

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON THURSDAY, DECEMBER 19, 2013 AT 7:30 P.M.**

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

**OTHERS PRESENT:** Mr. Lorch, Mr. Duggins, Mr. Wood, Mr. Thompson, Mr. Gibson, Police Chief Knight, Major Whitlow, Fire Chief Juliot, Mr. Hall, Mr. Flynn, Mrs. Moeller 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 December 2, 2013, Mr. Gonder second, all voted in favor.**

**COMMUNICATIONS – PUBLIC:**

**COMMUNICATIONS – CITY OFFICIALS:**

**Mr. Gibson** stated that Mr. Flynn was brought on to take evaluations and look at the various software systems out there. He said that Mr. Blair brought forth Tyler Technologies as a system to look at as well as our current systems. He said that they visited Tyler this week and met with their vice president and took evaluations and feel that Tyler is the best fit for us. He explained that they are looking at financial software, an HR module, payroll and work order program for sewer, streets and stormwater so those mechanism would be incorporated to bring all the financials things together. He said that it is a good product and have in excess of 600 employees and a main corporate office in Main and another office in Texas. He has received preliminary contracts to look and feels that it should be absorbed mostly in the budget without doing additional but may need a little help. He also said that it will be across a couple of spectrums and sewer will benefit as well so we will ask them to contribute to the cost.

**Mr. Flynn** stated that it will take six to nine months to implement the program and there will be various phases. He said that the first phase would be financials then the second phase in payroll and HR and then subsequently the sewer then work in the work order application.

**Mr. Caesar** stated that there will be a base amount for the system and asked if there will then be a monthly or yearly maintenance fee.

**Mr. Gibson** stated that there are upfront costs for training and then there will be an annual cost after that point. He said that it will be a little more than what we pay now but it is a much more robust system.

**Mr. Caesar** said that he is really glad that it will be phased in.

**Mr. Gibson** stated that the council will get another update in January saying that they will hopefully be coming in soon to start the process.

**Mr. Blair** asked about hardware improvements and upgrades.

**Mr. Gibson** said that Tyler makes recommendations for certain things and we are leaning toward cloud host which is a little more expensive because they are paying for and maintaining all of the hardware but have not completely narrowed it down yet. He said that he asked them about the security of that and said that when they visited the vice president of sales didn't have access to the servers and said that it is limited to about three people. He said that they did get to see it but had to sign in and sign out. He also said that if we do go in that direction there is redundancy in that if something were to happen at the Main office then there is backup automatically in Texas so there would be no loss of information or data.

**Mr. Caesar** asked about our hardware and if we are looking at all new.

**Mr. Gibson** stated that we do get government discounts when we buy from Dell so we are not looking at a large upfront expense but if we host the server then it will be a lot more expensive.

**Mr. Blair** asked if he factored in any cost savings for support functions and other things that we may realize savings with the new system.

**Mr. Gibson** stated that it will be much more user friendly information in that we can generate our own reports and those kinds of things. He said that they've indicated that we do not need a full-time IT person but would need one if we hosted locally. He said that there will be some streamlining and we won't know what that is until it is implemented. He anticipates that a few of them may get a different kind of task because we will be able to customize our own reports.

**Mr. Blair** stated that he would think that long-term we may be able to realize some cost savings from just efficiency and servicing.

**Mr. Gibson** stated that he thinks the council will see much better information that we can supply in formats that are what you would expect in the business world. He said that they will also be able to provide visual things a lot easier such as graphs to see a trend.

**Mr. Coffey** asked Mr. Blair if he is comfortable with this company.

**Mr. Blair** replied yes and said that he initiated contact with this company and he likes that they are a national company but can customize to the local level. He also said that there are a lot of cities in Indiana that use them.

**Mr. Gibson** stated that each state has specific requirements and the fact that they do operate in Indiana does make a difference because they will know if the requirements change. He also stated that they do have their own little community since they are web based so you can set your community to all of the users of Tyler and Munis in the state of Indiana.

**Mr. Flynn** stated that Fort Wayne has been a client for ten years, Anderson and Indianapolis public schools are clients as well. He stated that recent implementations are Columbus, West Lafayette and Lafayette.

