Town of Newburgh
Town Council Meeting
Wednesday, May 22, 2019

CALL TO ORDER
Council President William F. Kavanaugh called the Regular Session to order.

PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was led by Town Council.

REMEMBRANCES
William F. Kavanaugh stated that Wilma Combs passed away. Wilma was the wife of Keith Combs, teacher and coach at Newburgh High School. Mrs. Combs is remembered as a wonderful woman.

William F. Kavanaugh stated that Karen Beil passed away. Ms. Beil was a 25-year member and Administrative Staff for the Newburgh Methodist Church and is remembered as a great woman.

Nick Donnan stated that Harold Allen II passed away. Mr. Allen served for about a decade as a volunteer firefighter.

A moment of silence was observed for Mrs. Combs, Ms. Beil, Mr. Allen, and our Firefighters, our Police Officers, our First Responders and our Troops.

ROLL CALL
Those present at the meeting:
District I – William F. Kavanaugh
District II – Allyson Claybourn
District III – Stacie M. Krieger
District IV – Anne Rust Aurand
Council-at-Large – Carol Hicks Schaefer
Deputy Clerk-Treasurer – Rosie McMichael
Town Manager – Christy Powell
Town Attorney – Christopher Wischer

Those absent from the meeting:
Clerk-Treasurer – Nannette Angel

APPROVAL OF MINUTES
MOTION made by Stacie Krieger to approve the May 8, 2019 minutes as printed.
SECONDED by Anne Rust Aurand
DISCUSSION: None
MOTION carried: ayes 5; nays 0

SCHEDULED REQUESTS AND APPEARANCES

None

COMMENTS BY CITIZENS

- Dave Garrett; *328 Sycamore St.*
  Dave Garrett discussed a three-foot culvert between Gray and First Streets. Mr. Garrett had railroad ties up to prevent someone from falling, but would like to build a barrier. After discussion, it was decided that a design would need to be submitted for review to the Town Manager and Zoning Administrator, after which if it is found satisfactory, a building permit could be issued.

NEW BUSINESS

CIVIL

- ***Ordinance 2019-02 – Beautification Ordinance***
  Chris Wischer discussed changed to the final ordinance from the previous draft. These changes include accepting natural surface water as an exception to the definition of nuisance, defined notice and procedural items regarding abatement, adding language from state statute regarding filing liens and cost of abatement given to the auditor for tax collection. Mr. Wischer stated that the Zoning Administrator is in support of the changes outlined in the Ordinance.

  MOTION by Stacie Krieger for the first reading of Ordinance 2019-02.
  SECONDED by Allyson Claybourn
  Discussion: None.
  MOTION carried: ayes 5; nays 0

  Chris Wischer read Ordinance 2019-02
  MOTION by Stacie Krieger to accept the first reading of Ordinance 2019-02.
  SECONDED by Allyson Claybourn
  Discussion: None.
  MOTION carried: ayes 5; nays 0

  MOTION by Stacie Krieger for second reading of Ordinance 2019-02
  SECONDED by Allyson Claybourn
  Discussion: None.
  MOTION carried: ayes 5; nays 0

  Chris Wischer read Ordinance 2019-02.
  MOTION by Stacie Krieger to accept the second reading of and adopt Ordinance 2019-02.
  SECONDED by Allyson Claybourn
  Discussion: None.
  MOTION carried: ayes 5; nays 0

- ***Resolution 2019-03 – Resolution Establishing Regional Economic and Community Development Improvement Projects for the Town of Newburgh, Indiana***
  Christy Powell stated that this is a project that is being spearheaded by the Economic Development Coalition of Southwest Indiana and is a Community Development Regional Planning document for Warrick County. The Town was asked to put priority projects together that will be included in the plan, much of which has to do with grant points. Dave Garrett from the audience inquired what the projects listed included. Mrs. Powell stated that they are as follows:

  1. Stormwater Projects
  2. Roads
  3. Park Renovations
  4. Historic Preservation
  5. Comprehensive Planning

  Chris Wischer stated that Warrick County will develop a document incorporating cities and towns' priority project lists. The Town could receive additional points on future grant applications. William F. Kavanaugh expressed concern that Sewer was not included. Mr. Wischer stated that there is a deadline, but revisions can be made at a later date.

  MOTION by Stacie Krieger to read Resolution 2019-03.
  SECONDED by Allyson Claybourn
  Discussion: None.
  MOTION carried: ayes 5; nays 0

  Chris Wischer read Resolution 2019-03.

