



Town of Newburgh
Town Council Minutes for Wednesday, July 27, 2016

4:30 p.m. – Executive Session, Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana. The purpose of the meeting is discussion of pending litigation and personnel issues. This notice is given in accordance with Indiana Code 5-14-1.5-6.1.

Regular Session of Newburgh Town Council, Newburgh Town Hall, 23 W. Jennings, Newburgh, IN was called to order by Mrs. Hughes at 5:44 p.m.

Pledge of Allegiance was led by the Town Council.

Remembrances -The name of Beulah Faye (Stiff) Lewis, 102, of Paradise, IN. was brought up. She was a homemaker her entire life and lived in the Newburgh area.

ROLL CALL

District I – William F. Kavanaugh - present
District II – Leanna K. Hughes - present
District III – Stacie M Krieger - present
District IV – Anne Rust Aurand - present
Council-at-Large – Tonya R. McGuire – present
Clerk-Treasurer – Jon Lybarger - present
Town Manager – Christy Powell - present
Town Attorney – Christopher Wischer - present
Zoning Administrator – Tavi Wydicks – present

APPROVAL OF MINUTES

The minutes of July 13, 2016 were not prepared or distributed, a Motion by Mr. Kavanaugh was made to table the approval of minutes until the next meeting.
Second by Mrs. McGuire
Discussion: None
Vote: Ayes 5; Nays 0

At this point the rules of order were suspended so the following business could be conducted.

AWARDS

Occasionally, the town wishes to show special recognition to persons who have performed volunteer services for the town. At this time there are a number of ladies who performed services at the pool house and Lou Dennis Memorial Park area by cleaning, weeding flower beds and planting flowers and trimming bushes at the park. Also in the spring students from Castle High School came to the park to do painting and provide other services. This was completed to make the pool more presentable and aesthetically pleasing to the pool and park guests.

As president of the Parks Board, Mary Ann Wilsbacher, was called forward to present the Outstanding Citizen awards to the following ladies:

Gayle Coole
Fran Vix
Denise Lynch
Terri Schultz

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Dianna Slater
Karen Flitner

After the presentation of the awards control was returned to the regular flow of the meeting.

SCHEDULED REQUESTS AND APPEARANCES

1. Brent Holweger—Orchard View Subdivision
Mr. Holweger was not at the meeting, the issue which precipitated his appearance was resolved prior to the meeting and he had no reason to appear.

2. Historic Preservation Commission
Jeff Cox, as chairman of the HPC, was present to explain to council the plans of the HPC to expand the historic district for Newburgh. A map displaying proposed expansion was presented to the Council. Mr. Cox is also looking for advice and direction for moving forward. By code historic buildings or homes are considered structures that are 50 years old or older.
The Council showed their support of expanding the entire district as opposed to scattered sites and hoped that a decision may be reached on the proposal by the end of the year. They all agreed this will be a good way to protect some of the historic properties of the town. Once included in the district, there may be a little more control over how repairs on the properties are conducted.

NEW BUSINESS.

1. INDOT—Local Public Agency Project Coordination Contract
Christy asked that the council approve the project coordination contract.
Motion by Mr. Kavanaugh to approve the new contract
Second by Mrs. McGuire
Discussion: None
Vote: Ayes 5; Nays 0

2. Epworth Rd. Med. Corridor SS Expansion—Payment Appl. 14, Partial Release of Retained Money
This project has reached a point of substantial completion and they are requesting a financial disbursement of funds held as retainage of \$170,159.85 to BBI.
Motion by Mr. Kavanaugh to release the retained funds requested to BBI.
Second by Mrs. Krieger
Discussion: None
Vote: Ayes 5; Nays 0

3. Appointment of the Redevelopment Commission
Officially appoint the Redevelopment Commission for 2016. The redevelopment commission consists of the town council members and they are appointed to a one (1) year term.
Motion by Mr. Kavanaugh to reappoint the Council as the Redevelopment Commission for 1 year retroactive to January 1, 2016.
Second by Mrs. McGuire
Discussion: None
Vote: Ayes 5; Nays 0

COMMENTS BY CITIZENS (three (3) minutes per speaker).

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-Carol Schaefer, Historic Newburgh Inc

1. Signage Review Committee – This would actually be a signage review committee to review and approve all new signs being placed in the town of Newburgh.

Motion by Mrs. Hughes to establish and Ad Hoc Signage Review Committee.

Second by Ms. Krieger

Discussion: Mrs. Hughes wishes to be a member of the committee. Others offering their support to the committee were Mrs. Powell, Ms. Aurand, Mrs. Schaefer, and Ms. Wydicks.

Vote: Ayes 5; Nays 0

2. Farmer's Market Banner – HNI was asked to remove the banner from the intersection of State and Jennings because of the number of banners that are currently being displayed. Now that most of the banners have been removed, Mrs. Schaefer is asking that the Farmers Market banner be reinstated at the intersection.

Motion by Mr. Kavanaugh to allow HNI to reinstate the display of the banner from now until the end of September.

Second by Mrs. McGuire

Discussion: None

Vote: Ayes 4; Nays 1

3. Mrs. Schaefer also requested the use of the Town Hall Chambers on August 3, 2016 at 8:30 a.m. for a presentation by Annette Trotter from Turner Bus Lines. The presentation is open to all people and businesses located in the Newburgh area. This presentation is in regards to bus tours being routed to our town and how they may be involved in the events. What can the town do to draw such tourism to the community?

Motion by Mr. Kavanaugh to allow the use of the facilities for the event.

Second by Ms. Aurand

Discussion: None

Vote: Ayes 5; Nays 0

-Dr. Jim Renne, HPC, He is here to provide an update on the Red Brick House.

1. He needs the exact location of where the house will be relocated. This is so an accurate estimate may be obtained regarding the site preparation and valuation of the property.
2. Dollar values are needed for all services being provided for the relocation of the building. He is applying for grants and needs 'dollar value' information to provide an accurate account of the costs and expenditures involved.
3. How will we deal with the transfer of the property? The town has done this before, it should not be any new ground to cover. Mr. Wischer will review past property donations and develop a plan for the transfer.

Motion by Mr. Kavanaugh to designate a portion of the Old Dam Park for the placement of the Red Brick House.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 5; Nays 0

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- Della Rowland, 318 Posey St, She had questions regarding the Red Brick House and they were answered by Dr. Renne's presentation. She is very grateful to the town for accepting this property and working to save it.
- Bob Bullard, 8514 Cox Rd, Mt. Vernon – Bob is the representative who will be working with the town on the development of Phase III of the River Town Trail. He was just assigned to this project and wanted to introduce himself and let us know that he is very approachable.

UNFINISHED BUSINESS.

1. Parking on West Jennings Street between Jefferson and Washington. Tabled on May 25, 2016

Motion by Mr. Kavanaugh to remove the item from table.
Second by Mrs. McGuire
Vote: Ayes 5; Nays 0

At issue is the parking on the north side of the West Jennings Street between Jefferson and the first alley way west of Jefferson. People parking there are actually parking on the sidewalk disrupting the travel of people on the sidewalk. After much discussion, it was decided that that area should be designated as a no parking zone. The area west of Jefferson on the north side of West Jennings should be designated as no parking for 60 feet.

Motion by Mr. Kavanaugh to have the town attorney prepare an ordinance to designate the area described above as a no parking zone.
Second by Mrs. McGuire
Discussion: None
Vote: Ayes 5; Nays 0

COMMISSION/COMMITTEE REPORTS

Air Authority ~ Ms. Aurand
No meeting, no report

Board of Zoning Appeals ~ Mrs. McGuire
-No meeting, no report

Fire ~ Ms. Aurand

-Nick Donnan was present representing the Newburgh Volunteer Fire Department. The total number of runs for June was 39 with 25 of them being in the township not the town. There were also 2 mutual aid runs and 1 public relations run. The total man hours expended during the month were 614 being split between man, station and response functions.

-During June, a lot of time was spent doing station improvements

-Truck 12 has been listed as surplus by the township. Sealed bids are being accepted until early September for the purchase of the surplus vehicle.

-The new ladder truck should be received sometime in November or December.

-The fire department would like to use a portion of the Monroe house to practice entry techniques and breaching walls.

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Motion by Ms. Aurand to allow the fire department use of the Monroe Street house for training purposes.

Second by Ms. Krieger

Discussion: None

Vote: Ayes 5; Nays 0

Historic Preservation ~ Ms. Krieger

-No meeting, no report

Park ~ Ms. Krieger

-No meeting, no report

Next meeting, August 4, 2016 at 6 p.m.

Plan ~ Mrs. McGuire

-No meeting, no report

Next meeting, August 1, 2016

Police ~ Mrs. McGuire

-Ms. McGuire reported that Brett Sprinkle submitted his resignation from the Newburgh Police Department. A separation agreement had also been prepared and the commission accepted his resignation. They believed that the issue should be brought before town council for their consideration on the matter.

Motion by Mrs. McGuire to accept the submitted resignation and separation agreement.

