

Newburgh Town Council Meeting

Date: Wednesday, April 23, 2014

The Newburgh Town Council met in Executive Session on Wednesday, April 23, 2014, at 4:30 p.m. Those present at the meeting were Council President/Council-at-Large Leanna K. Hughes, District I William F. Kavanaugh, District III Alonzo B. Moore, Jr., District IV Anne Rust Aurand, Clerk-Treasurer Jon E. Lybarger, Town Manager Lori Buehlman and Town Attorney Christopher C. Wischer. Absent was District II Tonya R. McGuire. The purpose of the meeting was discussion of personnel matters and pending litigation.

5:30 p.m. Committee and Regular Session, Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana.

CALL TO ORDER

Council President Leanna K. Hughes called the Regular Session to order at 5:35 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council. A moment of silence was observed for Jenny Katherine Cox, Ted Grzegorek, Abigail Wiseman and Darrell Stone.

ROLL CALL

Those present at the meeting:

District I - William F. Kavanaugh

District III - Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Council-at-Large - Leanna K. Hughes

Clerk-Treasurer - Jon E. Lybarger

Town Manager - Lori S. Buehlman

Town Attorney - Christopher C. Wischer

Absent: District II - Tonya R. McGuire

APPROVAL OF MINUTES

MOTION by Mr. Kavanaugh to approve the April 9, 2014 Town Council meeting minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

SCHEDULED REQUESTS & APPEARANCES

None requested.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

Carol Schaefer, Executor Director of Historic Newburgh Incorporated (HNI), invited all members to the May 1st Preservation Party at the Lock Master Cottages which is in conjunction with the Historic Preservation Commission. The Historic Newburgh Wine, Art and Jazz Festival Soiree will be held on May 16, 2104 from 6:30 p.m. to 9:00 p.m. Council members will receive two (2) free tickets. The Farmer's Market will begin Saturday, May 24, 2014. Amy Julius is scheduling musicians for the Saturday morning Farmer's Markets and the Arts Council's Summer Sundays.

UNFINISHED BUSINESS

1. Heritage Federal Credit Union – Sanitary Sewer Agreement and Permit, Tabled April 9, 2014
MOTION by Ms. Aurand to remove from table the Heritage Federal Credit Union Sanitary Sewer Agreement and Permit.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Hynes stated this is an existing facility on the sanitary sewer. The facility will be modified which will cause drainage conflicts with the sewer. This agreement is to ensure proper inspection services. There is no permit, just the agreement.

MOTION by Mr. Kavanaugh to approve the Heritage Federal Credit Union Sanitary Sewer Agreement and Permit.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

NEW BUSINESS

1. Robin Lawrence, Blue Ribbon River Run, June 7, 2014

Robin Lawrence presented a packet on the Blue Ribbon River Run to include events on Friday evening, the run on Saturday morning and various events throughout the day on Saturday. Chief Sprinkle stated the following streets will be closed for the run: Water Street from French Island Trail to Plum; Plum from Water to Jennings; Jennings from Plum to Hillcrest; Hillcrest from Jennings to Outer Gray; Outer Gray from Hillcrest to State Road 662; State Road 662/French Island Trail from Outer Gray to Jennings. The itinerary is included with the minutes.

MOTION by Mr. Kavanaugh to accept the Blue Ribbon River Run as explained.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

2. Encroachment Agreement, Leslie and Theresa King, 3618 Arbor Creek Drive

This is a standard encroachment agreement for a fence to be constructed.

MOTION by Mr. Kavanaugh to approve the Encroachment Agreement for Leslie and Theresa King, 3618 Arbor Creek Drive.

SECOND by Mrs. Hughes.

DISCUSSION: Both legal and engineering are in favor of the encroachment.

MOTION carried: ayes 4, nays 0.

3. Ordinance 2014-04, Washington and Market Street Stop Signs

Mr. Kavanaugh stated this recommendation was presented by the Rivertown Trail Committee.

MOTION by Mr. Kavanaugh for the first reading of Ordinance 2014-04, Washington and Market Street Stop Signs.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Wischer read Ordinance 2014-04, an ordinance amending the Newburgh Code of Ordinances correcting an error in Ordinance 2008-13 and authorizing stop signs for westbound traffic on Water Street at the intersections of Water and Market Street and Water and Washington Street.

MOTION by Mr. Kavanaugh for the acceptance of the first reading of Ordinance 2014-04, Washington and Market Street Stop Signs.