**Mr. Blair** stated that he appreciates the team going to Main and doing the due diligence to find out about the company and what resources they offer.

**Mr. Gibson** stated that they all felt comfortable because this is a big deal to make this kind of move and Tyler treated it that way.

**Mr. Blair** asked about the account reconciliation and if they have gone back and tried to reconcile through this year and figure out what has happened.

**Ms. Moeller** replied yes.

**Mr. Gibson** stated that we have basically 18 bank accounts and 17 have been reconciled and balanced. He said that the last one Mr. Flynn is working on diligently and he is through March of this year and it is their goal to have them up to date by the end of the year as far as reconciliation but there will still be carrying forward unidentified items because it takes research to do that.

**Mr. Blair** stated that we started out at \$50,000.00 out and he would like to get back to that difference and then maybe look at a book adjustment or something.

**Mr. Gibson** stated that it has been researched enough that that is not going to be found. He also stated that is their goal and that is what Mr. Flynn is working on. He said that they will start submitting bank reconciliations monthly to the board of works and then the council will get copies of those. He then addressed the audit and stated that this is the best one since he has been here. He said that in the past, there have been 12, 13 or 14 comments and issues raised and on this one we had 6.

**Mr. McLaughlin** stated that there was some redundancy in the ones that we did receive.

**Mr. Gibson** agreed and stated that they are really suggestions to make things better and Mrs. Moeller immediately implemented the changes. He added that those issues will not be seen on next year's audit.

**Mr. Blair** stated that it is his understanding that the comments in the audit were worded pretty strongly but they were more cut and paste things and they weren't really specific to what we use. He said that the wording in the audit was stronger than what actually transpired through the audit.

**Mr. Gibson** stated that there were no significant deficiencies found and it was unmodified which is the best you can get. He added that the goal is to never have comments but he cannot promise that.

**Mr. Blair** stated that he called Mr. Shireman and he was very positive about the things that transpired and was very reassuring and complimentary of the staff. He also stated that an audit is a good thing because it is checks and balances and the reconciliations are something that we need to get corrected and the controller's office is working on that. He said that the claims reporting is something that we missed as far as getting it to the board of works but that has been corrected.

**Mr. Coffey** asked about the contract with Eco-Tech because he has gotten calls that they are not totally emptying the cans, not putting the lids on and if trash blows out in the street or alley, they don't do anything about it.

**Mr. Gibson** stated that those calls should be forwarded to us so that we can contact the contractor. He added that he doesn't think that the administration has gotten any of those call lately.

**Mr. Coffey** asked what should be done if we call and Eco-Tech doesn't follow through with what they are supposed to do.

**Mr. Thompson** stated that if he gets complaints then he calls Mark and if it looks like something that is not being taken care of then he calls Brian Slade.

**Mr. Coffey** said that he will get with Mr. Gibson and give him the streets.

**Mr. Gibson** said that Mr. Slade has always been very responsive to any issues that we've ever had.

**Mr. Coffey** stated that we all read in the news that Barbara Anderson is having trouble and between 40% and 30% of her residents are from Floyd County and asked the council if they would be interested in giving her another \$25,000.00.

**Mr. Blair** stated that he thinks it's a good idea because she is definitely serving people who are at a disadvantage and that does a lot for the community.

**Mr. McLaughlin** stated that homelessness is increasing and it is becoming an issue in younger ages. He said that he knows that there is concern with the new walking bridge opening that it will increase even more.

#### **COMMUNICATIONS – MAYOR:**

**Mr. Hall** stated that Mayor Gahan wanted to wish everyone a Merry Christmas and Happy New Year and is looking forward to another great year.

#### **APPROVAL OF CF-1 FORMS:**

#### **INTRODUCTION OF ORDINANCES AND RESOLUTIONS:      READING**

G-13-07      Ordinance Prohibiting Aggressive Panhandling      Baird 1&2

**Mrs. Baird introduced Bill No. G-13-07 for first and second readings, Mr. Coffey second, all voted in favor with the exception of Mr. Phipps who abstained, Mr. Gonder who voted no and Mrs. Benedetti and Mr. Zurschmiede who were not present.**

**Mrs. Baird** stated that she received an email from the director of the library and asked the clerk to read it into the record. Said letter is on file in the city clerk's office. She also stated that the library and Carnegie are not mentioned specifically in the ordinance but wanted to make sure that it included them.

