

Newburgh Town Council Meeting
Date: Wednesday, May 28, 2014

The Newburgh Town Council met in Executive Session on Wednesday, May 28, 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 II Tonya R. McGuire, 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. 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 5:34 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council and members of the American Legion Kapperman Post 44. A moment of silence was observed for all United States servicemen who lost their lives defending our country. Ms. Aurand complimented the Legion for the wonderful ceremony held Saturday at Rose Hill Cemetery.

ROLL CALL

Those present at the meeting:

District II - Tonya R. McGuire

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 I - William F. Kavanaugh

APPROVAL OF MINUTES

MOTION by Mr. Moore to approve the May 14, 2014 Town Council meeting minutes.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 0. (McGuire, abstain)

SCHEDULED REQUESTS & APPEARANCES

1. Warrick Humane Society Dogs and Suds, Crystal Harbath & Lindsey Byers

Crystal Harbath, 6150 Mayfield Court, representing Dogs and Suds 5K, requested road closures.

MOTION by Mrs. McGuire to approve the following road closures for the Dog and Suds 5K on October 4, 2014 from 2:30 p.m. to 6:30 p.m.: French Island Trail from Outer Gray Street to Jennings Street; Water Street from French Island Trail to Monroe Street; Monroe Street from Water Street to Gray Street; Jennings Street from Monroe Street to French Island Trail; Gray Street from Monroe to Hillcrest Drive; and, Outer Gray Street from Hillcrest Drive to SR 662.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

E. PETITIONS AND COMMENTS FROM CITIZENS PRESENT

None Presented.

F. UNFINISHED BUSINESS

1. Ordinance 2014-01, Amending Title 13 to Allow a Special Use Permit for Electronic Message Signs

Mr. Wischer stated the Ordinance received a first and second reading at a previous council meeting and then was amended and sent back to the Plan Commission who did recommend approval of the amended ordinance.

MOTION by Mr. Moore for the adoption of Ordinance 2014-01, Amending Title 13 to Allow a Special Use Permit for Electronic Message Signs.

SECOND by Mrs. McGuire.

DISCUSSION: The distance between signs was amended to 200 feet from a sign to a residence and 400 feet between signs.

MOTION carried: ayes 3, nays 1 (Aurand).

Those wanting an electronic message sign must complete a conditional use permit application at Town Hall which is reviewed and acted upon by the Board of Zoning Appeals (BZA).

2. 2013 Outstanding Citizen Award and Community Service Award

MOTION by Mrs. Hughes to table the 2013 Outstanding Citizen Award and Community Service Award.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

3. Ordinance 2014-05, Re-zoning of 5 East Jennings from Commercial 1 to Residential 1

Mr. Wischer stated the plans have been presented to the Plan Commission and a public hearing held with a recommendation for approval. The petitioner, Jim Seibert, 7311 E State Road 662, presented a design and his reasoning for the rezoning request. Mrs. Hughes does not support the rezoning as a parcel of commercial real estate would be eliminated from the downtown area. Ms. Aurand, Mr. Moore and Mrs. McGuire are in favor of the rezoning due to the lot's placement and impracticality of a commercial entity.

MOTION by Mrs. McGuire for the first reading of Ordinance 2014-05, Re-zoning of 5 East Jennings from Commercial 1 to Residential 1.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 1 (Hughes).

Mr. Wischer read Ordinance 2014-05, an ordinance to amend the Newburgh, Indiana Comprehensive Zoning Map by re-zoning certain real estate in Newburgh, Indiana.

MOTION by Mrs. McGuire to accept the first reading of Ordinance 2014-05, Re-zoning of 5 East Jennings from Commercial 1 to Residential 1.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 3, nays 1 (Hughes).

Mr. Wischer stated that since the vote was not unanimous, the second reading will be held at the next council meeting.

4. Ordinance 2014-06, Designated Depositories

Mr. Wischer stated the Ordinance received a first reading at a previous council meeting with three (3) members present; there must be four (4) members present to continue to the second reading.

MOTION by Mrs. McGuire for the second reading of Ordinance 2014-06, Designated Depositories

SECOND by Mr. Alonzo.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mr. Wischer read Ordinance 2014-06, designated depositories.

MOTION by Mrs. McGuire for the adoption of Ordinance 2014-06, Designated Depositories.

SECOND by Mr. Alonzo.

DISCUSSION: Mrs. Hughes expressed interest in conducting business with financial institutions located in the Town limits. Mr. Lybarger stated that both the Newburgh and Peoples Bank branches are owned by institutions located outside the Town limits. Bank of Evansville is listed as a designated depository and was purchased by German American Bank. All financial institutions listed do have a presence in the county and should be available for consideration.

MOTION carried: ayes 4, nays 0.

G. NEW BUSINESS

1. Lincoln Avenue Widening Phase II, Sanitary Sewer Extension

MOTION by Mrs. McGuire on the engineering recommendation to accept the Lincoln Avenue Widening Phase II, Sanitary Sewer Extension for maintenance at an estimated cost of \$42,525.00.

SECOND by Mr. Alonzo.

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 a report on the May meeting was given at the last council meeting.

FIRE - Mr. Moore

Mr. Moore stated the specs for the new fire truck have been sent for bids.

HISTORIC PRESERVATION - Mrs. McGuire

No report.

PARK – Mrs. Hughes

Ms. Buehlman stated the pool is open and the finishing touches are complete. The guards are taking an active role in improving the facility. The street department should be finishing the batting cage project now that the rains have ceased. The next Park Board meeting will be held on June 5, 2014. Mrs. McGuire stated the Evansville pools did not open on the Memorial Day weekend.

