

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
HELD A WORK SESSION IN THE THIRD FLOOR ASSEMBLY ROOM OF THE
CITY/COUNTY BUILDING ON THURSDAY, NOVEMBER, 20 2014 AT 6:015
P.M.**

The meeting of the **New Albany City Council** was called to order by President Pat McLaughlin at 6:15 p.m.

MEMBERS PRESENT: Mr. Coffey, Mr. Phipps, Mr. Blair, Mrs. Baird, Mr. Gonder, Mr. Zurschmiede and President Pat McLaughlin. Mr. Caesar and Mrs. Benedetti

OTHERS PRESENT: Mr. Lorch Mr. Brewer, Mr. Robison, and Ms. Milburn

Mr. Zurschmiede stated that

Mr. Blair asked Mr. Zurschmiede to give them a brief background

Mr. Zurschmiede thanked Mr. Lorch for all of his work on this ordinance. He stated that there is so much ambiguity in the existing code and they are scattered throughout the book. He explained that he hopes that this will bring it all together and make it a better tool for the code enforcement officer to use. He explained that they hope to create an educational pamphlet to give out to those that are violating these ordinances as well as to help educate the citizens on what is considered a violation. He stated that Mr. Brewer is very good about working with the public and this will be another tool to make his life easier. He explained that hopes that this is just the start of an ongoing conversation about code enforcement and the Building Commissioners office because there is a lot of room for improvement even though it has been getting better over the years. He stated that it has taken a long time for the city to get in the shape that it is in and it will take a long time to get better.

Mr. Phipps stated that codes are only as valuable and their enforcement so maybe they need to hire more manpower. He asked what they thought about adding a section for rental inspections.

Mr. Zurschmiede stated that a portion of this deals with vacant property and they might need to tweak that a little because a lot of the property around the city that is in bad shape is those that are vacant and if people are forced to register these properties it will be easier to track down who is responsible for them. He explained that from what he understands about the ordinance Mr. Brewer has the authority to walk in and inspect a property if they get a complaint about it and shut it down. He stated that he thinks a big portion of the problem is that Mr. Brewer doesn't have enough people to enforce these codes. He stated that there has been some talk about software and laptops to keep better track and maybe that is another piece of the puzzle that they need to look at. He explained that there has been improvements over the last 8 years but there is room for a lot more improvements and he wants to figure out what they need to make these improvements.

Mr. Blair asked if Mr. Phipps was thinking of having a schedule of inspections on these rental properties because he is always worried about safety issues like fire prevention and protection. He explained that he owns property in Bloomington and they have to go through a rental inspection and depending on the grade you get it can happen every 2-4 years. He stated that he likes that it focuses on safety and that it helps improve the whole neighborhood. He explained that there is a fee to it and assumes that is to pay for the program

Mr. Phipps asked how much the fee is.

Mr. Blair stated that he thinks it is \$75.

Mr. Phipps asked if they come back more often if the property fails

Mr. Blair stated that if there are violations they give you time to correct them before they come back for re-inspection.

Mrs. Baird stated that the last time they tried to do something like this the fee wasn't even that high but they got so much negative feedback from individuals saying that they owned so many different properties that they would never be able to afford it.

Mr. Coffey stated that if you are a business you have to go through inspections before you open and a rental property is a business. He explained that a lot of times the city has to pay to clean up a property where the renters have destroyed it and the city has to eat that cost.

Mr. Blair stated that he is very concerned about the fire hazards.

Mr. Coffey stated that he knows that rental inspection isn't a politically correct thing to do and it is different if you are buying your own home but rental property is a business and this would be a business inspection.

Mr. Phipps stated that some might say that they don't inspect homes that people are buying so why would you do an apartment but he would say that a home and a rental property is very different and should be distinguished.

Mr. Coffey stated that they would be surprised at how many single family homes were changed into duplexes without getting the proper permits.

Mr. Phipps stated that there are a lot in his district.

Mr. Blair stated that part of the program that he has in Bloomington is that you can only have so many occupants per unit.

Mr. Zurschmiede stated that during the Overton administration to inspect rental units every year and he thinks if there was something put in for a cycle that it would be a great idea.

Mr. Phipps stated that it could even exempt landlords that keep their properties up to code.

Mr. Zurschmiede stated that it would be a win-win for those that are keeping their properties up.

Mr. Blair asked Mr. Brewer what it would take to implement a program like that.

Mr. Brewer stated that it would take a lot of thought on his part and just making sure they have the money and the manpower in the right place.

Mr. Phipps stated that he needs to think about how many people that it would take.

Mr. Zurschmiede stated that it would be a situation where he would probably start off with more help than he would end up eventually need.

Mr. Brewer stated that the rental registration side of it would be a great tool because they are spending about 70% of their time on these issues, but at the same time they are a lot better off than what they were.

Mr. Zurschmiede stated that this would be a good time to move forward with something like that and he hopes the conversation keeps moving forward.