SECOND by Mr. Moore.

DISCUSSION: Mr. Kavanaugh stated this is a unanimous recommendation from the Rivertown Trail Committee and met the approval of engineering, legal and our law enforcement. The stop sign at the intersection of Water and Washington will be placed along the trail route in the roadway.

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Kavanaugh for the second reading of Ordinance 2014-04, Washington and Market Street Stop Signs.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Wischer read Ordinance 2014-04, an ordinance amending the Newburgh Code of Ordinances correcting an error in Ordinance 2008-13 and authorizing stop signs for westbound traffic on Water Street at the intersections of Water and Market Street and Water and Washington Street.

MOTION by Mr. Kavanaugh for the adoption of Ordinance 2014-04, Washington and Market Street Stop Signs.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

The ordinance will go into effect immediately; citations will not be issued for 30 days after the signs have been erected.

4. Commonwealth Engineers, Inc. Agreement – Kenosha Hill Lift Station Elimination Study

This agreement will allow for surveys and coordination with the developer's engineer. This met with unanimous approval through the Utility Committee from Leon Key.

MOTION by Mr. Kavanaugh to approve the CEI Agreement to conduct the Kenosha Hill Lift Station Elimination Study.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

5. Commonwealth Engineers, Inc. Agreement – Sanitary Sewer Repair North of Savannah Drive

MOTION by Mr. Kavanaugh to approve the CEI Agreement for the Sanitary Sewer Repair North of Savannah Drive.

SECOND by Mr. Moore.

DISCUSSION: The agreement has gone to the Utility Committee and council requested the agreement be prepared.

MOTION carried: ayes 4, nays 0.

6. Commonwealth Engineers, Inc. Agreement – Acorn Drive Sanitary Sewer Study

MOTION by Mr. Kavanaugh to approve the CEI Agreement for the Acorn Drive Sanitary Sewer Study.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

BOARD OF ZONING APPEALS – Ms. Aurand

Ms. Aurand stated the next meeting will be held on April 28, 2014. A Conditional Use Request is on the agenda.

FIRE - Mr. Moore

Mr. Moore stated the department made a run to Preservation Hall on Tuesday due to a problem with the alarm on the air conditioning unit. The unit has been serviced but a problem remains which is under investigation.

HISTORIC PRESERVATION - Mrs. McGuire

The HNI Preservation Party for Preservation Month will be held on Thursday, May 1, 2014 at the West Cottage.

PARK – Mrs. Hughes

Mrs. Hughes stated sandblasting will begin on the pool's edge tomorrow. The batting cage area should be filled in and grass planted by mid-May. The Philharmonic Tour of Homes has placed the East cottage on the tour this weekend. The cottage will be staged and the grounds spruced up. The Newburgh Garden Club will plant their tree at 10:00 a.m. on Arbor Day this Friday. The Park Board will meet on May 8, 2014. A member is needed to fill the Park Board vacancy which is to be appointed by the Library Board. A new Library Director will begin in July and will be contacted regarding the appointment to the Park Board.

PLAN – Ms. Aurand

Ms. Aurand stated the Plan Commission will meet on May 5, 2014. The agenda includes a rezoning petition for a vacant lot on Jennings to be rezoned from Commercial 1 to Residential 1. A Special Use Permit for Electronic Message Signs will also be discussed.

POLICE – Mr. Kavanaugh

The Police Commission met on April 14, 2014. National Night Out will be held on August 5, 2014 from 5:00 p.m. to 8:00 p.m. at the Old Lock and Dam. Applicant testing will be held at the Newburgh Elementary School track on May 10, 2014. Darrel Healy was promoted to Lieutenant. Old Lieutenant badges belonging to Dallas May were returned to the department and then presented to Darrel Healy. The department received a \$15,705.73 insurance reimbursement for the 2008 Ford Crown Victoria which was totaled on March 18, 2014. A new vehicle priced at \$44,376.00 would be financed through a four-year lease with semi-annual payments of \$6,446.87.

MOTION by Mr. Kavanaugh to allow the purchase of a new vehicle for the Newburgh Police Department.

SECOND by Mrs. Hughes.

DISCUSSION: The Chief stated the money has been allocated for all but the final payment.

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Kavanaugh to surplus the 1997 Dodge Grand Caravan and sold at Wolfe's Auto Auction.

SECOND by Mrs. Hughes.

DISCUSSION: The Police Commission was unanimously in favor of the van surplus.

MOTION carried: ayes 4, nays 0.

