

**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 7, 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. Gibson, Mr. Hall, Mr. Duggins, Mr. Thompson, Colonel Fudge, Police Chief Bailey, Fire Chief Juliot, Mrs. Moeller, Mr. Brinkworth, Mr. Wilkinson, Mr. Wood 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 June 19, 2014, Mr. Caesar second, all voted in favor with the exception of Mrs. Benedetti and Mr. McLaughlin who abstained.

COMMUNICATIONS – PUBLIC:

Mr. Chris King stated that he is an attorney with Lorch, Naville & Ward and he is representing the Highland Oaks Homeowners Association. He said that they did appear at the plan commission meeting and discussed amending the comprehensive plan to eliminate the need for a connector road between Kamer-Miller Road and Charlestown Road. He said that 156 residents signed a petition asking that this amendment be approved. He also said that the comprehensive plan that was adopted about 15 years ago has not been amended to date but can be amended. He explained that its purpose is to allow for logical growth but also to provide for the health, welfare and safety of the community. He said that when it ceases to do that, it is time for an amendment. He stated that what they couldn't see 30 years ago was how the Charlestown road corridor would develop. He said that they also didn't see that Highland Oaks Subdivision would not extend between two major roads. He said that the conditions have changed and that section of the comprehensive plan really doesn't meet the needs of the community so they are asking the council to accept the recommendation of the plan commission and amend the comprehensive plan to eliminate the requirement of the road.

Mr. David Marsters stated that he is the homeowners association president. He stated that the area that is being discussed is already designated as a park and we are talking about a road that doesn't even exist. He reminded the council that we want to protect to the children, support the wishes of hundreds of registered voters and support the little league. He then asked the council to please not build the road.

Ms. Laura Beth Henson stated that her family is doubly invested because they live in the neighborhood and they have children in little league but she is really concerned about the traffic if the road is built. She asked the council to help out and protect the children.

Mr. Justin Endres stated that he is an attorney with Young, Lind, Endres & Kraft and is representing the county in this matter. He explained that he believes there has been some confusion on what this comprehensive plan is and how it is amended partially because it hasn't been amended before. He stated that it is a plan that is adopted by resolution and

is not an ordinance, law or statute and does not have any zoning ordinance weight to it. He then explained what a comprehensive plan is and said it is general in nature, it is guidance and is supposed to offer flexibility. He added that it does not enforce development, location or standards. He stated that it is simply a vision of what might exist and what you may want in a long-term plan and is supposed to be, by its own terms, flexible. He said that the plan has never been amended to his knowledge or anyone else's knowledge. He said that he has heard talk that it has been amended in the past but he has asked at least four times in writing for any amendments and have not received any response. He explained that the original plan is required by statute to be recorded in the county's recorder's office and it has not been and if there were any amendments, they should have been recorded as well. He also explained that amending the comprehensive plan by resolution is typically not even needed. He said that at the plan commission public hearing it was unanimous by public comment that this road be removed. He said that the reason it was unanimous is because whether it is a park or not, to have a road through it is not safe. He said that another reason is because the neighborhood knows that the comprehensive plan changed when Highland Oaks Subdivision was constructed. He asked the council to agree with the plan commission's recommendation.

Mr. Scott Klink stated that he is president of the Floyd County Parks. He said that the plan was developed to support new development throughout the city and when the previous plan was adopted there was very little development going on at that time in the Charlestown Road area. He said that when the second plan was adopted in 2000 that collector road was not in the plan. He stated that the county purchased the property so it is a county park so it is not going to change from its purpose that it is today. He explained that if you look at where this parcel of land sits there is nowhere else to develop out there. He said there is road frontage property on Charlestown Road so if there is a concern about public safety and access for emergency vehicles, it is right there. He also said that if we are worried about public safety then there is no point in having a conversation about putting a road through a park because he can't imagine having children play where there is traffic allowed to go through it. He expressed that we should not deliberately take a situation that does not exist and create a situation that creates a public safety issue. He added that no one wants to be responsible for putting a road through a park and having a child get hit by a car but that is exactly what we are here discussing. He then asked the council to do the right thing and move this thing along.

COMMUNICATIONS – CITY OFFICIALS:

COMMUNICATIONS – MAYOR:

Mr. Michael Hall thanked everyone that came out to the amphitheater last Thursday for the Independence Day Celebration and stated that it was the biggest crowd that they have ever had. He then invited everyone to the concert in the park this Friday and stated that there will be a concert every Friday until August 22nd. He said that the 4H Fair is going on and Wednesday is Mayor's Night and encouraged everyone to come out and visit with him.

Mrs. Benedetti stated that it is also city leader night.