  MOTION by Stacie Krieger to adopt Resolution 2019-03.
  SECONDED by Allyson Claybourn
  Discussion: None.
  MOTION carried: ayes 5; nays 0

- ***Food Truck Ordinance***
  Chris Wischer stated that he and Allyson Claybourn met with merchants to create this ordinance. William F. Kavanaugh inquired if private property includes residential. Mr. Wischer confirmed that it does, but only for a private event closed to the public. Discussion was had about the time restriction listed in the ordinance to encourage food trucks to be event oriented versus a daily occurrence. Discussion was had about potential parking issues and the need for street parking by food trucks to be addressed in the ordinance. Discussion was had about whether an ice cream truck is considered a food truck, as they tend to drive around versus staying stationary. Discussion was had about when a permit would be required and the pros and cons of allowing food trucks. Mr. Wischer mentioned a potential issue with permitting through the Clerk-Treasurer's office in relation to peddler's permits, potential food truck permits, and street cut permits. Issues will be addressed and a new version will be brought before Council at a later date.

SEWER

- ***Pebble Creek Subdivision – Acceptance of Sanitary Sewers for Maintenance***
  David Hynes stated that Pebble Creek is a subdivision that has been in the works since 2011. The sanitary sewer work has been completed. The letter dated May 13, 2019 from Commonwealth makes a recommendation to accept the sewers. The noted value on the sewers is $295,225.00. It is engineering's recommendation to accept the sewer system for maintenance.

  MOTION by Carol Hicks Schaefer to accept the Pebble Creek Sanitary Sewers for maintenance valued at $295,225.00 on engineering's recommendation.
  SECONDED by Anne Rust Aurand
  Discussion: None.
  MOTION carried: ayes 4; nays 0; abstain 1 (Claybourn)

UNFINISHED BUSINESS

- Location of Jon Lybarger's Memorial Bench
  Christy Powell stated that the proposed location previously discussed is owned by the Town.

  MOTION by Anne Rust Aurand to remove the discussion of location of Jon Lybarger's memorial bench from tabled.
  SECONDED by Stacie Krieger
  Discussion: None.
  MOTION carried: ayes 5; nays 0

  MOTION by Allyson Claybourn to place Jon Lybarger's memorial bench at the far east of Riverfront Park East immediately adjacent to the walking path.
  SECONDED by Anne Rust Aurand
  Discussion: None.
  MOTION carried: ayes 5; nays 0

STAFF REPORTS

Zoning Administrator

Christy Powell stated that since the last meeting there have been six projects with a total value of $623,150.00. For these projects, seven permits were issued, with total fees collected of $1,349.50.

Carol Hicks Schaefer inquired about issues at Driftwood Parke (John Mattingly homes) in relation to storm water. Christy Powell stated that she, IDEM and Tavi Wydicks are administering the MS4 Program, storm water erosion sediment control. Driftwood Parke has had several storm water MS4 violations. William F. Kavanaugh stated that these violations are finable by IDEM and the Town is responsible for the fine. Mrs. Powell stated that there have been many inspections and meetings regarding the violations and the contractor has not shown up.

Clerk-Treasurer

Rosie McMichael stated that the additional appropriation requested were approved by the DLGF. The Clerk's Office is wrapping up the correction of account numbers in the accounting software and once it is complete, will be able to input the additional appropriation. It is still Nannette Angel's goal to begin 2020 budget planning in June.

Mrs. McMichael stated that she and Mrs. Angel attended an AIM Conference in Plainfield the previous week where they received training related to planning for the future Capital Asset Ledger requirements. While at the AIM Conference, Mrs. Angel inquired about other Municipal Consultants. Once that information is received, a comparison spreadsheet on fees will be submitted to Council for their review as requested by Allyson Claybourn.

The Fire Department's large ice maker machine has stopped working and a new ice maker was ordered and installed last week. The price was a little over $2,000.00. Christy Powell and Mrs. Angel discussed the matter and wanted to bring it to the attention of Town Council as it is a non-budgeted item for 2019. Mrs. Powell stated that she and Mrs. Angel had discussion on policy regarding what items need to be brought to the attention of Town Council, after which it was decided that anything over $1,000 that has not been previously budgeted. Discussion was had about the best way to bring the issue to Council. It was decided that purchases that fall in these parameters will be taken to Finance, who will report their decision to Council.

At the previous Town Council meeting, Mrs. Angel presented the balance of a March 2019 reconciled bank statement. April is still in the process of being reconciled and will be presented at a later date.

Town Attorney
Allyson Claybourn thanked Chris Wischer for his work on the food truck ordinance.

Chris Wischer stated that he received one appraisal for 514 Polk Street. The cost for the appraisal was $500.00. The appraisal valued the property at $36,000.00. Mr. Wischer stated that to sell the property a second appraisal is needed. A second appraiser stated it would cost $1,500.00 and take a few weeks. Discussion was had about the property and the history of potential uses. Mr. Wischer clarified that securing a second appraisal doesn't obligate Council to sell the property if they should change their minds. Anne Rust Aurand and Allyson Claybourn spoke in favor of selling the property for the purposes of creating affordable housing.