PLAN – Ms. Aurand

No report.

POLICE – Mr. Kavanaugh

Testing for new officers will be held at Preservation Hall from 9:00 a.m. to noon on July 5, 2014.
MOTION by Mrs. McGuire to allow the Newburgh Police Department to use Preservation Hall on July 5, 2014 from 9:00 a.m. to noon for testing and waive associated fees.

SECOND by Mrs. Hughes.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

The Police Commission will meet on June 9, 2014.

Mrs. Hughes stated car shows will be held on the second Friday in June, July, August and September with June held on Friday, June 13, 2014.

MOTION by Mrs. Hughes to close State Street between Jennings and Water Street from 3:00 p.m. to 9:00 p.m. on June 13, July 11, August 8 and September 12, 2014.

SECOND by Mrs. McGuire.

DISCUSSION: A notification letter will be sent to the local restaurants regarding the street closing.

MOTION carried: ayes 4, nays 0.

STORM WATER – Mr. Kavanaugh and Mr. Moore.

No report.

STREETS – Mr. Moore

Mr. Moore stated the Street Crew met with residents concerning drainage issues. Weeds were sprayed along Rivertown Trail. The crew assisted with Wine Fest set-up and take-down. A stop sign was added at the intersection of Water Street and Washington and Water Street and Market. Rock was added to a drive on Clark Street. The Town properties and Veterans Park were mowed and trimmed. The pothole blitz continues.

Mr. Moore stated the Town's entry signs look bad. Ms. Buehlman stated the company plans to adjust the signs on the platform and then flowers will be planted.

UTILITY – Mrs. Hughes

Ms. Buehlman stated the sewer department made an emergency repair on Jefferson Street between first and third streets. Damage was caused by the excessive heavy rains. Indiana American Water completed a repair on Jennings during the overnight hours; the council thanked Roger Johnson for his efforts.

STANDING COMMITTEES

FINANCE – Mrs. Hughes

The finance committee will meet next week.

PERSONNEL – Mr. Kavanaugh

The personnel committee will meet in the near future. Evaluations are to be completed soon.

SPECIAL BOARDS/COMMITTEE REPORTS

RIVERTOWN TRAIL – Mr. Kavanaugh

Mrs. Hughes stated Mr. Shoemaker shared ideas for the trail. Mr. Hynes shared insight on parking at the Lock and Dam and discussed safety features for the Trail. A policy regarding public events held on the Rivertown Trail is being prepared.

SIDEWALK – Mrs. Hughes

Ms. Buehlman stated July 9, is the letting date. INDOT will resume responsibility of the project at that time.

ARTS PAVILION – Mrs. Hughes

Mrs. Hughes stated musicians are being schedule for the Arts Council's Summer Sundays from 2:00 to 4:00 p.m. in June, July and August.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

Ms. Buehlman thanked Lieutenant Healy and Gerald Bowser for their assistance with contractor permit violations.

CLERK-TREASURER – Mr. Lybarger

Mr. Lybarger stated the audit is in progress. Mr. Lybarger is now bonded.

TOWN ATTORNEY – Mr. Wischer

MOTION by Mrs. McGuire to authorize Bamberger to file suit against the State of Indiana and Indiana Department of Transportation (INDOT) for breach of contract regarding the Highway 261 widening project for their failure to provide payment for the work completed.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

TOWN ENGINEER – Mr. Hynes

No report.

TOWN ADMINISTRATIVE MANAGER – Ms. Buehlman

Ms. Buehlman presented a draft of the next newsletter. Vectren representatives will be at Town Hall at 9:30 a.m. tomorrow regarding the gas line replacement project. Ms. Buehlman encouraged the council to review the proposed location for Nick Johnson's Eagle Scout project of a kiosk and chimney swift bird habitat at the Aurand Trail Head.

MISCELLANEOUS BUSINESS

MOTION by Mrs. McGuire to allow the Museum use of the Trolley for the Summer Garden Party on June 28, 2014 waiving the rental fee with the Museum responsible for the driver's fee and fuel.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 4, nays 0.

The Peddler Permits will be discussed when Mr. Wischer returns from his vacation.

Ms. Aurand requested motorists be aware of children now that school is out for the summer.

The June meeting schedule was reviewed.

APPROVAL OF CLAIMS

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

Civil Town – \$130,124.84

Sewer - \$284,757.13

SECOND by Mrs. McGuire.

DISCUSSION: None
MOTION carried: ayes 4, nays 0.

ADJOURNMENT

MOTION by Mr. Moore to adjourn.

SECOND by Mrs. McGuire.

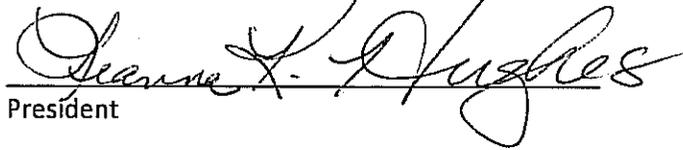
DISCUSSION: None

MOTION carried: ayes 4, nays 0.

Mrs. Hughes adjourned the meeting at 6:55 p.m.

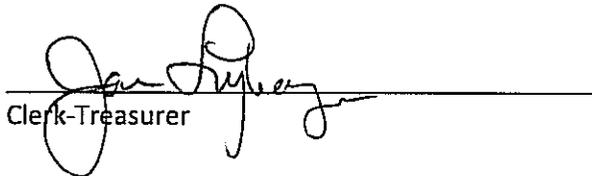
APPROVED this 11 day of June, 2014

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer