

**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, AUGUST 5, 2013 AT 7:30 P.M.**

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

**OTHERS PRESENT:** Mr. Hall, Mr. Gibson, Police Chief Knight, Fire Chief Juliot, Mr. Wood, Mr. Brewer, Mr. Rosenbarger, Mr. Thompson, Mr. Flynn, Ms. Moeller and Ms. Glotzbach.

**MOMENT OF REFLECTION:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

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

**Mr. Coffey moved to approve the Regular Meeting Minutes for July 18, 2013, Mr. Caesar second, all voted in favor with the exception of Ms. Benedetti who abstained.**

**Ms. Baird moved to approve the Executive Session Meeting Minutes for July 25, 2013, Mr. Coffey second, all voted in favor with the exception of Mr. Zurschmiede who abstained.**

**COMMUNICATIONS – PUBLIC:**

**Mr. William Kaiser** stated that he feels that part of the \$150,000.00 appropriation for the unsafe structures could be a start for a certain project that he has had a vision for. He said that the two vacant buildings at 110 and 114 E. Main Street by the Scribner House should be torn down and made into a city park. He said that he is aware the buildings are listed as historical buildings that housed the first doctor in New Albany and served as his home and office. He then pointed out that it was okay for St. Mark's Church and the Historical Society to demolish the old First Savings and Loan Association building and the landscaped empty lot now makes a beautiful setting. He stated that a plaque could be erected on the front of the lots with the wording that the site is the former home and office of New Albany's first doctor. He asked the council to please consider his idea.

**COMMUNICATIONS – CITY OFFICIALS:**

**Mr. Gibson** introduced Ms. Moeller who is the new City Controller. He also introduced Marcus Flynn and stated that his main focus will be to take a good look at the new financial system that was talked about last year.

**Mr. Rosenbarger** stated that the second Main Street project meeting is scheduled for Thursday evening at 6:30 p.m. in the assembly room.

**Ms. Benedetti** asked about the Complete Streets Session in Jeffersonville and asked if he will be attending.

**Mr. Rosenbarger** replied no. He stated that he did go to it in Indianapolis a couple of months ago and said that he did like that session because it involved business owners.

**Ms. Benedetti** asked if he has ever dealt with the company that is coming in.

**Mr. Rosenbarger** stated that it is a not-for-profit that is affiliated with the State Board of Health. He said that they are basically funded for healthful living environments which include walk ability and biking.

**Mr. Phipps** stated that he can't make it but he is already convinced on two way traffic and hoped someone from the Council could make it.

**Ms. Benedetti** asked Mr. Rosenbarger if he thought it would viable for them to be there.

**Mr. Rosenbarger** replied that he thinks that would be good and would like to organize one in New Albany.

**Ms. Benedetti** stated that in the last packet there was a resolution for the allocation of the State Street – Green Valley Road TIF area to go toward debt service and asked if that was through the bond commitment.

**Mr. Coffey** stated that has basically been written on every bond issue that we've done like that.

**Ms. Benedetti** stated that Redevelopment passed a resolution on the State Street, Green Valley and West Street vicinity economic development area which states that all assessed value TIF allocations to generate TIF revenues to meet debt service obligations of projects in that area. She also stated that it says there is no excess assessed value from the TIF allocation that may be allocated to respective taxing units for the budget. She asked how long that will go out.

**Mr. Gibson** stated that he does not know but he will find out.

**Mr. Coffey** stated that it did not hurt us financially but the money won't be there for large projects.

**Mr. Blair** stated that he feels that Mr. Coffey is right that there won't be money for large projects but there will be some money for smaller projects such as infrastructure improvements.

**Ms. Benedetti** asked what was in the paper about the \$5M bank note. She said that she knows that it is going to the new firehouse and to rehab the existing firehouses but wants to know how they came to the determination of what bank got the note.

**Mr. Gibson** stated that there were requests out for quotes on an interest rate and the one who was the lowest at that time which was 2.99% for 15 years was River Valley Financial. He added that the loan is \$5M but when they close on the restructuring of the Green Valley firehouse, those proceeds will be used to pay off a portion of that first to knock that down immediately.

**Ms. Benedetti** asked Mr. Gibson if he would bring the council up-to-date when it starts happening as far as the dollar amount that is going into each firehouse.

**Mr. Gibson** replied yes.

**Mr. Coffey** stated that this administration bids out to more people than what has been done in the past.

**Mr. Gibson** asked Fire Chief Juliot if he could give ballpark figures on what is going into each firehouse.

**Fire Chief Juliot** stated that it is about \$600,000.00 for the training tower, the rehab at the Grant Line station would be \$600,000.00 to \$700,000.00 and the Twin Oaks station rehab would be about \$500,000.00. He also said that these firehouses will be brought up to coed standards.