In March, 33 citations, 92 warnings and three (3) ordinance violations were issued with 357 total for the year. The Literacy Walk went well. The next commission meeting will be held on May 12, 2014.

STORM WATER – Mr. Kavanaugh and Mr. Moore.

Mr. Kavanaugh stated a meeting was held on April 21, 2014. Flooding caused by the recent 8-inch rain was discussed. Mr. Kavanaugh stated it would take millions to solve all the flooding problems from the recent excessive rains. Nine (9) different areas suffered flooding. Mr. Hynes stated the Forest Park Master Plan was updated in 2007; there was flooding in the neighborhood. There were no complaints in the area served by the Westside Drain Project. Ms. Buehlman stated some of the sidewalks on Overlook Drive are eroding. Mr. Kavanaugh stated MS4 is in compliance. Indiana Department of Environmental Management (IDEM) continuously revises their requirement through the Environmental Protection Agency (EPA); these are unfunded mandates. The Street Department continues to clean the storm drains in the Town.

STREETS – Mr. Moore

Mr. Moore stated the Street Crew does clean the Town storm drains on a regular basis to prevent flooding problems. The department worked on repairing a wash-out on Thirst St. by adding rip rap rock and concrete. A large tree limb was removed from the walkway. A new stainless steel cable was installed for the American flag at the Lock & Dam. Spring landscaping on all Town properties is underway and the batting cage area is being filled with dirt.

UTILITY – Mrs. Hughes

No report.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

The committee will meet in May to begin the 2015 budget.

PERSONNEL – Mr. Kavanaugh

MOTION by Mr. Kavanaugh to hire R. Ray Smith for the position of temporary, seasonal, part-time at the WWTF at the rate of \$8.00 per hour. This offer of employment is subject to a negative drug screen and does not include benefits.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Kavanaugh to hire Ron E. Sanders for the position of temporary, seasonal, part-time at the Street Department at the rate of \$8.00 per hour. This offer of employment is subject to a negative drug screen and does not include benefits.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Kavanaugh to hire Kyle S. Mulzer for the position of temporary, seasonal, part-time at the Street Department at the rate of \$8.00 per hour. This offer of employment is subject to a negative drug screen and does not include benefits.

SECOND by Mr. Moore.

DISCUSSION: Since the Street Department has an employee out due to an injury, Kyle represents a third hired employee for the summer.

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Kavanaugh to increase the wage paid to Nancy Lybarger to \$12.00 per hour for producing minutes from the Storm Water, BZA, Plan Commission and HPC monthly meetings. This is an hourly, part-time position with no benefits.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh

The committee met on April 21, 2014.

MOTION by Mr. Moore for Mr. Kavanaugh to continue as Rivertown Trail Chair with Mrs. McGuire a member on the committee.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Kavanaugh to obtain quarterly outside assistance in maintaining the Rivertown Trail.

SECOND by Mr. Moore.

DISCUSSION: Mrs. Hughes suggested an outside contractor be hired for maintenance and clean-up such as tree removal, rip rap rock replacement; the Street Department will perform general maintenance.

The contractor would be paid with trail funds. Landscape contractors will be contacted for quotes.

MOTION carried: ayes 4, nays 0.

The washout along the Trail on Water Street at Jefferson is under review. The EDIT projects are proceeding. A placement recommendation is needed for the kiosk and chimney swift bird habitat. Ms. Buehlman will prepare a policy for use of the Trail to include a possible deposit requirement or payment for trash pickup. The Town committee continues to work with the Warrick Wellness group. Additional water fountains were discussed to be placed along the Trail and at the Lock and Dam.

Mike Felts, CHA Consulting (formerly R.W. Armstrong), stated the Phase III project is moving forward and is on schedule. Due to a lack of response from Vectren, INDOT moved the letting from September 2014 to September 2015. The right-of-way process is underway and should be completed within a few weeks. Vectren will review the encroachment agreement after the final plans have been prepared. The appraisal processes will take up to two (2) months.

SIDEWALK – Mrs. Hughes

Ms. Buehlman stated the project is on track for a July 9, 2014 letting; she is awaiting INDOT approval.

ARTS PAVILION – Mrs. Hughes

Mrs. Hughes stated Amy Julius is scheduling musicians for the Arts Council's Summer Sundays.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

Ms. Buehlman stated permit sales are averaging two (2) per day. Permits are needed when the cost for general maintenance is expected to be over \$1,000.00.