**Mr. Lorch** said that he feels like public buildings include the library and Carnegie.

**Mr. Coffey** stated that he was in a private business and there was a panhandler there and wanted to know if the ordinance would cover them as well.

**Mr. Lorch** replied that he thinks it would.

**Mr. Gonder** stated that he understands that we want to make everyone comfortable and safe but these people that are panhandling are not comfortable and are not safe. He said that we are kind of attacking the symptom of what is wrong with our society and there are other ways of handling this. He asked Major Whitlow if the best way to handle it is to deal with it as trespassing.

**Major Whitlow** stated that he spoke with the lady at the library and she wasn't necessarily worried about panhandling but was more worried about people coming into the library that they didn't know anything about and possibly wasn't a citizen of New Albany and there were a lot of children running around. He said that their problem was a lack of communication in the department that has been corrected. He said that when an officer goes to a property whether it is private or government owned, if the person in charge wants someone off the property then the officer will issue a trespass warning. He said that the problem is that if one officer writes the warning and the person comes back and we don't have it in our records then an arrest probably wouldn't be made because the next officer wouldn't know that the warning was given. He said

that they put a plan in place with the library and told them what to do and then our officers were told what to do and there have been no problems that he knows of since then.

**Mr. Gonder** stated that he doesn't know that there is a need for such an ordinance because he feels that it is kind of official harassment.

**Major Whitlow** stated that he doesn't want to downgrade a possible ordinance set up by the council but with the trespass warning we are dealing with state statute where we can make a physical arrest and when you talk about city ordinances you are talking about infractions and you will be citing people who don't have anything anyway.

**Mr. Gonder** stated that Mrs. Anderson is really the type of solution that we can bring to this. He said that it is really what's wrong with government or society because we need to deal with the root cause of this. He said that we are going to pick on people that don't have anything.

**Major Whitlow** stated that the homeless problem and the poor problem in the United States is a problem bigger than us.

**Mr. Gonder** stated that he thinks an ordinance like this is not really effective.

**Mrs. Baird** stated that there are people who actually do this for a living. She said that she is not saying anything against poor people.

**Mr. Gonder** stated that he doesn't like being approached by it either but it is just the cost of what we have let happen in society.

**Major Whitlow** stated that when he started working here there were only two homeless people and over the years he has seen an influx of people. He added that since they closed Exit 0 and run everybody out, we are naturally going to get some of them here.

**Mrs. Baird** said that she just doesn't think that people should be harassed. She said that it is frightening if you are by yourself and someone comes up to you trying to get money because you just don't know what they are going to do. She also said that she feels that people have the right to go wherever they want to go without people coming up and harassing them.

**Mr. Gonder** stated that he thinks this is a pointless exercise and he doesn't want to have anything to do with it.

**Mr. Phipps** stated that he feels that the ordinance addresses aggressive panhandling and not to limit a person from exercising their right to solicit funds. He gave the example of someone asking again after being told no or following someone.

**Mr. Gonder** stated that you can't aggressively chase someone down the street for anything.

**Mr. Lorch** stated that you can sit and hold a sign to request donations but you just can't approach people and accost them to give a donation.

**Mr. Gonder** stated that he realizes that there are fakes and phonies out there asking for money but if you are chasing someone down the street that is illegal in itself and we don't need an ordinance that targets the poor.

**Mr. Lorch** stated that this ordinance just expands a little on the state law and focuses on aggressive panhandling.

**Mr. Caesar** thanked Mrs. Baird for bringing this forward and said that it is worded very well to help curb the problem. He said that you do have to have some level of sympathy for these kinds

of people because a lot of them do have problems that this council will not be able to solve. He said that panhandling really caused a lot of trouble in downtown Louisville and is one of the big things that brought down 4<sup>th</sup> Street when it was going strong.

