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# NOTICE OF PUBLIC HEARING

The New Albany City Council will hold a Public Hearing to discuss the sewer rate increase on Monday, February 6, 2017 at 6:30 p.m. in the third floor assembly room of the City-County Building. Should you have any questions regarding this hearing, please see the City Clerk in Room 332.

Vicki Glotzbach, City Clerk.

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# NOTICE OF PUBLIC HEARING

The New Albany City Council will hold a Public Hearing to discuss A-17-01 Ordinance for Appropriation for Blessings in a Backpack on Monday, February 6, 2017 at 6:45 p.m. in the third floor assembly room of the City-County Building. Should you have any questions regarding this hearing, please see the City Clerk in Room 332.

Vicki Glotzbach, City Clerk.

**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 MONDAY, FEBRUARY 6, 2017 AT 7:00 P.M.**

**INVOCATION: To be given by ministers of different faiths, if present. If none are present, then a moment of reflection.**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

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

**Regular Meeting Minutes for January 19, 2016**

**COMMUNICATIONS – PUBLIC (AGENDA ITEMS):**

**COMMUNICATIONS – COUNCIL:**

**COMMUNICATIONS – MAYOR:**

**COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:**

**REPORTS – COMMITTEES, BOARDS OR OTHER OFFICIALS AS REQUESTED BY A MAJORITY VOTE OF THE COUNCIL:**

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES:**

**READING**

<b>G-17-01</b>	<b>Ordinance Prohibiting Littering within the City of New Albany</b>	<b>Knable/ Barksdale 1&amp;2</b>
<b>A-17-01</b>	<b>Ordinance for the Appropriation of Riverboat Funds for Blessings in a Backpack</b>	<b>Barksdale 3</b>

**INTRODUCTION OF RESOLUTIONS:**

<b>R-17-02</b>	<b>Resolution of the Common Council of the City of New Albany Adopting the City of New Albany and Unincorporated Two Mile Fringe Area Comprehensive Plan Year 2036</b>	<b>Caesar</b>
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**BOARD APPOINTMENTS:**

**COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):**

**ADJOURN:**

**INDIVIDUALS WITH DISABILITIES WHO MAY REQUIRE SPECIAL ASSISTANCE TO ATTEND THE ABOVE MENTIONED MEETINGS MAY MAKE THEIR REQUEST KNOWN BY CONTACTING THE CITY CLERK IN ROOM 332 OF THE CITY/COUNTY BUILDING OR BY CALLING 948.5336**

**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 THURSDAY,  
JANUARY 19, 2017 AT 7:00 P.M.**

**MEMBERS PRESENT:** Council Members Mr. Coffey, Mr. Phipps, Mr. Nash, Mr. Blair, Mr. Aebersold, Mr. Barksdale, Dr. Knable and President McLaughlin. Mr. Caesar was absent

**ALSO PRESENT:** Mr. Lorch, Mr. Duggins, Police Chief Bailey, Mrs. Moeller Mr. Hall and Ms. Milburn

**Mr. McLaughlin** called the meeting to order at 7:00 p.m.

**INVOCATION or MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE:**

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

**Mr. Coffey moved to approve the Regular Meeting Minutes for January 5, 2017 as amended, Mr. Blair second, all voted in favor.**

**COMMUNICATIONS – PUBLIC (AGENDA ITEMS):**

**Stephanie Watson**, Chairperson for Blessings in a Backpack for Floyd County, explained that they provide food for K-4 students on the weekends so that they have enough to sustain them until school starts on Monday. She stated that the council generously donated \$35,000.00 last year and they are asking for the same donation this year. She presented a report from last year and explained that they formed a committee to solicit donations and the report has a list of those donors. She stated that the numbers are down this year so they feeding about 1200 students which is due to enrollment and families opting out of the program. She explained that even with the numbers being down they are still on a mission to raise as much money as possible so that they can continue their program and thanked the council for their support.