CLERK-TREASURER – Mr. Lybarger

No report.

TOWN ATTORNEY – Mr. Wischer

MOTION by Mr. Kavanaugh to suspend the rules for the reading of Resolution 2014-01.

SECOND by Mr. Moore.

MOTION carried: ayes 4, nays 0.

MOTION by Mr. Kavanaugh for the first reading of Resolution 2014-01 authorization the application for the State Revolving Fund (SRF) loan.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Wischer read Resolution 2014-01 Town of Newburgh, Indiana authorized representative resolution.

MOTION by Mr. Kavanaugh to adopt Resolution 2014-01 authorization the application for the State Revolving Fund (SRF) loan.

SECOND by Mr. Moore.

DISCUSSION: Mr. Stated this resolution also authorizes the Town Council President as signatory.

MOTION carried: ayes 4, nays 0.

A sewer agreement was previously approved for the Oak Park Subdivision; however, the agreement must be in the name of the property owner which is Oak Park Development, LLC.

MOTION by Mr. Kavanaugh to approve the amended sewer agreement and amended permit for Oak Park Subdivision.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

TOWN ENGINEER – Mr. Hynes

Mr. Hynes stated the SRF document has been prepared and will be taken to Indianapolis tomorrow. Paving will be the first of the EDIT Bond projects followed by sidewalks. The plans are nearing the final phase with Phelps along the river and Peach Tree Drive added to the paving project. The bid opening date will be held on June 11, 2014.

MOTION by Mr. Kavanaugh that the bid opening be held on June 11, 2014.

SECOND by Mr. Moore.

DISCUSSION: Following bid review, a recommendation will be made at the June 25th meeting.

MOTION carried: ayes 4, nays 0.

The contract to hire Archaeological Consultants of Ossian has been prepared and will be signed at tonight's meeting. The council approved the hiring at the April 9, 2014 meeting.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman presented a brochure on the Town's rental properties. An article appeared in the Evansville Courier on the Philharmonic Tour of Homes featuring the Troy Wells home and the East Cottage in Newburgh. A picture of Newburgh's Randy Wheeler was on the front page of the Courier recently due to his Rotary involvement. The Town voted previously to switch insurance coverage to Lincoln National Life Insurance for short-term disability, long-term disability and life insurance. The contract will be reviewed by legal counsel. The Trolley will operate this Saturday to transport prom attendees to the Riverfront with hopes of relieving traffic problems. Mrs. Hughes would like the Revitalization plans displayed in the lobby.

MISCELLANEOUS BUSINESS

Mr. Kavanaugh stated the Rivertown Trail Committee will meet at 10:00 a.m. on May 19, 2014. Storm Water will meet at 6:00 p.m. on May 19, 2014. Both meetings will be held at Town Hall.

Ms. Aurand expressed concerns about the Gazebo rental and hopes a happy medium can be reached.

MOTION by Ms. Aurand to appoint Matt Pressley to the Plan Commission to fill the unexpired term of David Rice.

SECOND by Mr. Moore.

DISCUSSION: Matt Pressley is registered as an Independent and lives on Adams Street.

MOTION carried: ayes 4, nays 0.

The HNI design committee is interested in painting the esplanade wall with the words Newburgh, Indiana, Settled 1803. The following will be discussed with HNI: the Town's financial obligation, visual plan and placement site.

Ms. Aurand stated the Literacy Walk was a great success. She thanked the Master Gardner's. It was requested that rock be added in the alley between Locust and Cypress.

Ms. Aurand stated property owners of older/historic homes who are investing in the appearance and improvement of their homes should be commended and appreciated and that the Council needs to recognize these property owners. She suggested a yard sign, or something similar, be placed on the home owners property reading "Community Pride, Blue Ribbon Property, a Super Remodel Reuse as recognized by the Newburgh Town Council". Ms. Buehlman will get an estimate on a sign and certificate.

MOTION by Mrs. Hughes that the Newburgh United Methodist Church be awarded the 2013 Good Neighbor Award for their service on the Fortress of Fun at Lou Dennis Park and award the 2013 Community Service Award to the Newburgh United Methodist Church for their community service at the Lock and Dam Park.

SECOND by Mr. Moore.

DISCUSSION: The awards will be presented at the next council meeting.

MOTION carried: ayes 4, nays 0.

APPROVAL OF CLAIMS

MOTION by Mr. Moore moved that claims be paid in the following amounts including any sewer adjustments:

Civil Town – \$164,766.78

Sewer - \$133,740.17

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

ADJOURNMENT

MOTION by Mr. Moore to adjourn.