**Mrs. Baird** stated that she is not saying that she is not sympathetic for those who are having a hard time because she is but she doesn't feel that anyone should be able to aggressively shake someone down basically for money. She also said that she supports as many organizations as she can to help the less fortunate but people just don't need to be accosted when they are trying to go about their business.

**Mr. Gonder** stated that we already have laws to stop people from the type of behavior that this is trying to address by attaching it to the behavior of panhandlers. He added that he hasn't seen that much panhandling around here and he is in New Albany a lot every day.

**Mr. Coffey** stated that it is getting stronger. He also stated that he knows where Mr. Gonder is coming from but there is a church or an organization that offers food every night and you don't see the panhandlers there.

**Mr. Phipps** stated that religiously he would have to go against it because he was taught that if someone asks for your shirt then you give them your coat too but he is one to always say separation from church and state so he is not letting his religious beliefs get in the way of the practicality of the matter.

**Mr. Blair** thanked Mrs. Baird for bringing this up and stated that he looks at it as awareness and we are trying to make sure that people are comfortable and safe in our community. He said that he understands Mr. Gonder where these things are on the books but it just shows that we are concerned about our citizens and New Albany.

**Mr. Gonder** stated that we do get shaken down for tax abatements and we are taking it out of the general funds of the city. He said that to him that is aggressive panhandling but those guys are wearing suits when they come in here.

**Mr. Blair** stated that a lot of times we go out and recruit those companies.

G-13-08	Ordinance to Create the Port Authority of New Albany to Provide for its Governance by a Board Of Directors to Be Appointed By the Mayor with the Advice and Consent of the Common Council, And to Promote the Community's Economic Development, All in Accordance With the Port Authority Statute of the State of Indiana	Gonder 1&2
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**Mr. Gonder introduced Bill No. G-13-08 for first and second reading, Mr. Phipps second.**

**Mr. Phipps withdrew his second.**

**Mr. Gonder introduced Bill No. G-13-08 as amended for first and second reading, Mr. Phipps second, all voted in favor with the exception of Mr. Coffey who abstained and Mrs. Benedetti and Mr. Zurschmiede who were not present.**

**Mrs. Baird** stated that she doesn't really understand what this is going to do.

**Mr. Gonder** stated that the Port Authority is a state mandated structure that puts in place rather wide hours and they control waterways and anything that is built in or around the waterway. He said that it is being anticipated here as a structure put in place that would allow us to go with maintenance on the Greenway and it has a component to it that deals with railroads. He said that

the main focus of this is to deal with getting something in place to deal with Greenway's ongoing maintenance.

**Mrs. Baird** asked if it is a taxing entity.

**Mr. Gonder** replied that it would have that authority but it is something that would have to come back before the council if a tax were to be proposed but it is not at all anticipated here at the moment.

**Mr. Coffey** explained that they are anticipating getting the money for this by taking a designated area or amount out of the TIF and use those funds to fund this. He added that the Greenway is to the point that it needs maintenance.

**Mr. Duggins** stated that in other cities across the state that use it, a marina for recreational boating and revenue and a short rail line are used. He said that we have an area in industrial park that has rail but is not currently served but the main focus is the maintenance of the Greenway and the future development of the riverfront for both business and recreational purposes.

**Mr. Wood** handed out a letter from Philip Hendershot who is the Commission Chair for the Ohio River Greenway Commission in support of a Port Authority. He stated that they are looking always for partners to help in developing the Greenway and they have a very good handle at this point in time on handling the actual physical Greenway itself. He stated that by the end of 2014 or early 2015 you should be able to go from downtown New Albany to downtown Jeffersonville on a dedicated path. He also stated that there are other features of the Greenway that they have not implemented because they don't have the cash match and it is not eligible with the Army Corp of Engineers to develop those types of things. He said that those things include art features, picnic areas, restrooms, playgrounds, marinas, boat clubs, boat ramps, boat holding slips, trailer parking, fishing piers, basketball and volleyball courts and could include other deals along the downtown Greenway as well.