**COMMUNICATIONS – COUNCIL:**

**Dr. Knable** stated that he fielded several phone calls regarding recent activity within the police department. He explained that they had three shootings in the last 12-13 days and an issue with a service member and the grand jury. He stated that he has spoken with several members on the force and the administration and wants the community to know that he thinks they are in very good hands. He added that he believes Chief Bailey has a handle on the shootings and statistically they have a very safe community but that can go out the window when dealing with individuals. He stated that he has full confidence in the chief and the mayor that these issues aren't being overlooked, and he is very proud of the way the grand jury indictment was handled by all parties involved. He explained that he has been very impressed with how seriously everyone takes their job regardless of party affiliation and they all have the citizen's best interest at heart.

**Mr. Aebersold** asked if they received a message on the ambulance issue and questioned if all individuals in New Albany pay for services if they call for an ambulance.

**Mr. Coffey** stated that they have to pay even if it is the NAFD that responds. He explained that it is generally turned into the insurance company but the city tries to work with them. He stated that the fire department goes out when there is a call and that is not a cost that the city can even begin to cover.

**Mr. Aebersold** stated that the individual keeps getting bills and while she has paid some it keeps getting worse.

**Mr. Nash** stated that the problem he has with it is that the insurance company is a fairly large and it is the same company that he uses. He explained that if he called he would have to pay out of pocket himself.

**Dr. Knable** stated that he thinks the problem was that the ambulance carrier considered her insurance out of network. He explained that the think the council can do at this point is to encourage the fire department and the administration to take these issues into account when the contract comes up for renewal.

**Mr. Coffey** asked if they could go that route with the hospital because a lot of people have had to change doctors since the change as their doctors are no longer part of the hospital. He explained that these people are already dealing with an illness and his understanding that this hospital is radically changing health care without asking the public.

**Dr. Knable** stated that the hospital is now a private entity and the only recourse that they have would be with city employees.

**Mr. Coffey** stated that the police department is getting to the point that they are overrun and they have less police now than they did in 1977. He explained that across the river they have one of the highest murder rates in the country and that is a mile away, and now it is coming across the river. He stated that he thinks that before they start looking at other major projects they need to look at what they can do to beef up the police department.

**Mr. Barksdale** stated that he spoke with Chief Juliot and he is going to follow up with the individual dealing with the ambulance bill.

**Mr. Nash thanked Mr. Lorch for his service and made a motion to renew his contract through the year, Mr. Barksdale second,**

**Mr. Nash withdrew his motion**

**Mr. Coffey** stated that is something they cannot vote on because it is not on the agenda.

**Dr. Knable** stated that they could amend the agenda if they have a majority of the votes.

**Mr. Coffey** stated that something like this should be disused with the entire council not just a few. He added that the hiring of the attorney it is the council president's call

**Dr. Knable** disagreed and stated that here is absolutely no grounds for that other than custom. He explained that he delved into the charter and the bylaws of the council as well as State Statute from which they were derived and they all stated that the decision is a majority of the council. He explained that they could get into that tonight or hold another meeting outside of the regular meeting to discuss this.

**Mr. McLaughlin** stated that he would accept the vote my majority or a motion to change the agenda.

**Dr. Knable made a motion to alter the agenda to allow Mr. Lorch's contract to be discussed, Mr. Barksdale second,**

**Mr. Coffey** asked Dr. Knable if he asked legal to get involved in this because there are some amendments that need the entire council and some that just need a simple majority.

**Dr. Knable** stated that he has his own attorney that he used. He explained that he would be willing to put this on the agenda for the next meeting but his problem is that the contract expires on January 31. He stated that they will have to have this discussion out at some point and time because he is of the opinion that it is the entire body. He explained that between January 31 and February 6 the council will be without representation but he understands that has happened in the past for several months at a time so it might not be a critical issue.

**Mr. McLaughlin** stated that he has done some research on this as well and it is very vague so they will need to discuss.

**Mr. Blair** stated that he is concerned about lack of representation even for a short period of time. .

**Mr. Nash** stated that they do have some things coming up that may need legal review and explained that and while he is trying to avoid asking Mr. Lorch legal questions during this discussion he asked about the specifics of the contract if they don't vote to renew.

**Mr. Lorch** stated that it doesn't have an auto-renew clause on his contract.

**Mr. Knable** asked if they could get an agreement to extend his contract for one month by majority

**Mr. McLaughlin** asked Mr. Lorch if he is okay with that

**Mr. Lorch** stated that he believes that he has to present something to the controller

**Dr. Knable** stated that he has Mr. Lorch's contract and it states that any continuation of services shall be under the same terms stipulated unless agreed to by all parties.

