

**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, NOVEMBER 4, 2013 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. Lorch, Mr. Hall, Mr. Robison, Police Chief Knight, Colonel Pennell, Mrs. Moeller and Mrs. Glotzbach.

**MOMENT OF REFLECTION:**

**PLEDGE OF ALLEGIANCE:**

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

**Mr. Coffey moved to approve the Public Hearing Meeting Minutes for October 17, 2013, Mr. Gonder second, all voted in favor. Mr. Phipps abstained**

**Mrs. Baird moved to approve the Regular Meeting Minutes for October 17, 2013, Mr. Coffey second, all voted in favor. Mr. Phipps abstained**

**COMMUNICATIONS – PUBLIC:**

**Mr. Coffey moved to bring the non-agenda items up on the agenda, Mr. Zurschmiede second, all voted in favor.**

**Mr. Blair** stated that there is a group here tonight from the Mt. Tabor Road area to speak regarding the construction plan in their area. He explained that he spoke out about a month ago asking for a redesign of that plan because he thinks it is too overwhelming and too intrusive so it needs to be scaled back. He stated that this is a good time to hear the public comments because it is the time in the project where they held a public hearing and will be taking those comments back to the engineers.

**Mr. Coffey** asked when the public hearing is scheduled.

**Mr. Blair** stated that the first one has already happened and it has yet to be determined when they will have another one.

**Mr. McLaughlin** stated that they are in the process of addressed a lot of the questions and concerns that they heard at the public hearing and that will take some time.

**Richard Poe**, 1813 Klerner Lane thanked the Council for listening to their concerns and stated that they understand that there are many people involved in this project and while they may not be directly involved they do have a lot of influence in the community and they are their representatives so they make their appeal to them in the hopes that as they speak with others in the government that they will be well informed and be able to speak on their behalf. He stated that the proposal for Mt. Tabor Road is massive and unacceptable and there is not any need to change the stop sign that is already there. He stated that this project will change the environment and atmosphere in their community and there is no legitimate need for it. He explained that there is not a traffic problem at this intersection and they can't find any documentation that there will be an increase in traffic in the next 20 years as suggested. He stated that they don't want anything that will encourage traffic off the interstate and through their community and they do not want their property compromised to facilitate this new roundabout. He explained that they were disappointed that the funds were turned over to this project by them without an approved plan

that the community on board and their needs to be accountability so they would love to see this project meet the needs of the community but scaled way back on all the other design elements.

**Mr. Coffey** suggested that he also go before the Redevelopment Commission as well as the Board of Works regarding this issue.

**Mr. Poe** stated that they were supposed to be notified about the first public meeting but he wasn't, he just happened to see a flyer posted by a neighbor and that is how he knew about the meeting.

**Mr. Benedetti** stated that it was a 20% match by Redevelopment but there was not a roundabout in the design plan.

**Mr. Hiatt** explained that he lives on Depauw Avenue and stated that about 14 months ago he talked to everyone in the City about the sidewalks in front of his home and he was told that they are his responsibility and there wasn't any money in the budget to address this. He stated that he spent over \$2100 to get the sidewalks in front of his home fixed and then 14 months later he sees them working to get ready to put in new sidewalks which means that they will be taking out what he put in. He stated that he has sent a couple of emails to Mr. Thompson, the Council, the City Attorney and the Mayor's Office and he was humiliated when he called the Mayor's Office and never got a response from anyone else. He asked if they could point him in the right direction as to who to address this with and he was told to send it to the City Attorney but again he has never heard anything back.

**Mrs. Benedetti** asked Mr. McLaughlin if he could speak with the Mayor regarding this since this is in his district.

**Mr. McLaughlin** stated that he can talk with him but this is the first he has heard of this so he didn't receive an email from him. He explained that he did speak with Mr. Thompson about this and there was some possible slope issue with the one he put in.

**Mr. Hiatt** said that the sidewalk is level and there are others that have put in new sidewalks as well because they went through the same thing.

**Mr. Coffey** asked if he wants the \$2100 or he doesn't want it pulled out.

**Mr. Zurschmiede** asked if they are tearing out all the sidewalks on the street.

**Mr. Hiatt** stated that from what he can see they are replacing them all.

**Mr. Zurschmiede** asked Mr. Robison if he can help him.

**Mr. Robison** stated that he hasn't gotten anything from Mr. Hiatt.

**Mr. Zurschmiede** stated that he does understand his frustration and asked Mr. Robison if he could help him out with this.

**Mr. Hall** stated that he does think that Ms. Cotner was going to turn the email over to Mr. Gibson and then his mother passed away. He explained that he knows that Mr. Gibson is aware of it so he would wait for him to hear back from Mr. Gibson.

**Kelly Feiock** stated that she lives on the northeast corner of Klerner Lane and explained that she is here to talk about the design errors in the planning of this project and how it will affect their homes in the future. She stated that the US Fish and Wildlife Service's recommended minimizing impact to Slate Run Creek by concentrating road widening activities towards the south as opposed to the north and the shared use path on the side of the road with the least vegetation. She

explained that these details were completely overlooked and she is very concerned because it will taking 15 feet of her property and she doesn't want to see this increased traffic around her home and a concrete jungle instead of her wooded area. She stated that she does support the grading of the road and repairing of the road but the oversights do need to be addressed and it is something that should have been caught by the Board of Works and Redevelopment.

**Amy Patera** thanked the Council for the opportunity and stated that the redevelopment to Mt. Tabor Road as proposed imposes an undue hardships for the neighborhood. She explained that these hardships include loss of quality of life, physical loss of property, devaluation of property that remains, and destruction of the character of their neighborhood. She stated that there are also environmental hardships that include increased water runoff and loss of all the mature trees in that area. She asked that they support their efforts to scale back the project to protect that character and charm of their neighborhood.

**Mr. Blair** asked Ms. Patera to describe how her mother's driveway comes into the roundabout.

**Ms. Patera** stated that engineering plans show triangular pieces that direct traffic and her mother would only be able to turn right out of her driveway unless she goes over the curb.

**Mr. Blair** stated that her driveway would enter into the circular part of the roundabout and it would be very difficult for her to get out of her driveway.

**Ms. Patera** read a letter from Dorothy Stem into the minutes regarding the work on Mt. Tabor road, said letter is on file in the City Clerk's office.

**Scott Whalen**, 3601 Klerner stated that his property stands to lose almost 32% of their lot if this project moves forward. He pointed out that there was a change in the scope and the trail of how this took place is not there. He explained that there seems to be a lot of information omitted from this project and he was never aware of the legal notice for this project because he doesn't subscribe to the Tribune. He stated that there was no mention of adding sidewalks in the plan and a multi use path was under consideration for the south side and he doesn't understand how they went from that to sidewalks, buffers, and a redesign of the intersection. He explained that the project was originally going to address issues such as roadside hazards like sag in the curve, surface cracking, and guardrails, but it doesn't mention anything about a capacity problem. He stated that the two traffic studies that were done were not sufficient or accurate and if they look at the accurate numbers there is a reduction in traffic in that area which doesn't support the changes. He expressed concern with safety in the addition to the roundabouts and would like to know how and why these changes came about in the design.

**Mr. Coffey** stated that the only reason that Redevelopment is involved is because the match from the City is coming from TIF and that is primarily controlled by Redevelopment. He explained that he understands and is sympathetic to all of the concerns being voiced tonight.

**Diane McConnell**, 3616 Klerner Lane stated that her concerns are that a 5' sidewalk, 10' double path on the other side of the road, and a 5' green space on either side is excessive. She explained that homes located close to the road would use valuable yard space and trees. She stated that there are other options to consider that would handle the traffic and would also be safer as well as be more cost effective. She discussed the issue with increased runoff and what effect that could have on stormwater for surrounding neighborhoods.

**Mark McConnell** stated that he just wanted to reiterate that they would like the Council's help in getting the plan redesigned and would like to drop the proposed roundabout. He explained that everything they have been able to find made it debatable as to whether or not it is safer than the stop signs.

**Roger Baylor** spoke about the conversion of two-way streets in the City and compared it to the issues that those speaking about Mt. Tabor were having and how the addition of unwanted traffic is something they are both trying to avoid and how easy it was for those residents to recognize that issue. He stated that the effects of this additional traffic are the same in both situations and he hopes that the Council will see that as well.

**Mr. Phipps** agreed with everything Mr. Baylor said about the importance of the two-way streets

**Mr. Blair** counted 18 hands that were in favor of a redesign of the Mt. Tabor Road project in attendance at the meeting.

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

**Mrs. Benedetti** stated that she, Mrs. Baird, and Mr. Gonder met with the Agent of Record and he provided them with pamphlets to hand out of rules and regulations regarding policy changes with health care.

**Mr. Coffey** asked if they are still giving \$1,000.00 to the families to the ones that switch to HAS.

**Mrs. Benedetti** replied yes and stated that they give \$500 to single members and next year it will be reevaluated.

**Mr. Coffey** stated that it was supposed to be a one-time shot and he doesn't agree with it.

**Mrs. Baird** stated that it is still cheaper for the City.

**Mr. Coffey** stated that we need to be held to the same standards as the rest of the community and not pay the employees to switch.

**Mr. Zurschmiede** stated that even with that incentive it is still cheaper at the end of the day for the people on the plan and for the City.

**Mrs. Baird** stated it is helping both the employees and the City to do it this way and it is still cheaper.

**Mr. Coffey** stated that he is getting tired of paying people to do the right thing.

**Mr. Blair** asked if they know how much the City contributes for each plan.

**Mrs. Benedetti** stated that the City saves with them going on the HSA even if they pay them the incentive.

**Mr. Coffey** stated that it was supposed to be a one shot deal.

**Mrs. Benedetti** stated that she looked at the ordinance and it doesn't say anything about it being a one-shot.

**Mr. Gonder** stated that there are several mobile barbecue places around town and wonders if the Health Department has inspected them.

**Mrs. Baird** stated that the one that are at the farmer's market have been inspected and she is sure the Health Department keeps track of these vendors.

**Mrs. Benedetti** stated that a lady called her about having a hot dog cart and she had to go before the Board of Works so maybe they all have to go.

**Mrs. Glotzbach** stated that all vendors have to have a permit from the Health Department before they even come to the Board of Works.

**COMMUNICATIONS – MAYOR:**

**Mr. Hall** stated that the Governor’s Ball will be at the Knights of Columbus on Main Street and tickets can be purchased on the Bicentennial Website. He explained that the Parks Department is hosting a Bonfire in Bicknell Park on November 15th to celebrate the revitalization of the department and will serve as the official reopening of the Bud-Flynn center. He stated that on November 16<sup>th</sup> is the Mayor’s 45<sup>th</sup> Annual Prayer Breakfast. He invited them all to come out for each event.

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES AND RESOLUTIONS:      READING**

R-13-15	Resolution in Support of Efforts to Increase Participation in the New Healthcare Law	Gonder
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**Mr. Gonder introduced R-13-15 with changes and moved to approve, Mr. Phipps second, all voted in favor with the exception of Mr. Blair and Mr. Zurschmiede who voted no.**

**Mr. Gonder** stated that there were some discussion about establishing the local healthcare navigator program and explained that it is a very difficult with the lack of research tools available to them. He stated that this is just asking that they explore those ways.

**Mrs. Benedetti** asked if all counties in Indiana have a healthcare navigator.

**Mr. Gonder** stated that they are empowered to have them but they haven’t all done it yet.

**Mr. Zurschmiede** asked if anyone has done this yet.

**Mr. Gonder** stated that Clark and Harrison County has and Kentucky has been leading the pack on this and are setting the example throughout the country.

**Mrs. Benedetti** stated that the Governor has asked for a year’s extension to accept this.

**Mr. Zurschmiede** asked if they have spoken to the Governor about this and they aren’t the one in this situation so that tells him that there are repercussions to this.

**Mr. Gonder** stated that this is dealing with the fact that there will be several hundred thousand people in Indiana without healthcare because of the lack of Medicaid expansion and in New Albany several thousand won’t.

**Mr. Zurschmiede** stated that this second guesses our state legislature and our Mayor and he doesn’t have a full grasp of the subject matter so it makes him uncomfortable to accuse someone of not doing their job right when he doesn’t even know what their job is.

**Mr. Gonder** stated that the mechanism by which this law is to be implemented throughout the nation is through the expansion of the Medicaid benefits and by not taking them here in Indiana they are closing the door to the working poor. He stated that it is their duty to express to the Governor to take the money that the Federal Government is offering and let it serve the citizens that need it.

**Mr. Zurschmiede** stated that if it is just about accepting this money it should be a no-brainer for everyone in the room but his point is that he doesn't know what is involved in taking the money and there is obviously some questions on their State Governments minds about doing so or they would have readily accepted it. He explained that without knowing those reasons he doesn't see how they can support something like this.

**Mr. Gonder** stated that he would have to speak with the Governor as to why he chose not to take it.

**Mr. Zurschmiede** stated that they are just making an assumption that they aren't taking the money because they are ignorant and he isn't comfortable making that assumption.