APPROVAL OF CF-1 FORMS:

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

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

L & D Mail Masters, Inc., Compliance with Statement of Benefits referencing R-13-08 (PP)

L & D Mail Masters, Inc., Compliance with Statement of Benefits referencing R-11-18 (PP)

L & D Mail Masters, Inc., Compliance with Statement of Benefits referencing R-05-06 (PP)

L & D Mail Masters, Inc., Compliance with Statement of Benefits referencing R-06-12 (PP)

L & D Mail Masters, Inc., Compliance with Statement of Benefits referencing R-09-06 (PP)

L & D Mail Masters, Inc., Compliance with Statement of Benefits referencing R-10-05 (PP)

L & D Mail Masters, Inc., Compliance with Statement of Benefits referencing R-12-13 (PP)

L & D Mail Masters, Inc., Compliance with Statement of Benefits referencing R-07-05 (PP)

Big Fisch, LLC, Compliance with Statement of Benefits referencing R-07-05 (RE)

Mr. Coffey moved to combine the above CF-1s and approve them as one unit, Mr. Caesar second, all voted in favor.

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

Mr. Duggins stated that they are all above hiring on their SB-1s.

Mrs. Benedetti asked when they can get a report.

Mr. Duggins replied as soon as all of the CF-1s have been sent in and approved.

Mrs. Benedetti asked when that would be.

Mr. Duggins replied that it would probably be in August.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

R-14-04	Resolution of the Common Council of the City of New Albany Amending the Comprehensive Plan, Year 2020	Baird
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Mrs. Baird introduced R-14-04 and moved to approve, Mr. Zurschmiede second, all voted in favor.

Mr. Blair stated that he really appreciated the public showing up and their professionalism in presenting their points. He stated that he does agree with them and believes that it would be ridiculous to run that road through a neighborhood and park. He also stated that he believes that the City of New Albany should help however they can

with the development of the park to make it successful. He said that he does support the amendment.

Mr. Coffey stated that the council has been a strong advocate of quality of life issues and this definitely qualifies as such by taking this road out. He added that he hopes there will be a solid 9-0 vote.

Mr. Gonder stated that he drove through the neighborhood and it has already developed to an extent in a manner that would be inconsistent with that road coming through it.

Mr. Phipps stated that he drove through there today and he couldn't believe how long it took to get back there and was concerned if there was an emergency. He said that if there was an access off of Charlestown Road it would make it a lot quicker. He also said that there was no comprehensive plan for 125 years and the fact that we have one and are trying to organize the city in a meaningful way, he doesn't think that it should be changed and feels that it is a logical extension to link that subdivision to Charlestown Road at some point. He added that he feels there needs to be more planning when these subdivisions are plotted to have good access roads into them.

Mr. Coffey stated that it was said that there is no amendment to this plan and to him any time you change it, you've amended it. He pointed out that since 2004 we have changed what was written 102 times so to say that this is a plan, he really doesn't understand that. He added that in the city we are trying to make roads smaller to slow the traffic down and we are trying to do the exact opposite to these residents. He said that they deserve what we have.

Mrs. Benedetti stated that a prime example is what we are doing on E. Main Street to slow it down and condense the traffic but now they are moving to Spring Street, Market Street and Elm Street. She added that now we have to wait on the study to see what we should do with those streets because we have just pushed the traffic onto them. She said that there has to be some kind of master plan.

Mr. Zurschmiede stated that they had something similar at Sam Peden Community Park. He said there were two ways in and out of there but that didn't work out too well so we put up a barrier. He feels this is the same type of situation and the same thing would happen.

Mr. Blair stated that Muirfield Subdivision is down the road from him and there was supposed to be another access road coming in from Charlestown Road from Kohl's Department Store but they changed the plan to remove that for the various reasons that these residents are talking about.

Mr. Coffey stated that there is precedence.

Mrs. Baird stated that the people bought homes in the subdivision because it was a quiet and safe neighborhood and she doesn't feel it necessary to disrupt their neighborhood.

Mr. Phipps stated that when he says connect the road, he doesn't mean to the highway. He said that you can have traffic calming as part of that structure going in. He also said that he will vote with everyone and just hopes that when the plan comes back in a couple of months of the major re-haul that's going to have to take place downtown the council will vote with him.

A-14-04 Additional Appropriation for Hope Southern Gonder 1&2
 Indiana's Pack the Bus Program

Mr. Gonder introduced A-14-04 and moved to approve the first and second readings, Mr. Coffey second, all voted in favor.

Mr. Gonder stated that Ms. Harbison is present to answer any questions. He also stated that he submitted this to Mrs. Moeller to be advertised and that it will probably be coming from the Riverboat fund.

Mrs. Benedetti stated that she advertised EDIT and Riverboat so the fund will have to be decided.

Mr. Zurschmiede asked Ms. Harbison to give a little history about the program.