**Mr. Coffey** suggested that they have a special meeting so that they can hear multiple opinions on the subject.

**Mr. Barksdale** passed out flyers for the council to review and explained that the first one is the Black History Month Celebrations at the Town Clock Church that includes three different celebrations on February 7, 23 & 25. Said flyer is on file with the City Clerk's office. He stated that the second item is annual health fair that St. Marks United Church of Christ sponsors. He explained that it will be held on February 25 and stated that if they have any constituents that could benefit from the services to let them know. He explained that they are looking for volunteers and if they would like to take advantage of any of those opportunities to give him a call and he will get them in touch with the right people.

**Mr. Nash** stated that he saw on the news that that Baity's Funeral Home caught fire and asked if it has any historical significance

**Mr. Barksdale** stated that it is a very architecturally pleasing historic building built in 1898, He added that he doesn't think it is a total loss as the firemen were walking through the floors.

**Mr. Coffey** stated that before they give money to any such projects they need to remember the promise made to the people on Lawrence Drive.

**Mr. Aebersold** stated that heard a complaint about the east end project and asked who he would need to talk to about it.

Mr. Blair stated that he thought it would be the board of works that was managing that.

**COMMUNICATIONS – MAYOR:**

Mr. Hall stated that the mayor asked that he pass along more information about the winter preparedness plan and explained that they have replenished the salt that has been used so far and they have been working with a brine solution which is a pre-treatment solution.

**COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:**

**REPORTS – COMMITTEES, BOARDS OR OTHER OFFICIALS AS REQUESTED BY A MAJORITY VOTE OF THE COUNCIL:**

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES:**

**READING**

<b>A-17-01</b>	<b>Ordinance for the Appropriation of Riverboat or Edit Funds for Blessings in a Backpack</b>	<b>Barksdale 1&amp;2</b>
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Mr. Barksdale introduced A-17-01 and moved to approve first and second readings, Mr. Phipps second, all voted in favor.

Mr. Barksdale stated that the council was very supportive of them last year and they were able to get it on the agenda for consideration much earlier this year.

Mr. Blair asked if the Floyd county Council has been approached about this.

Mr. Coffey recommended approaching the new community foundation they have as well.

Ms. Watson stated that they haven't approached the county council.

Mr. Blair recommended that they do that and explained that he believes that the county should be funding this program and not the city.

Ms. Watson stated that most of the schools that receive funding are in the city which means that they are city children and the three schools that are in the county raise enough funds on their own.

Dr. Knable stated that in an ideal world they would have a unified government and they wouldn't have to have this discussion. He stated that their board has been very responsive to him this past year and they have upgraded the meals, and he thanked them for that. He stressed that they should be reaching out to as many resources as they can but he doesn't have any issues with the city throwing money into the pot as well.

Mr. Aebersold stated that he would like to take this money from Riverboat instead of EDIT.

Mr. Barksdale stated that they would specify that on the third reading.

Ms. Moeller asked if anyone advertised this and explained that if not she would be happy to do it so that it gets to the paper in time for the third reading.

**INTRODUCTION OF RESOLUTIONS:**

**BOARD APPOINTMENTS:**

**STANDING COUNCIL COMMITTEES**

BUDGET – Council as Whole  
DEVELOPMENT & ANNEXATION – Blair, Phipps  
RULES & FINANCE McLaughlin, Blair, Caesar  
PUBLIC UTILITIES & TRANSPORTATION Coffey, Phipps, McLaughlin  
POLICE DEPARTMENT Blair, Knable, Aebersold  
SCHOOL & LIBRARY Barksdale, Knable  
PUBLIC WORKS McLaughlin, Nash  
PUBLIC SAFETY & TRAFFIC Nash, Aebersold, Phipps  
FIRE DEPARTMENT Knable, Caesar, Phipps