**Mr. Coffey** stated that there are structural issues that will be addressed as well.

**Fire Chief Juliot** agreed. He said that the main focus right now is on the Green Valley Road house going to Daisy Lane. He stated that the architects and engineers are all working quickly on that because of the timeframe of needing to be out so that Kroger can take possession of the property. He explained that once that is done then they are going to sit down with the architects to go over designs and updates to the other two stations.

**Ms. Benedetti** asked what the target date is for Kroger to take possession.

**Mr. Gibson** replied that they don't have a target date yet.

**Mr. McLaughlin** stated that annexation kicks in January, 2014 and asked what the plans are for a station out Charlestown Road.

**Fire Chief Juliot** stated that was in discussion in the early stages of these projects but it would make more sense to occupy the house that is out there rather than build another house.

**Mr. Coffey** asked if we are only doing the business corridor right now.

**Fire Chief Juliot** replied yes. He added that sometimes the county 911 will roll over to our dispatch and they make a fire run. He stated that on January 1<sup>st</sup>, 911 will be switched over with AT&T so until then, the county still has to take the call because the county police are still servicing the area.

**Mr. Caesar** asked what the approximate projected date is for the Daisy Lane firehouse.

**Fire Chief Juliot** replied that they are hoping early spring.

**Mr. McLaughlin** asked where the new tower will go.

**Fire Chief Juliot** replied Grant Line Road.

**COMMUNICATIONS – MAYOR:**

**Mr. Hall** stated that the Vintage Baseball Games will be at Binford Park this weekend and will be a family fun event. He stated that the Mayor wanted to invite everyone to the E. Main Street project meeting on Thursday evening at 6:30 p.m. in the assembly room. He also stated that there are three shows left at Bicentennial Park this summer and it has been a great series. He added that WFPK 91.9 has come on as a media sponsor for August.

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES AND RESOLUTIONS:      READING**

<b>A-13-03</b>	<b>Ordinance for the Establishing and Appropriation for Demolition of Unsafe Buildings</b>	<b>Coffey 1<sup>st</sup>&amp;2<sup>nd</sup></b>
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**Mr. Coffey introduced Bill No. A-13-03 for first and second reading, Mr. Phipps second, all voted in favor.**

**Mr. Coffey** stated that it needs to be decided what fund the money needs to come out of so that it can be advertised.

**Ms. Benedetti** asked if there is a list of the targeted structures.

**Mr. Brewer** passed out the list. He said that it is an evolving list so if anyone has anything, he is open to any suggestions that the council may have.

**Ms. Benedetti** asked about a house on Cost Avenue.

**Mr. Brewer** replied that it already has an order of demolition on it.

**Ms. Baird** asked about a house on Grant Line Road that has fire damage and has been that way for about a year.

**Mr. Brewer** stated that it is slotted for demolition.

**Ms. Benedetti** asked Mr. Brewer if he uses his own personal vehicle.

**Mr. Brewer** replied that he drives it at times but he also drives a city truck because the rear end went out on his truck so the city lent him one to drive.

**Ms. Benedetti** stated that if Mr. Brewer uses his own vehicle then she wanted to ask the council to make an amendment to purchase a vehicle for Mr. Brewer to have.

**Mr. Coffey** asked Mr. Brewer if he can get a list of the properties that are slated for demolition.

**Mr. Brewer** stated that they have an emergency clause that they work with the City Attorney on and it's a nice tool to have but sometimes the list can change. He also stated that sometimes they get caught up in legal battles. He added that the state defines what is unsafe and what is not.

**Mr. Gonder** stated that there is a new house going up on Grant Line Road almost to Vincennes and asked if that was a fire situation.

**Mr. Brewer** replied that it was.

**Mr. Gonder** asked if that is a double lot.

**Mr. Brewer** stated that he thinks that he acquired some property in that process.

**Mr. Blair** asked how long it takes to get paid back once we file a lien.

**Mr. Brewer** stated that they typically try to get it within one calendar year.

**Mr. Blair** asked if property taxes and sewer liens have priority over these liens.

**Mr. Gibson** stated that property taxes usually have superiority.

**Mr. Zurschmiede** stated that by Indiana law all tax liens have to be satisfied and so that is the minimum bid and so those lots don't sell and that's how the county ends up getting them back.