Ms. Harbison stated that Hope Southern Indiana was formerly known as Interfaith Council and that they have been doing backpacks for kids for decades. She said that about four years ago they saw the need really increase for children's education in elementary school predominately. She also said that they saw a lot of the budgets going away from the school system and at that time, instead of doing a couple hundred backpacks, they decided that they wanted to take on a collaboration of partnership through the entire community to make sure that every child that received free lunch in the system would have those basic supplies. She explained that it was a big bite to take and this will be their fourth year of doing it and they are running about \$58,000.00 shy of what they really need. She said that it is need based programming.

Mrs. Benedetti stated that the council did a three year commitment to Blessings in a Backpack and asked Mr. Gonder if they could do a three year commitment at \$12,000.00 per year for this program.

Mr. Gonder stated that he certainly wouldn't want to curtail any future efforts in terms of how they will know what they will need next year in case they need more than \$12,000.00.

Ms. Harbison stated that they just have to go from year to year but does not see the number decreasing.

Mr. Caesar stated that with Blessings in a Back Pack there was another firm commitment that went parallel with our commitment that made that viable.

Ms. Harbison stated that some businesses like American Commercial Line and different organizations are going together and doing fundraisers and collecting backpacks and items. She also stated that Hope gets nothing out of this and they do all of the coordinating of this for free. She added that they provide all of these things to the schools and the schools are in charge of distribution based on what works for their particular school so it is collective but then individualized to the needs of the particular schools.

Mrs. Benedetti stated that Blessings in a Back Pack didn't have their total commitment to the dollar when we gave it to them.

Mr. Blair stated that he would just as soon do it on an annual basis because you can monitor the program and see what their needs are next year and we also don't know what our funding is going to look like in the future.

Mr. Gonder stated that he thinks that another request next year would be looked upon favorably but it would probably be best to take it one year at a time.

Mr. Caesar stated that he would only be for it one year at a time. He then asked Ms. Harbison if she feels that she is getting the best price on the supplies.

Ms. Harbison stated that they buy at bulk rate and feels that they get the best deals available. She added that they have a great deal with Walgreens and they also shop online and local.

Mrs. Benedetti asked what fund it should be taken from.

Mrs. Moeller recommended the Riverboat fund.

G-14-05 Fair Housing Ordinance for the City of Phipps 1&2
New Albany

Mr. Phipps introduced G-14-05 and moved to approve the first and second readings, Mrs. Baird second, all voted in favor.

Mr. Phipps stated that he basically had nothing to do with this and turned it over to Mr. Duggins to explain the details. He added that our own human rights code is actually better than this.

Mr. Duggins agreed and stated that we have to have the most up-to-date Fair Housing Ordinance on our books for CDBG funding. He also stated that our human rights ordinance is more in-depth and inclusive than this is but this does need to be passed and on our record also.

Mrs. Benedetti asked about the CDBG funds that were to be used for the Girl's and Boy's Club and if that took away from any sidewalk programs.

Mr. Duggins replied that the additional money over and above what we had planned will come out of some sidewalks so we will have \$25,000.00 less for sidewalks this year but it will be recouped next year. He said that we did just get our letter establishing what our number will be this year and it is \$623,000.00 which is not a reduction from last year so that is good.

Mrs. Benedetti asked if the areas of the CDBG lessened.

Mr. Duggins stated that there will be some changes to it since the census tracks were based on the 2000 census and now it's based on 2010.

Mr. Caesar asked if we adopt this should we do something with the fair housing ordinance that we already have or does it just go away.

Mr. Lorch stated that there should probably be a section put in the beginning of this that repeals the existing ordinance and references the sections that are being replaced. He said that can be done before the third reading.

Mr. Wood stated that he has been the acting fair housing officer for the city for the last 23 years and this ordinance replaces an existing ordinance that was adopted in 1992 that basically aligned then with the Americans with Disabilities Act in the civil rights portion of that. He said that this ordinance requires him as the acting fair housing officer to report to the Indiana Civil Rights Commission any allegations of fair housing discrimination.

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

of New Albany

Mrs. Benedetti introduced G-14-03 and moved to approve the third reading, Mr. Gonder second, all voted in favor with the exception of Mr. Coffey who voted no. Bill G-14-03 becomes Ordinance G-14-12.

Mrs. Benedetti explained that Mr. Gonder wanted in the ordinance that when the state rate changes then our rate will reflect it so that it doesn't have to come back before the council to be amended.

Mr. Zurschmiede asked whose job that would be to make sure that happens.

Mr. Gibson stated that it would be the controller's office.

Mr. Coffey stated that he can understand both sides but he never votes to give himself a raise or more money.

Mr. Gonder stated that is fine but if we set the mileage rate at a certain level then we penalize people for using their own cars.