MOTION by Carol Hicks Schaefer to proceed with securing a second appraisal for 514 Polk St.
SECONDED by Anne Rust Aurand
Discussion: None.
MOTION carried: ayes 5; nays 0

Town Engineer
David Hynes stated that he has a request from the contractor for Pay Application #3 for the Sharon and State Streets Sanitary Sewer in the amount of $57,417.60 minus a 5% retainage of $2,870.88 leaving a net amount of $54,546.72 due to Blankenberger Brothers. It is engineering's recommendation to pay Pay Application #3.

MOTION by Carol Hicks Schaefer to approve pay application #3 in the amount of $54,546.72 to Blankenberger Brothers in regards to the Sharon and State Streets Sanitary Sewer Project on engineering's recommendation.
SECONDED by Anne Rust Aurand
Discussion: None.
MOTION carried: ayes 4; nays 0; abstain 1 (Claybourn)

Town Manager
Proposed Trailhead at the New Lock & Dam Park
Christy Powell stated that an artist's rendition and site plan of the proposed trailhead at the New Lock & Dam was sent to Council. Morley will construct the trailhead and give it to the Town for maintenance once it is complete. The lease has been amended to allow construction. Engineering and the Zoning Administrator have reviewed the plans. Jeramy Elrod with Morley and Associates stated that the plans have been reviewed by Warrick County.

MOTION by Stacie Krieger to approve the trailhead at the New Lock & Dam park as proposed.
SECONDED by Carol Hicks Schaefer
Discussion: None.
MOTION carried: ayes 5; nays 0

Town Employee Work Day at IHOP
Christy Powell stated that there will be an employee work day on Thursday, May 30, 2019 from 9:00 a.m. to 12:00 p.m. Carol Hicks Schaefer stated that this workday will be open to public and posted on Facebook.

COMMISSION/COMMITTEE REPORTS
COMMISSION

- *Board of Zoning Appeals*
  Anne Rust Aurand stated the next scheduled meeting has been cancelled.

- *Fire*
  Chief Donnan stated that there have been a total of 277 total incidents with 57 incidents in the Town, 217 incidents in the Township, two incidents outside of either jurisdiction, and six public relations activities. The total dollar loss of $402,000 for the Township and none in the Town. Total man hours for the year are at 2,603 hours with 1,207 for incidents, 851 for training, and 545 miscellaneous hours at the station.

- *Historic Preservation*
  Stacie Krieger stated that the Historic Preservation Party was held on May 9, 2019 in conjunction with HNI and recognized John and Stacey Cobb and the work they have done to their property at State and Jennings Street. Mrs. Krieger stated that she and Tavi Wydicks accepted a check for $5,000.00 from Old National Bank for the new Newburgh Neighbor Residential Grant Program. A public forum will be held tomorrow, May 23, 2019 at 5:30 p.m. at Town Hall to explain the grant program to the citizens. Chris Wischer stated that he is working on a grant agreement for applicants to sign that outlines

the parameters of the grant. Mrs. Krieger stated that the next meeting will be June 13, 2019.

- *Park*
  Discussion was had about spreading mulch at Lou Dennis Park.

  Allyson Claybourn reported that Berry Global will send a group of volunteers to the Newburgh location for the River Sweep in June. Carol Hicks Schaefer inquired if the volunteers could be directed. Christy Powell stated that Andrea Balboni will be handling volunteers.

- *Plan*
  Stacie Krieger reported that the May meeting for Plan Commission was cancelled. The next meeting is scheduled for June 3, 2019.

- *Police*
  - Allyson Claybourn stated that the Police Commission met May 13, 2019.
  - The Police Department has applied for a stop arm grant with the Indiana Criminal Justice Institute that involves violations for not stopping for school buses
  - The heavy truck issue was discussed. There is a need to make sure signage is correct and optimally placed, which may require talking to the State or Warrick County to place signs outside of Town limits. Mrs. Claybourn stated that the State requires exceptions for farm and delivery trucks which makes enforcing weight limits difficult as delivery trucks have become much larger since the creation of the exception. Major Scully stated that Domino's Pizza has changed their delivery time to a later time that has reduced conflict and this may be an option for others
  - Major Scully stated that there were no incidents during the recent races or Wine Fest
  - The Newburgh Police Department participated in the Police Memorial at FOP for Police Week
  - Major Scully stated that the Wildcat Mile was May 16, 2019 and there were no incidents
  - The Operation Pullover grant currently has its third blitz, this time focusing on seatbelts. This grant process is very time consuming and Deanna Malcolm has done a great job making the process smooth
  - The cameras at the Old Lock & Dam Park will be installed next week

- *Storm Water*
  Christy Powell reported on the Storm Water Management Board meeting held May 20, 2019 and discussed the storm water master plan and an additional project was proposed to be included in the plan. Storm Water Management Board discussed Driftwood Parke (John Mattingly Homes). After review of the additional violations found after the last inspection, it was decided to give the contractor ten days to correct or be fined $500.00 per day until corrected.