**Mr. Gonder** stated that it is a black and white situation that the stated is not taking the money and people don't have health care because of that decision.

**Mr. Phipps** explained that this is for people whose income is just above the poverty line that are maybe working part-time jobs or jobs that don't have healthcare and they are struggling.

**Mrs. Baird** stated that there are a lot of people in New Albany who cannot afford insurance because their employer doesn't pay for it and they can pay for it with their income.

**Mr. Zurschmiede** stated that he thought under the new healthcare system that if the individual didn't get insurance they would be fined and asked if the action of their State Legislature is going to cause people to get fined because they didn't accept this money.

**Mr. Phipps** stated that in some cases that could be true.

**Mr. Zurschmiede** stated that he is very interested in the last paragraph dealing with the difficulties of getting on the website when there are a lot of people in New Albany that can't even access the website because they don't have computers so he supports that part of the resolution.

**Mr. Gonder** stated that he will try to supply Mr. Zurschmiede with as much information as he can about this

**Mr. Coffey** stated that they legislators worked so hard to get the right-to-work law in Indiana because it was going to increase jobs and pay but the jobs never came and the amount of pay went down. He explained that the healthcare that is proposed is a National Healthcare System and it is the right thing to do to support this and is a step in moving towards healthcare for people that really need it.

**Mr. Caesar** stated that he is in support of this but there will be a cost to the State of Indiana and explained that there is a lot to be desired with this new healthcare package but the states do need to get in line and they are doing a disservice to the citizens by not doing this together as a nation.

**Mr. Phipps** stated that the United Nations ranks the United States 37<sup>th</sup> in healthcare which means that there are 36 countries that provide more affordable and accessible healthcare to their residents and the United States spends twice as much as any other country. He explained that he had a short procedure and was astounded at the bills that came in after and couldn't even imagine the costs to someone that had be treated for an extended period of time and can see how something like that could bankrupt a person.

**There was a lengthy discussion regarding the middle class and how they afford to be on the new plan without subsidies being available to them.**

**Mr. Blair** stated that he doesn't see that this is in their jurisdiction not does he think they have all the information that they need to make an informed decision or to weigh in.

**Mr. Gonder** stated that he understands that they are not the State Legislators but they know that healthcare is going to be denied to their constituents and they have a voice to speak up so that the Governor can hear what they have to say.

**Mr. Blair** stated that there are all kinds of issues at the national level that they could debate but they don't

**Mr. Gonder** stated that his law affects the citizens of New Albany on a very intimate level and denies them a basic human right.

**Mr. Phipps** stated that they could have said the same thing about the people speaking about the roundabout because it isn't their jurisdiction to make that decision but there comes a point where the leaders have to take a stand even if they don't have a legal standing to do so. He stated that he is supporting this because it is the right thing to do.

**Mr. Blair** stated that he understands his point.

**Mr. Coffey** stated that the problem is that this was made into a political issue at the national level and they are all left to push something through to try and make them do the right thing.

**Mr. Phipps** stated that they mentioned that the Governor wanted another year to think about it and if enough cities voice their opinions it might sway his decision.

#### **BOARD APPOINTMENTS:**

#### **MISCELLANEOUS ITEMS:**

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

**Mrs. Wilcox** thanked the council for serving and stated that it is a tough job and she doesn't know how they do it sometimes. She asked if there was a way that they could put their political persuasions aside on this healthcare issue and realize that it is their jobs to know what is going on with national healthcare because it is a human right and if they don't know to take the time to inform themselves.

**Roger Baylor** stated that Randy Smith released his results on the traffic speeding survey and stated that in one year there were 258 speeding tickets written which equals out to less than one a day. He explained that about 1/3 were issued in a one block stretch on East Spring between 4<sup>th</sup> & 10<sup>th</sup> and about 1 in every 6 were issued in the 1300 block of East Market. He discussed other high traffic streets that had zero tickets written.

**Ms. Benedetti** stated that as that reads right now there is no problem with speeding.

**Mr. Baylor** stated that what this says to him is that every now and then they set up speed traps and catch people and then don't do it again. He explained what they should do is set up the streets to preclude the incidents of speeding and recklessness.

#### **IN COMMITTEE:**

#### **TABLED ORDINANCES:**

#### **ADJOURN:**

There being no further business before the board, the meeting adjourned at 9:15 p.m.

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Pat McLaughlin, President

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Vicki Glotzbach, City Clerk