**Mr. Brewer** added that a lot of those go to a vacant lot and they are trying to solve that particular issue.

**Mr. Blair** asked Mr. Brewer what the council can do to help him in his job.

**Mr. Brewer** stated that communication is critical so that he knows about problems in your areas and get them taken care of.

**Mr. Blair** asked if they have enough staff.

**Mr. Brewer** replied that for what they are doing now, they do have enough staff.

**Mr. Blair** asked if he would need more staff if they stepped it up and enforced codes more.

**Mr. Brewer** stated that they could always use more help. He then spoke about an historical home by Mr. Baylor's home that has been vacant for five years and the siding is starting to rot away from it. He said that the Historical Preservation Commission should be looking into this property and challenged them to do so.

**Mr. Gonder** asked what steps have been taken on that particular house.

**Mr. Brewer** stated that they try to keep the grass cut and maintain it and to try to keep it secure. He said that they are sending letters out to the bank to try to get them to move on it but they say they don't own it and the owner can't afford it so it sits in limbo.

**Ms. Benedetti** asked if the bank can't see that the owner is not making payments.

**Mr. Brewer** stated that they don't care because as long as the taxes are being paid it doesn't get pushed to the front. He stated that once the taxes aren't paid it will either go into foreclosure or to tax sale. He said that Mr. Gibson is working on foreclosures right now but it is very time consuming.

**Mr. Blair** stated that he is interested in helping because when he rides through New Albany he sees appliances on porches, people consistently parking on sidewalks and in yards, etc. He then asked if Code Enforcement could concentrate on one area as a test to see what happens.

**Mr. Brewer** stated that he put together a master plan that broke the city down into five zones and it does work.

**Mr. Gonder** asked if five officers are what is needed.

**Mr. Coffey** stated that there is no real direction for the Code Enforcement Officer. He said that there are no binding ordinances that they can write the tickets and then be enforced. He added that the council needs to sit down with Building Commissioner and Redevelopment and put an ordinance together a list of fines.

**Mr. Zurschmiede** stated that they already have that and what they don't have is someone to hold those people accountable. He added that when Pam Badger was Code Enforcement, she wrote books full of violations but no one held those people accountable.

**Mr. Coffey** stated that the laws are not defined enough and we need to sit down and close those loopholes.

**Mr. McLaughlin** stated that one of the biggest examples he sees is that eight or nine months out of the year you can ride down the street and see that telephone poles are magnets for yard sale signs, etc. He added that we have passed an ordinance on that.

**Mr. Coffey** said that we don't follow up with a penalty.

**Mr. Brewer** stated that there are loopholes and some things that need to change.

**Mr. Phipps** stated that a few years back there was discussion about having a city court.

**Mr. Brewer** stated that they have started that process. He said that it is in Judge Hancock's court and is something that Tim Tieves worked really hard on.

**Mr. Phipps** stated that it is not a permanent city court so it is probably not enough time to handle all of the cases that we have.

**Mr. Brewer** stated that it is once a month.

**Mr. Gonder** stated that in Louisville they have an appeals body that you can go to if you feel you have been cited unfairly. He said that it really does funnel people into enforcement.

**Mr. Brewer** stated that the grass program is taking care of itself.

**Mr. Zurschmiede** stated that he thinks that Mr. Brewer needs more people. He also said that if we are going to solve code enforcement issues we are going to have to make a dedicated effort to really concentrate on them. He stated that he thinks Mr. Blair's idea of concentrating on one area that is pretty bad until it improves is a good idea. He added that through that process funds may be generated to where we can hire another person.

**Ms. Benedetti** pointed out that Mary Dodge that was hired and is now paying for herself.

**Mr. Brewer** passed out more information on filed liens and reviewed it with the council.

**Ms. Benedetti** asked if that money goes back to the non-reverting.

**Mr. Brewer** replied yes.

**Mr. Blair** stated that he thinks that Mr. Brewer is doing a great job with limited resources and budget time is coming up and he would be interested in seeing what it would take to get some more staffing in order to do some more clean up.

**Mr. Gonder** asked if it would be beneficial to concentrate on rental properties.

**Mr. Brewer** replied that you are dealing with landlords and tenants versus direct home owners and different things come into play with that. He also said that they can help the landlord just as much if they have tenants that are not taking care of their property. He said that if a tenant is trashing the property, they can order them to clean it up and they will vacate the property if necessary to make it safe.

**Ms. Benedetti** asked if the landlords shouldn't take care of their properties themselves.

**Mr. Brewer** stated that there are two sides of it. He said that he has seen landlords come in and fix a place up really nice and then rent it and within months the tenants tear it up again.