Mrs. Powell and Tavi Wydicks talked to Chris Miller (Copper's Edge/Barrington Development) who had made some progress and was in attendance at the Storm Water Management Board. He has been given until today to address two major issues.

William F. Kavanaugh stated that residents are pleased with the cost-sharing program.

- *Street*
  Anne Rust Aurand stated that the Street Department set up and took down festival buildings for Wine Fest, cleaned up a tree that fell and blocked East Main Street, set up barricades and cones for 5K run, installed two park benches at Reflection Park and one on Water Street across from God's Garden, replaced sign pole on Water Street and Market Street, painted black park benches along walkway that were scratched and fading, and continued spraying weeds at the ditches throughout the Town.

  Dave Garrett in the audience inquired about ordinances regarding the line of sight at intersections. Discussion was had about police enforcement. Christy Powell asked that if an issue is found to contact her office so that it can be addressed.

- *Utility*
  William F. Kavanaugh stated that the next Utility Committee meeting is scheduled for June 5, 2019 at 10:00 a.m.

STANDING COMMITTEES

- *Finance*
  No Report

- *Personnel*
  MOTION by Anne Rust Aurand to hire Dan McDonald for the Collection System and Operations Maintenance position at Wastewater at a wage of $17.60 per hour pending a negative drug screen with a proposed start date of June 3, 2019.
  SECONDED by Stacie Krieger
  Discussion: Anne Rust Aurand stated that Mr. McDonald was recommended highly by Wastewater Management.
  MOTION carried: ayes 5; nays 0

  Anne Rust Aurand stated that work continues on a hiring policy to streamline the process.

SPECIAL BOARDS/COMMITTEE REPORTS

- *Arts Commission*
  Arts Commission met this past Monday night on May 20, 2019. Work continues on the grant for the amphitheater. Stacie Krieger stated that they are working on Summer Sundays on the Riverfront by Edgewater under the tree. Carol Hicks Schaefer stated there is a new business called Art Hub at the Old Tin Fish that will feature art lessons and a space to display and sell art.

- *Rivertown Trail*

No Report

AD HOC COMMITTEES

- *Sign Committee*
  Anne Rust Aurand stated that Sign Committee will meet May 30, 2019 at 12:00 p.m.

- *Growth and Progress Committee*
  Carol Hicks Schaefer stated that the Growth and Progress Committee met in May and discussed the results of the legislative session in regard to annexation. Possible annexation areas were discussed.

MISCELLANEOUS BUSINESS

Alley Paving
Anne Rust Aurand stated that there was a potential request to pave an alley. Another request to pave an alley has already been turned down this year.

Rumble Strips on Main Street
Anne Rust Aurand inquired if there is an update regarding the rumble strips on Main Street. Christy Powell stated that the rumble strips have been ordered.

Titzer Funeral Home Parking Lot
Anne Rust Aurand inquired about the Titzer Parking Lot issue discussed at a previous Town Council meeting. Christy Powell stated that she and David Hynes reviewed the area and decided it would not be advisable to put in a curb.

Marcia Yockey Tree Update
Anne Rust Aurand inquired about the status of Marcia Yockey's tree. Christy Powell stated that she has not had an opportunity to talk to the property owners.

Rose Hill Cemetery Memorial Day Ceremony
Rose Hill Cemetery's Memorial Day Ceremony is Saturday.

School Session
School is out for summer.

Council Planning Session
The work session for the Town Council is next Wednesday, May 29, 2019.
Anne Rust Aurand would like to add Neighborhood Revitalization Program to the agenda for the Work Session.

APPROVAL OF CLAIMS

The following amounts were presented to Town Council for their consideration for payment plus any sewer adjustments:

Civil Town: $184,627.80

Sewer: $531,107.97

MOTION: Stacie Krieger made a motion to approve all claims properly signed including sewer adjustments to be paid.
SECONDED by Anne Rust Aurand
DISCUSSION: None
MOTION carried: ayes 5; nays 0

ADJOURNMENT
MOTION: Anne Rust Aurand made a motion to adjourn.
SECONDED by Stacie Krieger
DISCUSSION: None
MOTION carried: ayes 5; nays 0

Approved this 12 day of June, 2019

Newburgh Town Council President

Attest: