (PP)

Beach Mold & Tool, Inc., Compliance with
Statement of Benefits referencing R-12-17 (RE)

PTG Silicones, Inc., Compliance with
Statement of Benefits referencing R-07-25 (RE)

PC Building Materials, Inc., Compliance
with Statement of Benefits referencing R-04-31 (RE)

Ms. Benedetti moved to approve the above CF-1s, Mr. Zurschmiede second, all voted in favor with the exception of Mr. McLaughlin who was not present.

Mr. Duggins stated that they are all above with the exception of TG Missouri but they tend to go up and down and are a significant employer. He recommended that they all be approved.

Mr. Caesar stated that employment is what he always looks at and asked Mr. Duggins if he is still updating the spreadsheet.

Mr. Duggins replied yes and stated that once they are all in, he will provide it again.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

R-13-10 Resolution Concerning Statement of Blair
Benefits for PTG Silicones, Inc. by the
Common Council for the City of New Albany

Mr. Blair introduced R-13-10 and moved to approve, Mr. Coffey second, all voted in favor with the exception of Mr. McLaughlin who was not present.

Mr. Blair stated that he went out Friday and Mr. Cahill was gracious enough to show him around the facility. He was really impressed and stated that this kind of company is the kind that we want in New Albany and want to support. He also stated that they are expanding and decided to stay in this area. He recommended that it be approved.

Mr. Duggins added that their hiring is doing well and they beat their expectations.

Z-13-05 Ordinance Amending the Code of Ordinances Baird 3
of New Albany, Indiana Title XV, Chapter 156
(Docket P-05-13: ONC, LLC)

Ms. Baird introduced Z-13-05 for the third reading and moved to approve, Mr. Zurschmiede second, all voted in favor with the exception of Mr. Coffey and Mr. Gonder who voted no and Mr. McLaughlin who was not present. Bill Z-13-05 becomes Ordinance Z-13-15.

Mr. Coffey stated that he read the information from Mr. Schellenberg that was not in favor of a turn lane. He also stated that there are plenty of empty offices in that area and doesn't understand why we need to build more office buildings. He said that there needs to be a turning lane and there is enough vacancy there for anyone that wants to move there now. He added that there is another building that is going to be built not too far from it.

Mr. Gonder asked if all of the members of the council received the letter from Barb Zoller about the graveyard. He stated that it said there was a graveyard on that property with a recent burial.

Mr. Copperwaite stated that he doesn't think that it is on the property but Holy Trinity Cemetery is just north of there and DNR has permitting processes that they know they have to go through. He added that they are not going to be doing any work adjacent to the cemetery nor north of Trinity Run Creek.

Mr. Wood stated that there is a cemetery between Holy Trinity and this property. He said that Barb Zoller contacted him as well and he talked to Judy at DNR and if there would be earth disturbing activity within 100 feet of the cemetery then they would have to have the plans reviewed by the Division of Archaeology. He added that if they were to discover any bones, they would have to stop work immediately.

Mr. Copperwaite stated that the cemetery is not shown on their plans but potentially the walk bridge will get them within 100 feet so they will have to file for a permit to build the bridge. He added that is something that they are quite familiar with and have done several times in the past.

Mr. Caesar stated that there is a lot more involved in a turning lane than he thought and he doesn't like the idea of having to remove the two large trees.

Mr. Wood stated that they would not be affected as the project is right now. He added that most of the landscaping along Green Valley is going to be preserved. He then explained that there would be a significant cost in putting in a turning lane.

Mr. Coffey asked if Mr. Schellenberg is saying that a turning lane is not warranted there.

Mr. Wood replied the Mr. Schellenberg says that there would be no benefit from what we have.

BOARD APPOINTMENTS:

MISCELLANEOUS ITEMS:

IN COMMITTEE:

TABLED ORDINANCES:

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:20 p.m.

John Gonder, Vice President

Vicki Glotzbach, City Clerk