**Mr. McLaughlin** asked about holding tanks.

**Mr. Wood** stated right now that is outside of the designated Greenway portion which only extends to W. 10<sup>th</sup> Street. He also said that the Port Authority would be contingent with the city limits so it could look at making improvements at Falling Run Creek or Silver Creek with Clark County's assistance.

**Mr. Coffey** stated that a marina is not there because that lower section of the river can fluctuate anywhere from 1 ft. to 5 ft. in a matter of hours. He added that they don't have one because it is not economically feasible. He said that he agrees with a lot of this but if it is to push a marina then he is not going to support it because a marina would be a black hole as far as money goes. He also said that he is not going to create another bureaucracy without anyone to oversee it.

**Mr. Duggins** said that board members are appointed by the mayor and any financial obligation has to come back before the council.

**Mr. Coffey** stated that it really doesn't benefit us financially so how will it benefit the city of New Albany.

**Mr. Duggins** stated that it will never affect the general fund and any business such as a very successful tonnage where we have a tax system will fund the operation and it would also be used for development of the port and the maintenance of the river. He added that they are looking for ways to help offset costs of maintenance and development of the riverfront outside of the general fund. He then said that is why having a separate entity that is appointed by the mayor with the council's agreement is what the statute says.

**Mr. Gonder** stated that the only tax they can impose is the .0333.

**Mr. Coffey** stated that he is not talking about the tax but is concerned with what is incorporated there within the boundaries of the Port Authority. He also said that we have to make sure we do this right because once it is set up, we lose all control.

**Mr. Gonder** said that in a sense it is a utility.

**Mr. Duggins** replied yes.

**There was a lengthy discussion regarding the Port Authority and how it can benefit the city.**

**Mr. Duggins** stated that we have \$5M in the Greenway with no maintenance plan and that has to come from somewhere so we are looking at alternate ways to generate revenue to maintain the beautiful section that we have.

**Mr. Coffey** asked what area this covers.

**Mr. Duggins** replied that it doesn't have a geographical area because it hasn't been set up.

**Mr. Coffey** said that it could include the corporate limits of the city of New Albany so that means that they could have total control over the development of business in New Albany.

**Mr. Gibson** stated that the Port Authority has waterways, rail and air only.

**Mr. Coffey** said that he is one that has always been concerned when he sees another bureaucracy formed.

**Mr. Gonder** stated that a new bureaucracy wouldn't affect anyone unless you have a rail line, a barge facility or some type of aquatic facility on the river. He said it is not going to affect anything inland or off of the rail line but it pieces those things together so that they are part of whole. He added that the main focus here is to get something to take care of maintenance on the Greenway.

**Mr. Coffey** stated that he agrees to some extent but he wants to see what the limits are.

**Mr. Duggins** stated that Frost, Brown and Todd is their legal counsel that they worked with on this and the Port Authority Commission would have to vote for a tax and then it would come back to the council to pass it so there are two layers of protection.

**Mr. Caesar** asked where the initial monies are going to come from.

**Mr. Duggins** stated that he would be comfortable in approaching Redevelopment Commission for monies to be transferred over for anything that they might use and obviously that would be another layer of protection for the council.

**Mr. Caesar** asked who appoints the members.

**Mr. Duggins** replied that the mayor does with advice and consent of the council.

**Mr. Caesar** stated that will have to change.

**Mr. Gibson** stated that it is dictated by state statute.



**Mr. Duggins** stated that it is their hope to find people that are involved in this type of business to be able to give recommendations.

**Mr. Blair** stated that to him you are sharing power because you are bringing more people into the government rather than giving authority to just one person. He also stated that we are on the Ohio River and we have needed something to help our development of the river and take advantage of the river for a long time. He added that to him it is about quality of life and economical development and a lot of good things could come from this.

**Mr. Coffey** said that he would like a five year plan of what this authority hopes to achieve and the direction in which they want to go.

**Mr. Gonder** said that they would have to be in place to do that.

**Mr. Caesar** stated that he would like to amend this to say that members will be appointed by the Executive with the advice and consent by a majority vote of the Governing Body.