**Mr. Gonder** asked if it is a misconception that there is a disproportionate amount of substandard housing within the rental universe versus the city as a whole.

**Mr. Brewer** stated that he believes that at one time it was but things are starting to change.

**Mr. Zurschmiede** stated that he feels that a lot people have a misconception about landlords and a landlord's duty is not necessarily to maintain a house once it is rented to someone. He said that if a homeowner doesn't cut their grass then it is no different than if a tenant doesn't cut their grass.

**Ms. Benedetti** asked if they could be evicted.

**Mr. Zurschmiede** explained that you could if you go to Mr. Brewer and tell him that a tenant is not cutting their grass and you have to prove to the court that violated some law. He said that

they are no different than the Police Department and gave the example that if the guy next to him is a homeowner and he is committing a crime then he would call the Police Department. If the guy is the tenant then he would still call the Police Department, not his landlord.

**Ms. Benedetti** asked if the landlords shouldn't step up to watch out for their properties.

**Mr. Zurschmiede** replied that they should but asked why the Police Department or Code Enforcement not be obligated to do the same thing for any property in the city no matter if it is rental or owner occupied.

**Mr. Blair** stated that he would really like to see Mr. Brewer come back to the council with a plan because budgets are being done and if they need to allocate some more money then they need to know that.

**Mr. Caesar** suggested putting it together a three year plan.

**Mr. Gonder** stated that he has seen a lot of overstuffed indoor furniture on front porches.

**Ms. Benedetti** asked if they have written very many citations on that.

**Mr. Brewer** replied yes.

**Mr. Coffey** asked Mr. Gibson which fund would be best to take it out of.

**Mr. Gibson** stated Riverboat.

**Ms. Benedetti** asked Mr. Gibson if he knew the balance in that account.

**Mr. Gibson** stated that Riverboat is \$1.128M as of June 30<sup>th</sup>. He also said that he would advertise the public hearing for the appropriation and set it for September 5<sup>th</sup>.

#### **BOARD APPOINTMENTS:**

**Ms. Benedetti** stated that Jim Meeks has moved from the area and recommended that Rosalie Dowell be appointed to the Bicentennial Commission.

**Mr. Coffey** asked if it should be advertised.

**Mr. Blair** stated that he thought it was different because we only advertise for paid board positions versus voluntary positions.

**Mr. Coffey** said that he thinks that it is only fair to let the public know. He also suggested putting it on the city's website and appoint it at the next meeting.

**Mr. McLaughlin** stated that there is limited time with the Bicentennial so he wanted to go ahead with the recommendation of Rosalie Dowell.

#### **MISCELLANEOUS ITEMS:**

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

**Mr. Roger Baylor** stated that on June 14<sup>th</sup> they were set up to pour beer in the alley by Bicentennial Park and the Health Department showed up and told them that they needed a temporary food serving permit in order to pour beer. He said that was the first time in his almost 30 years of business that he has heard this. He said that they had a hearing before the Health Board and it would appear that the State Health Board guidelines would interpret in a loose way

without explicitly saying so that maybe the word drink also means alcoholic beverages. He explained that the State of Indiana has always operated, since prohibition, with the Alcohol Tobacco Commission which controls everything having to do with alcoholic beverages and always has. He also explained that they found a court of appeals ruling from 1998 which explicitly said that anyone that has a type 222 supplemental catering permit cannot be regulated in any other way; it is exclusively an ATC thing. He said that Health Department Board sort of ignored that and made a compromise asking him to submit to an inspection and get permits for something they would no longer charge them for. He stated that means now they are in the business of not charging alcohol only temporary food serving permit holders but continuing to charge those who are serving food when they just got through telling him that beer is food. He also stated that the lawyer of the Brewers of Indiana Guild is working on this at state level. On the 24<sup>th</sup> of July one of his workers said that the Health Department truck pulled in front of his business and someone got out of the truck, took a picture and then drove off. He said that on the following day they had the hearing at the Health Department and the ruling was apparently arrived at that evening but they didn't get it until the following Tuesday. He said that on Monday, the day before the ruling came down, a picture of the Health Department truck in front of the Bank Street Brew House showed up on the Health Department website. He presented a copy of the web page to the council that showed the picture placed over a description of the dangers of E.coli. He said that he thinks this is an egregious abuse of government.

**IN COMMITTEE:**

**TABLED ORDINANCES:**

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 8:50 p.m.

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Pat McLaughlin, President

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Vicki Glotzbach, City Clerk