**COMMISSION & BOARD APPOINTMENTS**

HORSESHOE BOARD Caesar, Aebersold  
PLAN COMMISSION Phipps  
BUILDING AUTHORITY Bill Cochran  
ZONING APPEAL BOARD David Pacciano  
DEVELOP NEW ALBANY Barksdale  
SOLID WASTE Coffey  
PARKS & RECREATION Nash  
URBAN ENTERPRISE Barksdale  
REDEVELOPMENT Barksdale, Caesar  
ECONOMIC DEVELOPMENT Blair  
BUILDING COMMISSION Nash  
ANIMAL CONTROL Aebersold  
HEAD START Ms. Hardin  
HUMAN RIGHTS Phipps  
HISTORIC PRESERVATION Barksdale  
TREE BOARD Barksdale

**COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):**

**Mark Cassidy** stated the administration is leaving like the usually do when it is time for the public to comment and what he has to say has to do with them. He explained that they still cannot access minutes from the city website. He stated that the city is paying and council budgets the money so they are in a sense paying for this. He stated that this is the second time this has happened under this administration and he is beginning to wonder what is going on. He asked that the council put a little pressure on the administration to get this situation rectified.

**Roger Baylor** thanked Mr. Coffrey for mention speed on Spring Street because there is excessive speed on that street. He explained that he has own radar gun and in the past he got a few plus 40mph but every time he has done it in the last few weeks he takes a random reading and gets clusters of 40mph and over. He stated that speed has definitely increased since the toll has started and until they get to the two-way conversion there is a real safety issue and would like to know what is being done about it.

**Mr. Coffey** stated that going down Spring Street there are trees that have fungus around the root and explained that they have to be careful about what they are planting.

**Mr. Barksdale** stated that there are numerous trees that have been dying over the past five years and the reason is that when they planted those trees they planted a monoculture so that if one becomes diseased it spreads.

**Mr. Coffey** asked why they are planting those.



**Mr. Barksdale** stated that they aren't any longer and he believes it happened before they realized what could happen if they planted all the same species.

**Mr. Coffey** stated that they need to plant species that we already have here that do work.

**Mr. Barksdale** thanked Mr. Coffey for bringing this up and stated that they will be needing to replant and they do talk about these issues at the tree board meetings.

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 7:50 p.m.

\_\_\_\_\_  
Pat McLaughlin, President

\_\_\_\_\_  
Mindy Milburn, Deputy City Clerk

Bill No. G-17-01

Ordinance No. \_\_\_\_\_

**ORDINANCE PROHIBITING LITTERING WITHIN THE CITY OF NEW ALBANY**

WHEREAS, the City's legislative and fiscal body, the New Albany City Common Council (hereinafter "Common Council") has determined that the City's ordinances should be updated;

WHEREAS, the Common Council has reviewed the City's noise ordinance for potential updates and has determined that there is no city ordinance that prohibits littering or the discarding of refuse;

WHEREAS, there are other ordinances that deal with the accumulation of litter and waste as an environmental nuisance, littering in parks, but no city ordinance that addresses this particular instance;

WHEREAS, the Common Council feels that there should be a prohibition of littering and that fines should be able to be imposed as a deterrent against individuals or entities littering on public or private property;

WHEREAS, this prohibition will aid in the cleanliness and beautification of the City of New Albany;

NOW, THEREFORE, the Common Council now enacts chapter 97 section 23 of the City of New Albany Code as follows:

**97.23 Littering Prohibited**

(A) A person or entity that recklessly, knowingly, or intentionally places or leaves refuse on public property or the property of another person or entity, except in a container provided for refuse, is committing the prohibited act of littering. "Refuse" includes but is not limited to solid and semisolid wastes, dead animals, animal waste, tires, appliances, electronics, handbill advertisements, solicitation materials, and offal.

(B) Upon a conviction for violating section (A), the fines for violating this ordinance shall be determined as follows instead of following 97.99:

1. A fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00) per occurrence shall be imposed for each infraction committed under this section that involves less than 3.0 cubic feet of litter or waste;
2. A fine of not less than Two Hundred Dollars (\$200.00) and not more than One Thousand Dollars (\$1,000.00) per occurrence shall be imposed for each infraction committed under this section that involves between three (3) cubic feet and up to ten (10) cubic feet of litter or waste;
3. A fine of not less than Three Hundred Dollars (\$300.00) and not more than Two Thousand Dollars (\$2,000.00) per occurrence shall be imposed for each

infraction committed under this section that involves in excess of ten (10) cubic feet of litter or waste;

(C)The enforcement of this ordinance shall not interfere with any state code, administrative code, or regulation where oversight is provided by the Indiana Department of Natural Resources, the United States Army Corps of Engineers, or any other applicable governmental and regulatory body.