A-13-10	Additional Appropriation from Riverboat Fund for matching fund of Fire Department Grant for Fire House Vehicle Exhaust Systems	Coffey 3
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**Mr. Coffey tabled this item.**

**Mr. Gibson** stated that the deadline for DLGF was December 15<sup>th</sup> so he asked Mr. Coffey to table this until the first meeting in January.

A-13-11	Additional Appropriation in an amount of \$450,000.00 from the EDIT/Riverboat Fund for the Police Department	Coffey 3
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**Mr. Coffey tabled this item.**

#### **BOARD APPOINTMENTS:**

#### **MISCELLANEOUS ITEMS:**

**Mr. McLaughlin** stated that the council received an email recently on some correspondence about some fire equipment that Fire Chief Juliot did respond to.

**Fire Chief Juliot** said that he did send an email to explain their situation and didn't know if everyone had a chance to read it.

**Mr. Caesar** asked what kind of numbers we are talking about on repairing these trucks.

**Fire Chief Juliot** replied that just to fix the corrosion issues on truck 1 which is the 20 year old platform truck would be around \$380,000.00 and to re-chassis that would be about \$840,000.00 and you still have a 20 year old ladder.

**Mrs. Baird** asked what it would cost to purchase a new truck.

**Fire Chief Juliot** replied about \$930,000.00.

**Mrs. Baird** stated that it is not worth fixing.

**Fire Chief Juliot** agreed.

**Mr. Gonder** asked if it could serve any other function with the ladder off.

**Fire Chief Juliot** stated that the ladder is not the problem. He said that when you raise the aerial the outriggers were being stressed from the suspension being shot so they were going to have new springs and shocks put in which would be around \$10,000.00. He said that the owner of the shop showed him where the frame and all of the suspension bolts up and is welded is all corroded out. He tried to take a bolt out with an impact wrench and it disintegrated.

**Mr. Gonder** asked what the current status is of the agreement with the casino as far as how much money we receive each year.

**Mr. Gibson** stated that it is around \$50,000.00.

**Mr. Caesar** asked what the cause is of the corrosion.

**Fire Chief Juliot** stated that when the truck was made the manufacturers pretty much just painted the frame and the metal and they weren't doing any corrosion inhibiting until just a few years ago.

**Mr. Caesar** asked why inhibitors weren't used because all of that stuff was on the market back then.

**Fire Chief Juliot** said it is a \$2,000.00 option to have the whole truck encapsulated in corrosion and rust inhibitor. He also said that they are having trouble with rust on the 2007 truck because it wasn't encapsulated.

**Mr. Caesar** asked about all of the other trucks.

**Fire Chief Juliot** stated that all of the newer trucks have been encapsulated in the rust inhibiting protector.

**Mr. Blair** asked if it would be worthwhile to take the trucks to whoever services them just to have them inspected.

**Fire Chief Juliot** stated that they inspect them regularly.

**Mr. Blair** stated that he didn't expect that the ladder truck would get in the shape that it is in if it had been being inspected.

**Fire Chief Juliot** stated that the ladder is tested yearly by OSHA and they go in and do rust inspections but the problem is the way the trucks are made. He said that truck is literally built around the tork box that supports the weight of 100 ft. ladder and when that starts to decay there is no way to get to it without totally cutting the truck apart and redoing it. He also said that when he became chief a few years ago it was a problem with that truck then but he just kept nickel and diming trying to keep it going along and it would take \$380,000.00 just to rebuild the frame.

**Mr. Gonder** asked if they are all built in the same manner when you talk about this place that you can't get to.

**Fire Chief Juliot** replied that they are pretty much the same design.

**Mr. Gonder** asked if they sell a different type of truck that they sell down in Florida since that is seaside.

**Fire Chief Juliot** replied that they do sell stainless steel but they are about double the cost.

**Mr. Blair** asked what the life expectancy is on a truck like this.

**Fire Chief Juliot** replied that OSHA recommends that you take a frontline apparatus out of service at 20 years and make it an auxiliary and an auxiliary should last 10 years.

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

**IN COMMITTEE:**

**TABLED ORDINANCES:**

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 9:35 p.m.

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Pat McLaughlin, President

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Vicki Glotzbach, City Clerk