SECOND by Mrs. Hughes.

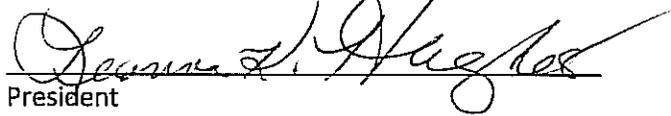
DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mrs. Hughes adjourned the meeting at 8:00 p.m.

APPROVED this 14th day of May, 2014

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer

Blue Ribbon River Run for Men's Health & Prostate Cancer Awareness Grillin' for Gilda for Gilda's Club Evansville Classic Car, Truck and Bike Show for TOUCH

Timelines for Friday, June 6th and Saturday, June 7th, Old Lock & Dam Park, Newburgh, IN

Friday, June 6th

Blue Ribbon River Run for Men's Health and Prostate Cancer Awareness

- 4:00 pm - 7:00 pm - Early Packet Pick Up
- 4:00 pm - 6:00 pm - Radio remotes - WKDQ (Jon Prell) & WJLT (Johnny Kincaid)

Car, Truck & Bike Show with 100% of proceeds to benefit TOUCH, Inc.

- 4:00 pm - 8:00 pm - 50 Dash Plaques & goodie bags, 35 trophies awarded (People's Choice, BEST in Show, BEST in Car, BEST in Truck & BEST in Bike)
- Early registration beginning at 3:00 pm - \$10.00 Registration Fee with 100% going to TOUCH
- Show from 4:00 pm - 8:00 pm
- Trophies awarded at 7:30 pm

Grillin' for Gilda BBQ Cook-Off Contest & Beer Stube with 100% of proceeds to benefit Gilda's Club Evansville

- 6:00 pm - 11:00 pm - Beer Stube - \$5.00 Admission Fee with 100% going to Gilda's
- Food for sale by Edgewater Grille and Pita Pit. Kettle popcorn by Jim Wittman.
- Drinks by Working Distributors, bartending Tropicana - \$3 per cup, \$7 first bucket, \$6 refill
- 6:00 pm - 7:30 pm - DJ Music provided by Town Square Media
- 8:00 pm - 11:00 pm - Live band, Dr. Santiago Arruffat's band, String Theory
- Grillin' for Gilda BBQ Cook-Off Contestants - Start set up after 2:00 pm on Friday, east end of Old Lock & Dam Park

Saturday, June 7th

Blue Ribbon River Run for Men's Health and Prostate Cancer Awareness with proceeds to benefit Gilda's Club Evansville, TOUCH & Cancer Care Options, Inc.

- 7:00 am - Prostate Cancer Survivors' Breakfast at La Veranda, Compliments of Edgewater Grille
- 7:45 am - Prostate Cancer Survivors' March & BRRR Welcoming Address - Lead by The Boom Squad. Escorts from breakfast to riverfront are also Evansville IceMen Icicles.
- 8:30 am - One Mile Walk (Non-Competitive)
- 9:00 am - Four Mile Event (Timed)
- 10:30 am - Kids Dash - FREE
- 11:00 am - BRRR Awards Ceremony (talks from Honorary Chairs & Drs, present BRRR medals & Blue Spirit Award, presentation of checks to non-profits.)
- 11:45 am - Prostate Cancer Survivors' BBQ Luncheon Celebration, prepared by Hawg 'n Sauce - FREE for prostate cancer survivors, guests \$8 donation with 100% of proceeds benefitting GCE

Grillin' for Gilda BBQ Cook-Off Contest with 100% of proceeds to benefit Gilda's Club Evansville

- 11:30 am - 4:00 pm (following the BRRR awards presentation)
- 12:30 pm - 2:00 pm - Celebrity Judging of the BBQ
- 12:00 noon - ??? - People's Choice BBQ Judging/Sampling, \$5 per cup (sample/vote 30 BBQers)
- 3:30 pm - Presentation of Awards

Newburgh Kiwanas - Home-made Ice Cream - Friday, 4:00 pm - 9:00 pm & Saturday, 11:00 am - 4:00 pm

Hadi Shrine Clowns - Saturday, 11:00 am - 2:00 pm

Face Painting - Saturday, 10:00 am - ???

Inflatables - 10:00 am - 4:00 pm (Wes Attebury Melanoma Foundation to oversee/supervise)