Mr. Coffey stated that if they address that issue it will do more to clean up in this community than anything.

Mr. Zurschmiede stated that it might create more work for the demolition and at the end of the day it could be a great thing for the city.

Mr. Brewer stated that the only problem with something like that is that there are real people that they have to move out of these homes and it isn't sure it is safer for them to be out on the street.

Mr. Coffey stated that they have talked about this at redevelopment and he doesn't know why they don't do something where they have a location to move these types of individuals to.

Mr. Zurschmiede stated that with all of Mr. Brewer's work and the NSP program they are definitely heading in the right direction and this is just another step.

Mr. McLaughlin stated that the main thing that he has come to them for is personnel or a software program, and asked what his take is on initiating this program and then addressing personnel issues or the other way around.

Mr. Brewer stated that both would be very admirable and something they need to look at but a lot depends on expectations and what gets passed. He explained that he is supportive of whatever makes things better but he needs more time to look at all the aspects of it. He stated that the first thing is that they have to send this off to the state of Indiana, so for them to change the code they will have to fill out the form and wait for feedback from them and that will determine what they do next.

Mr. McLaughlin asked if that was before they move on it.

Mr. Brewer stated that it does require their approval. He examined that it is outlined in Rule 10 Section 7. He stated that this is set up so that they don't do anything that contradicts state law.

Mr. Blair asked if they are the first community in Indiana to do this.

Mr. Zurschmiede stated that Jeffersonville has done this but they have already sent this up to the state for review and they gave suggestions. He explained that he doesn't think they have authority over them.

Mr. Lorch stated that there are certain things that they can't change standard on because it is set by state law and some things in the code that are more or less stringent than state code and they have tried to cover all of that. He stated Mrs. Snyder did give them a few suggestions but she didn't do a complete review of the code so he thought that would be a good place for them to get back together and make some changes to send up for another review.

Mr. Zurschmiede stated that it isn't his understanding and explained that he thinks they will review it but they don't have to.

Mr. Lorch stated that he thinks it is a little bit of both but they do have some control over what the city does or doesn't do.

Mr. Gonder asked if he is correct that this has been approved almost universally in other places.

Mr. Lorch explained that every state still has their own standards but they can't override what the state has.

There was a lengthy discussion regarding state law and how the changes made by the city could make the code stricter than state code but it couldn't make it less strict.

Mr. Zurschmiede explained that there is an international building code but Indiana will take a portion of that and change it to meet their criteria so every state could be a little different but overall very similar.

Mr. Phipps asked if they could just adopt the state code regarding this.

Mr. Zurschmiede stated that the state don't have a property maintenance code but it is addressed in pieces.

Mr. Brewer explained that the state does address all of the issues so they have to make sure they are following those rules and regulations. He explained that when the code is silent it gives them an opportunity to put in some things to fit New Albany.

Mr. Zurschmiede stated that Mr. Lorch should send them an email to find out what they have to have and what the city has to do. He explained that they are busy but he doesn't have any issues getting on their docket so if this is something they have to give their approval on then as a municipality they should be able to jump in and get this taken care of. He explained that from what he read she is doing them a favor not something she has to do.

Mr. Coffey stated that they can take what they know they can do and get that part done. He explained that he doesn't want it to be held up because a bureaucrat doesn't have time to look at it.

Mr. McLaughlin stated that he doesn't want to pass something that they are too lenient on and then have to redo it.

Mr. Blair stated that they could pass it in the entirety and change things that they have to as they come up.

Mr. Coffey stated that he would like to look into the rental registration

Mr. Blair stated that he would like to have a rental inspection program.

Mr. Brewer stated that they need to look at New Albany's main problems and if they passed something to deal with rental property and abandon houses it would solve about 80% of their problems. He explained that the council has been generous in helping fund their programs and it has paid off. He stated that that is year they have had 208 cleanups and in 2010 there were 5, so they are moving forward.

Mr. Zurschmiede stated that it is going to take a long time to see significant improvement and he wants to make it better, and if they give Mr. Brewer the manpower and tools he thinks they can.

Mr. Brewer stated that they cut 954 lawns this year and 77% of that was vacant and rental property. So if they don't do anything else they need to look at rental and vacant properties.

Mr. Zurschmiede stated that there is a huge amount of rental property in the city

Mr. Brewer stated that they have noticed since starting that program that the owners don't like getting these bills and that forces dialogue.

Mr. Phipps stated that another thing they can do on this rental inspections is to not charge for it if the fines for non-compliance are pretty hefty. He stated that they could also add a 10 strikes and you're out clause and the good landlords aren't being penalized.

Mr. Coffey stated that this goes back to it being a business and if you are in business you have to pay for many different things and that is part of doing business.

Mr. Phipps stated that he was thinking about places like Lockwood who keep their grounds immaculate.

Mr. Coffey stated that they could do it by physical location and not the units.

Mr. Blair stated that it could also be a spot check.