FURTHER, BE IT ORDAINED BY THIS COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA, that upon passage, that this ordinance shall take effect on upon passage;

SO ORDAINED by this Common Council of the City of New Albany, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**COMMON COUNCIL OF THE  
CITY OF NEW ALBANY, INDIANA**

\_\_\_\_\_  
**Pat McLaughlin, President**

*Attested by:*

\_\_\_\_\_  
**Vicki Glotzbach,  
New Albany City Clerk**

**CERTIFICATE OF PRESENTATION TO MAYOR**

The undersigned hereby certifies that on the \_\_\_\_ day of \_\_\_\_\_, 2017, the above Ordinance was PRESENTED by me, as the duly elected Clerk of the City of New Albany, Indiana, to the Mayor of the City of New Albany, Indiana.

\_\_\_\_\_  
**Vicki Glotzbach,  
New Albany City Clerk**

**APPROVAL BY MAYOR**

The undersigned, as of this \_\_\_\_\_ day of \_\_\_\_\_, 2017, and as the duly elected Mayor of the City of New Albany, Indiana, hereby APPROVES the above Ordinance as evidenced by my signature affixed below.

\_\_\_\_\_  
**JEFF GAHAN, Mayor of the City of  
New Albany, Indiana**

*Attested by:*

\_\_\_\_\_  
**Vicki Glotzbach,  
New Albany City Clerk**

**RESOLUTION NO. R-17-02**

**RESOLUTION  
OF THE  
COMMON COUNCIL OF THE CITY OF NEW ALBANY  
ADOPTING THE CITY OF NEW ALBANY  
AND UNINCORPORATED TWO MILE FRINGE AREA COMPREHENSIVE PLAN,  
YEAR 2036**

**WHEREAS,** on January 17, 2017, the New Albany City Plan Commission passed a Resolution adopting the document entitled *City of New Albany and Unincorporated Two Mile Fringe Area Comprehensive Plan, Year 2036*, Exhibit A, attached, as the official Comprehensive Plan of the City of New Albany; and

**WHEREAS,** said Plan is intended to take the place of New Albany’s original Master (Comprehensive) Plan, adopted by the Common Council on November 7, 1960, as subsequently amended, and provide the foundation for various actions to implement the Plan; and

**WHEREAS,** the Common Council of the City of New Albany has reviewed the document entitled *City of New Albany and Unincorporated Two Mile Fringe Area Comprehensive Plan, Year 2036* and wishes to establish it as the official Comprehensive Plan of the City of New Albany.

**NOW, THEREFORE, BE IT RESOLVED,** that the Common Council hereby adopts the document entitled *City of New Albany and Unincorporated Two Mile Fringe Area Comprehensive Plan, Year 2036*, dated November 29, 2016 as the official Comprehensive Plan of the City of New Albany, Indiana.

ADOPTED this \_\_\_\_\_ th day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Pat McLaughlin, President  
Common Council of the City of New Albany

ATTEST: \_\_\_\_\_  
Vicki Glotzbach, City Clerk

**CERTIFICATE OF PRESENTATION TO MAYOR**

The undersigned hereby certifies that on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, the above resolution was PRESENTED by me, as the duly elected Clerk of the City of New Albany, Indiana to the Mayor of the City of New Albany, Indiana.

\_\_\_\_\_  
**Vicki Glotzbach,  
New Albany City Clerk**

**APPROVAL BY MAYOR**

The undersigned, as of this \_\_\_\_\_ day of \_\_\_\_\_, 2017, and as the duly elected Mayor of the City of New Albany, Indiana, hereby APPROVES the above resolution as authorized by the provisions of IC 36-4-6-16 and as evidenced by my signature affixed below.

\_\_\_\_\_  
**Jeff M. Gahan, Mayor of the City of  
New Albany, Indiana**

*Attested by:*

\_\_\_\_\_  
**Vicki Glotzbach,  
New Albany City Clerk**