Second by Mr. Kavanaugh

Discussion: None

Vote: Ayes 5; Nays 0

-National Night Out will be held August 2, at the Old Lock and Dam. Festivities to begin at 5 p.m.

-Next meeting will be held on August 8, 2016

Site Review Committee ~ Mrs. McGuire

-No meeting, no report

Storm Water ~ Mr. Kavanaugh

-Mr. Kavanaugh deferred to Mrs. Powell and Ms. Wydicks. The Street crew was working on a project on French Island Trail attempting to correct a storm drainage issue, but encountered an issue with a gas line. Work has been halted until the utility can correct the issue.

Street ~ Ms. Aurand

The following functions have been performed by the street department.

-Trimming of trees and shrubs around town.

-Cleaning and grading alleys.

-Weeding where needed.

-Returning washed out stone and gravel to where it should be.

-Assisted with set up and tear down for Newburgh Remembers.

-Addressing other issues caused by rain.

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Trash ~ Mrs. Hughes
-No Report

Utility ~ Mrs. Hughes, Mr. Kavanaugh
-No Report

STANDING COMMITTEES

Finance ~ Mrs. Hughes, Mrs. McGuire
-Budget meeting scheduled for August 2, 2016. It will be held at Preservation Hall at 9:30 a.m.
This meeting will be posted and advertised.

Personnel ~ Mrs. Hughes, Mrs. McGuire
-No report

SPECIAL BOARDS/COMMITTEE REPORTS

Sidewalk ~ Mrs. Hughes
-No report

Arts Commission ~ Mrs. Hughes, Ms. Krieger
-No Report
-Next meeting will be August 1, 2016, 5:30 p.m.

River town Trail ~ Mrs. McGuire, Mrs. Hughes
-Christy, Chris, David and Tonya met with Bob Bullard and Jason Rawlins and discussed changes to the RTT phase III. At Ellerbusch Road, the bridge will be located over the waterway just north of the tree line.
-Next meeting will be August 1, 2016, 4 p.m.

ZONING ADMINISTRATOR

-Four nuisance ordinance violations presented. The Council's options are to fine them and/or abate the issue and lien their property.
The first property under consideration is at 110 E. Gray St. Abandoned. Town crew has mowed. The house is in bad shape. The neighbor has weekly complained to the town. Weed liens have been issued for the past several years. Letters have been returned undeliverable. Stiles is the owner's last name. The taxes are current.
Mrs. Aurand said the property has gotten worse and worse. The roof has fallen in on the front. The 2015 lien was just recently released, she said. Mrs. Hughes said the Treasurer will maintain a separate address. The Zoning Administrator should check with the Treasurer. Mr. Wischer suggested tabling correction on 110 E. Gray Street. It needs to be inspected and a list of issues collected and verified.
Mr. Wischer said he and Ms. Wydicks will be looking at the 1989 nuisance ordinance. Revision proposals will be presented to the Council.
Two on Posey Street, at 200 and 230, are mostly just garbage on the property. At 200 Posey, the question is whether to have the town clean up the property or fine them every day of violation, Mr. Wischer said. Ms. Wydicks said the fine can be \$10 to \$300 each day.

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Motion by Mrs. McGuire to fine the property owner \$50 per day until the issue is resolved.

Second by Mr. Kavanaugh.

Discussion: None

Vote: Ayes, 5; Nays, 0.

-230 Posey St., is trash on the front porch. Owner has not picked up either letter. The taxes are paid by Habitat for Humanity.

Motion by Mr. Kavanaugh to abate the nuisance by Town crew and lien the property in the amount accrued by the clean up.

Second by Ms. McGuire

Discussion: None

Vote: Ayes, 5; Nays, 0.

-517 Section St. – Also on the weed list. Been in foreclosure for a while. Vacant. The bank just took it back. Several people have expressed an interest in purchasing the property. Hoping the bank will abate the weed problem. May want to hold off until Ms. Wydicks speaks to the bank. She said the inside is in bad shape, too.

Motion by Mrs. McGuire to declare the property in violation of the nuisance ordinance.

Second by Mrs. Hughes.

Discussion: None

Vote: Ayes, 5; Nays, 0.

-Mr. Wischer suggested when the ordinance is revised, after the first letter is sent, owners are given a deadline to respond. He suggested 10 days for them to submit a written explanation. The Council would not need to vote on each nuisance. Ms. Wydicks would like the weed and nuisance ordinances be combined. She now sends a nuisance letter to the owner telling them a complaint has been lodged and the issue must be abated. If it is not resolved, she sends a second letter telling the property owner a hearing has been scheduled on a certain date.

-For the second quarter, there were 31 projects with valuation of \$445,428.15; 43 permits and \$3,089 collected in fees. Two COAs were issued.

Since last Council meeting, there were four permits issued for four projects, with \$26,170 valuation and \$125 collected in fees.

New Kramer Subdivision, Coppers Edge, with 20 lots – She hopes to present drainage plan to Storm Water Management Board in August and the plat to the Plan Commission on September 12.

One new sign permit was issued to a vintage clothing consignment shop east of Jennings Station. Operator said they are just trying the store front. Been selling online for a number of years, Ms. Aurand said.

ERA Realty has opened an office on State Street.

June 27, BZA voted a raze order for 2 Gray Street and a letter was sent to the owner, giving him until July 15 to present a signed demolition contract. He did not do that, so she and Mr. Wischer are discussing the best way to move forward with the raze order.

-Larger map of HPC proposed historic district expansion is in her office, as well as the data base in her office.

-Planning Commission will officially accept the withdrawal of the Wal-Mart plat at its next meeting. Also looking at an amendment to the zoning ordinance that will allow outside storage of materials and equipment in a C2 zoned district. It will be presented to Council the second meeting in August.

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-Storm Water: New MS4 display in the lobby.
-Many storm water complaints received. She's meeting with Mr. Hynes and John Heck to work out solutions. Greg Bailey's resignation was accepted and Dan ~~B~~^Wollen was named to replace him on the board.

CLERK-TREASURER.

-Met with Robert Norris from the DLGF and discussed the 2017 budget.
The budget will be in process for quite some time and will be a joint effort by the various town departments and town council.

TOWN ATTORNEY.

-No report

TOWN ENGINEER.

-Lincoln Avenue issue: Need to amend the work plan to run a sewer line extension. Reimbursable cost from county and state. The work has previously been approved by the Utility Commission and the Council.
Motion by Mr. Kavanaugh to revise the work plan.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes, 5; Nays, 0.

-Mr. Wischer said the Town is to be acquiring easements along the route of the extension. The cost is included in the reimbursable fee. Mr. Wischer asked for authority to go ahead to acquire the easements with the understanding it is reimbursable.
Motion by Mr. Kavanaugh to allow Mr. Wischer to acquire the necessary easements.
Second by Mrs. Hughes.
Discussion: None
Vote: Ayes, 5; Nays, 0.

TOWN MANAGER.

-Dave Hynes and her submitted seven road projects to the Community Crossings Grant Program. Funding awards should be announced by the end of August.

MISCELLANEOUS BUSINESS.

-Mr. Kavanaugh said Windows 10 is free only until July 29. Mr. Lybarger said Windows 10 is not currently compatible with the current release of InCode Software. He is working with PC Quest to establish an upgrade strategy to not only move forward with the new release of InCode and eventually Windows 10. It may not be a free upgrade but it is his belief that it will continue to be offered as a free upgrade in the future.

Approval of Claims.

The following amounts are submitted for council approval. They consist of regular claims and any sewer adjustments that there may be.

Civil town -	\$184,652.54
Sewer -	\$373,354.97
SRF -	\$6,168.85

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Motion by Mr. Kavanaugh to approve all claims.
Second by Mrs. McGuire
Discussion: None
Vote: Ayes 5; Nays 0

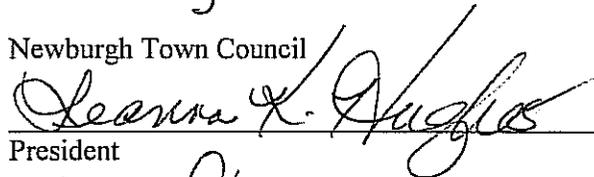
ADJOURNMENT

Motion by Mr. Kavanaugh to adjourn at 7:40 p.m.
Second by Mrs. McGuire
Discussion: None
Vote: Ayes 5; Nays 0

7/27/2016	Town of Newburgh	
	Sign in Sheet	
Name	Address	Area of Concern
Carol Schaefer	HNI	Signage/Banners
Della Rowland	318 Posey St	Brick house placement
Bob Bullard	8514 Cox Rd, Mt. Vernon	River Town trail
Mr and Mrs Roger Lynch	5399 Keywood Circle	
Fran Vix	5561 Prestwidk Ct	
Gayle Coole	6711 Jenner Rd	

APPROVED this 10 day of August, 2016.

Newburgh Town Council



President

ATTEST:



Clerk-Treasurer