Mr. Zurschmiede stated that he thinks it is more houses than larger apartment complexes and they could do spot checks.

Mr. Blair asked if they have talked to any other cities that have this in place

Mr. Coffey stated that Bloomington has one and he thinks there are two or three others.

Mr. Blair asked if they are putting additional cost of people and talking to others that have put these codes in place so they can try to take care of issues that they aren't anticipating.

Mr. Coffey stated that he would think they still have the records of when they talked about this before.

Mrs. Baird asked if Jeffersonville has this and stated that if so that would be a good place to start.

Mr. Blair asked Mr. Brewer

Mr. McLaughlin asked if they have had any input from Jeffersonville.

Mr. Brewer explained that he hasn't talked to them too much about it but he can ask.

Mr. Coffey stated that before they do anything they have to get more manpower.

Mr. Zurschmiede asked if more manpower would help him

Mr. Brewer stated that everyone can use more manpower but a lot of it will be driven down by the policy and what is enacted and if they need to reevaluate it that is why they do budgets every year.

Mr. Zurschmiede stated that it is important to note that this is about all property and not just rental property

Mr. Brewer stated that he hit it on the head because the building code doesn't discriminate. He explained that they have to remember that they have to do a lot of

research at every location because whatever the code was when it was built is what standards they are held to so it is always different.

Mr. Gonder asked if when property changes hands it steps up to the new standards.

Mr. Brewer stated that it does not.

Mr. Blair asked if he was talking about property maintenance or building code with these properties.

Mr. Brewer stated that it does cross over quite a bit so he is talking about both.

Mr. Blair asked how they are going to fund this.

Mr. Zurschmiede stated that there is some ongoing amount of money that Building Commissioners office is generating and he isn't sure where it is going to.

Mr. Brewer stated that it is in the non-reverting fund.

Mr. Zurschmiede stated that the could possibly use that.

Mr. Coffey explained that they put that in the non-reverting for demo because previous mayors were using it however they wanted or it wasn't getting collected.

Mr. Zurschmiede explained that they created a position in the Building Commissioners office.

Mr. Benedetti stated that they took that out of EDIT with the understanding that they would eventually start paying for it out of their own budget.

Mr. Zurschmiede stated that they would need to get with Mrs. Moeller or Mr. Gibson to see what money is available and whether they can use it or not.

Mr. Brewer stated that **it goes back to what is going to get passed and that will dictate how they move forward.**

Mr. Coffey explained that with the work that has to be done they will not be able to generate the money to fund it and they will have to help out with that.

Mr. Zurschmiede stated that they seem to be doing better financially than they ever have so it looks like they could find it somewhere.

Mr. Coffey stated that they have to remember that some of that money is for police and fire for the area they annexed.

Mr. Blair stated that they already budgeted for that and unless they reallocate funds they are going to have to wait until next year's budget time.

Mr. Coffey stated that he would prefer it comes out of EDIT because it is tax based.

Mr. Blair stated that they will have to look at other priorities if they do that.

Mr. Coffey stated that he likes for wages to come out of a tax based income.

Mr. Zurschmiede stated that Mr. Lorch needs to get back with the state regarding what they need from the city.

Mr. Lorch stated that he thinks he would benefit from another meeting with Mr. Brewer and Mr. Robison regarding the provisions.

Mrs. Benedetti stated that she thinks they should bring the whole committee back together.

Mr. Lorch explained that now that they have all weighed in they can move forward from that.

Mr. Zurschmiede stated that he is fine with that.

Mr. Lorch explained that he was hoping to get out of these sessions whatever they think is missing and what doesn't fit.

Mr. Phipps stated that even if it takes a little longer it makes more sense to do it all as one package.

Mr. Blair stated that he would like to know how much it cost to implement the code and the plan to fund it which could be a transition.

Mr. Coffey stated that the transitioning is a good idea.

Mr. Zurschmiede stated that a lot of this is covered in their ordinance but they are scattered all about and some things that don't apply any longer and maybe shouldn't be in there.

Mr. Blair asked if they could tell them what the biggest differences in this code

Mr. Lorch stated that there is a lot of small changes to simplify it and make it more user friendly.

Mr. Blair asked if there are any specific changes like

Mr. Zurschmiede stated that he doesn't think there are any big changes but it just makes it much simpler and cuts out erroneous codes as well as pulls it all together into one chapter. He explained that another portion that came up that he would like to pursue is a tool that ordinary citizen can use to make the government to enforce its codes. He stated that they could file a complaint form that then gets distributed to the administration, departments, and the council so that when they get those calls they can give them the next step and people will be more accountable.

Mrs. Benedetti stated that they need to give them a time frame to respond

There was a lengthy discussion regarding using a complaint form and how beneficial it would be as well as how the form would be filed.

ADJOURN:

There being no further business before the board, the meeting adjourned at 7:30 p.m.

Pat McLaughlin, President

Mindy Milburn, Deputy City Clerk