G-14-04	AN ORDINANCE AUTHORIZING THE ISSUANCE OF SEWAGE WORKS REFUNDING REVENUE BONDS, SERIES 2014, FOR THE PURPOSE OF REFUNDING THE SEWAGE WORKS REVENUE BONDS OF 1998, SERIES A AND THE SEWAGE WORKS REVENUE BONDS, SERIES 2002; AND ADDRESSING OTHER MATTERS CONNECTED THEREWITH	Caesar 3
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Mr. Caesar introduced G-14-04 and moved to approve the third reading, Mr. Coffey second, all voted in favor. Bill G-14-04 becomes Ordinance G-14-13.

Mr. Caesar explained that this will allow the city to save \$1,295,000.00 plus we will not be required to have as much money in escrow so that would be about \$864,000.00 that can be used for other purposes.

Mr. Blair stated that he feels there is more opportunity to pay down more debt in the sewer department. He explained that in the last five months we added about \$550,000.00 to our cash balance just because we are taking in that much more revenue than we have expenses. He said that our cash balance right now is \$8.8M so he feels that we can take some of that and redeem some of the bonds that are redeemable. He said that right now our debt is \$52M. He spoke with the mayor and Mr. Wilkinson about helping the sewer board put together a cash flow projection of cash balances and build in a reserve and then take the difference to pay down debt. He said that we could whittle away at the debt a whole lot quicker. He also said that it is nice that we have financial consultants that we could show what we are thinking and get their opinion before we would do anything.

Mr. Caesar stated that he would be extremely for that.

Mrs. Benedetti asked how that would work if further projects need to be done.

Mr. Blair stated that would have to be projected out.

There was a lengthy discussion regarding reducing debt in the sewer department.

Mrs. Benedetti stated that she sees in the ordinance our pledge to EDIT and asked why that can't be taken out.

Mr. Gibson replied that revenue stream is still committed pursuant to those bond series because they are not yet callable.

Mrs. Benedetti asked if the sewer relinquished the \$540,000.00 back into EDIT this year.

Mr. Gibson stated that it hasn't been done yet.

Mrs. Benedetti asked when they will do that.

Mr. Gibson replied as soon as they sit down and evaluate it as a board.

Mrs. Benedetti asked if we need to come ask for it because it has been three or four months that she has been asking for it.

Mr. Gibson replied that it is a commitment that the sewer board went out of its way last year to do and he anticipates that it will be done again this year.

Mrs. Benedetti asked if this gives them the authority to raise sewer rates at any time during this bond.

Mr. Gibson replied that if we were to default then it would give the appointee or receivership the ability to go and petition the court for that avenue.

Mr. Blair stated that is standard language and stipulation for bonds.

Mr. Coffey stated that one of the things that got us in trouble about 10 years ago was that EPA mandated projects that we had to do and but the people on the board didn't do them and did other things because they knew they would have other money coming in. He said that he is so glad that we took back over the plant and if they don't have all of that extra money to play around with, and he is not saying that these are doing it, then we don't have to worry about that problem. He added that we spent \$20M-\$40M more than we had to because they were doing pet projects.

Mr. Gibson stated that all of the projects right now are being paid for in-house.

Mr. Blair stated that Mr. Coffey's point is well taken because you don't know who the next administration is going to be so if we go ahead and use the money to pay down debt then we know it is going to help in the future.

Mrs. Benedetti asked when we do this cost analysis to save money on this do we take competitive bids from the bonding companies.

Mr. Gibson replied yes.

BOARD APPOINTMENTS:

MISCELLANEOUS ITEMS:

Mr. Phipps stated that when the county redistricted precincts we didn't receive maps and asked if he could get one from the county.

Mr. Coffey stated that you can get them at the Pine View Government Center.

Mr. Phipps stated that earlier when he said that he hoped to have the council's support for the downtown area, he didn't mean it was his vote for the council's vote. He also stated that Mr. Blair commended the audience for being so civil tonight and he would like to commend the council for being so civil. He added that it was a very productive meeting and we were in agreement on many things.

Mr. Gonder asked if anyone knows the status of the street study.

Mr. Phipps stated that he asked the mayor and he said it will be sometime in August.

Mr. Caesar asked Mr. Wilkinson if the relining of the sewage pipes is running at rate that he is happy with.

Mr. Wilkinson replied that it is getting much better and that they one piece of equipment in the system that kind of held them up but they have replaced that so it is much better.

Mrs. Benedetti asked Mr. Wilkinson to check into the \$540,000.00 that she asked Mr. Gibson about.

Mr. Wilkinson stated that he would.

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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Mr. Zurschmiede stated that they are getting close and hope to have something for the council to have a work session on soon.

TABLED ORDINANCES:

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:45 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk