

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, HELD A REGULAR COUNCIL MEETING VIA ZOOM.COM ON
THURSDAY, OCTOBER 15, 2020 AT 7:00 P.M.**

MEMBERS PRESENT: Council Members: Mrs. Collier, Mr. Phipps, Mr. McLaughlin, Mr. Turner, Mr. Blair, Mr. Aebersold, Mr. Applegate, Dr. Knable and President Caesar.

ALSO PRESENT: Ms. Stein, Mr. Gibson, Mrs. Moeller, Mr. Staten and Mrs. Glotzbach.

CALL TO ORDER:

President Caesar called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Phipps moved to approve the Regular Meeting Minutes for October 5, 2020, **Mr. McLaughlin** second, all voted in favor.

COMMUNICATIONS – COUNCIL:

Mr. Turner stated that the street sweeper came through on Morton Avenue and one of the residents was sweeping their leaves into the street and the street sweeper driver stopped and told him that leaves aren't being picked up yet and actually helped him get his leaves squared away. He said that he thinks that is very good work that the city has done and is important for people to know. He then stated that code enforcement continues to do a good job in the way they triage calls and get things taken care of pretty quickly so he wanted to give them credit for that.

Mr. Applegate stated that he just wanted to remind everyone again about being accountable to help our small businesses locally with COVID-19 because it is going to take a community effort.

Mr. McLaughlin stated that he just kind of wanted to reiterate what Mr. Applegate said. He said that they drove through downtown over the weekend and it looked like people wanted to celebrate parts of Harvest Homecoming even though it was closed and there wasn't anything that could be done because it was pretty much interactions with private properties. He stated that everyone just has to be studious in wearing masks and try to protect themselves and other people.

Mr. Aebersold stated that he is sure that everyone got the email the other day from Ms. Kelly Feiock about the two wrecks at Klerner Lane and Mt. Tabor that happened last week and someone did get hurt in one. He said that he knows that the city has tried and we can't give up. He stated that we have to come up with something to help that situation out. He said that he saw the picture and the car was all the way up in a yard and looked like it hit a tree so they must have been going pretty fast through there to do that. He suggested bringing something up at the board of works to work on that situation because it is obviously bad and you don't want to get to the point where someone gets killed and then do something with it.

Mr. Turner stated that he did send an email to Police Chief Bailey to see if we can get the portable radar placed there at least for the time being and he said that he would have that stationed there in about 10 days. He said that he knows that is just a band aid but it is something.

Mr. Aebersold stated that it is better than nothing.

Dr. Knable stated that he agrees with everything he has heard thus far but has nothing to add.

Mr. Phipps stated that he wants to concur with what was said about our businesses downtown because we need to support them and he is very much sympathetic to what they have been going through with loss of revenue. He said on the other hand, the events that took place this weekend were legal but he thinks it was deplorable to get together large numbers of people in small areas like that. He also said that when he drove by, he did not see proper social distancing or mask wearing among the patrons. He said that it is his understanding that there are other events planned in the upcoming weeks and again, they are legal but just because something is legal doesn't mean it is the right thing to do. He then stated that he wanted to talk about the crosswalks again because he was driving up Spring Street last night and there was a couple with a baby in a stroller trying to get across the street. He said that the lights were flashing and he stopped but car after car passed and he finally held down his horn and opened his window and started screaming at people that it is a crosswalk. He said that he has been on his horse about this for two years and we have got to do something about them or else we need to take those yellow lights down because it is giving people a false sense of security. He also said that he has been working with the board of works on this and he knows that things move slowly but he believes that there is going to be a tragedy if we do not do something. He stated that it is more than just educating people. He said that we have to have something more visible and we have to start ticketing people that don't yield in crosswalks. He stated that if we want to be a progressive city and pedestrian friendly, then we are going to have to ensure that people are safe in other places other than in their cars. He then stated that generally we have not been giving ourselves raises and he said in theory, he kind of likes that because people shouldn't be voting on their own raises but over time they get salary compression when they do that. He said that if all other employees get a 2% raise each year and the council withholds their own raises then the total salary is going to go down over time. He stated that he did some checking because someone asked him how our salaries compare to other surrounding communities and he was astonished at what he found out. He said that Jeffersonville has basically one level of pay for city council members which is \$15,000.00, which is 50% more than what we get. He said that he called Clarksville, which is simply a town and not even a city, and they have three tiers. He stated that the average council member is \$13,875.00, the vice president is \$15,875.00 and the president is \$26,500.00 so our salaries are really behind and he thinks that is because they haven't been keeping those raises consistent with other city employees. He explained that he brought this up at the end of the previous term and they decided that they would vote for a 2% raise for the next group, but they would really have to vote for an 8% raise for the next council coming on to just to keep up with the 2% raises that everyone else is getting in a given year. He stated that he is not advocating for that this year but thinks that next year they probably need to start adjusting that a little bit or give a really big one in their last year of their term for the next council. He said otherwise, they will be falling in the hole compared to other cities that are in our own geographic area.

Dr. Knable stated that the only way he would consider doing that is if they could make it so that we wouldn't take the raise even if someone was re-elected to the post. He said that it is very unlikely that he is going to be running for a third term so this really is not for him but if he was planning on running for a third term and they voted that in, he would not feel comfortable taking it. He added that is really for discussion when Mr. Phipps brings it to the table. He said that he doesn't even know if it can legally be done like that. He then stated that he continues to get calls about speeding on Schell Lane and he knows that new signage was going to go in when they redo that area with the sidewalks and asked if that project is still on schedule or if it is now on hold with this year's budgetary issues. He said that if it is on hold, he feels they need to go ahead and get new signage up for the speed limits because as Mr. Phipps said, we do have some dangerous areas and he doesn't want them to have to wonder about what they might have been able to do if we don't get some signs in there.

Mr. McLaughlin stated that he has asked redevelopment about the sidewalk issue on Schell Lane and it is not supposed to be affected and will go on. He said that there

should be an engineering study at the end of this year or early part of next year and they should move forward on it next year. He then stated that he did call Mr. Thompson about this and he did tell him that they are going to put a couple more 25 MPH speed limit signs up. He explained that if you pull out of Navajo Drive and head towards Daisy Lane, there are only two speed limit signs before the roundabout so either side of the street could use two more signs about in the middle and Mr. Thompson agreed to that.

Mr. Turner stated that about a month ago his neighbor's mailbox got run over again by a speeding driver and asked what the status is on the traffic survey.

Mr. Applegate stated that their next step is to meet with Police Chief Bailey and get the process in place to see what options we have or when and where we pass those items on to chief or board of works and how all of that plays in. He added that this is a longer-term type process and said to not stop any process that you would normally do right now as far as letting board of works or the police know anything regarding safety. He said that the correct people need to know about the immediate fixes right away.

Mr. Turner asked if there has been any discussion about privatizing this study to get it done a little quicker.

Mr. Applegate stated that there hasn't been anything discussed on having a study on certain streets. He said they have just looked at the amount of things going on and if they require a study or if they can just use the radar and compile that information and look at those items independently.

Mr. Turner stated that he was under the impression that it was going to be full city look at signs, roundabouts, speed tables, etc.

Mr. Phipps asked who the man was that zoomed in on their committee meeting.

Mr. Applegate stated that he was a mayor of a small town of maybe 12,000 people and he was also an engineer involved in traffic.

Mr. Phipps stated that one thing that he talked about was speed limits based on zones such as all residential areas would have the same speed limit or commercial would have the same, etc. He said that we just updated our new zoning code last year and we might want to see how speed limits could kind of dovetail with those new zoning districts that were created. He stated that he also mentioned having a standardized speed in all areas of the city that are unmarked. He said that he was driving down Pearl Street last night and looked down and he was driving 15 mph and that was reasonable so he thought that the downtown corridor speed should probably be 15 mph but we don't have any speed limits under 20-25 mph. He stated that he feels that we need to ratchet down the speed limits in most areas of the city with the exception of thoroughfares such as Charlestown Road, Grant Line Road, etc. He also stated that all of the neighborhoods are very densely populated and it will just make it a more walkable type of environment and we want that in the core of the city.

Mr. Blair stated that he thinks the last time we updated speed limits was 1978 which was through board of works and there are areas that we never set speed limits for. He said that he thinks it would be worthwhile to look at those to update and get the board of works involved. He added that he does believe it is the board of works that has the authority to do that but if the council would do a resolution, he thinks they could work jointly with the board of works to get that done.

Mr. Phipps stated that a good illustration of that is if you went out Charlestown Road or Grant Line Road in 1978, that was farm land and some of those speed limits are 40 mph when you're going out past Kohl's and Meijer's and that is a very congested area. He said that speed limit should probably be 35 mph until you get out to Chapel Lane now because today things are so different from what they were in 1978.

Mr. Caesar stated that in listening to this discussion and knowing of some of the situations we have in town, he thinks we just have a general problem with speeding on side streets and going through cut-throughs.

Mr. Applegate stated that there will be recommendations as they get to setting that process up such as back to school campaigns or bike safety week just to bring awareness and education.

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mrs. Glotzbach stated that she will have the Gateway budgets in her office tomorrow and asked that the council members come in to sign it so that it can be sent on its way.

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

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

COMMUNICATIONS PUBLIC: Z-20-02 Jollissaint Avenue Vacation

COMMUNICATIONS PETITIONER: Z-20-02 Jollissaint Avenue Vacation

**Z-20-02 An Ordinance for the Vacation of a Public Way McLaughlin 1&2
 Pursuant to a Petition Filed by Aletha Goodman
 and Reservation of Permanent Utility Easement**

Mr. McLaughlin introduced Bill Z-20-02 and moved to approve the first and second readings, Mr. Applegate second, all voted in favor.

Mr. McLaughlin said that the only discrepancy that he saw on this was in the legal description which referred to Althea Avenue and it should be Alta Avenue.

Mr. Caesar asked if all of the neighbors have been notified of this.

Mr. Gibson stated that we have two of these tonight and one coming up at the next meeting so they seem to come in spurts. He explained that the process is that the applicant files with the city clerk's office and she then forwards it to his office so he examines each one. He stated that obviously if there are utilities or anything in those types of easements, they will usually not agree with those or proceed with them. He said that most of the time they are old alleys that were platted at one time but are no longer used. He stated that this one was platted but never finished so the back of the alley was never done. He said that they go through it from a staff's standpoint to make sure there are no sewer lines, storm water lines or other utility, but they do usually reserve the right to put those things in if it is needed down the road. He stated that once it clears all of his criteria, it comes to the council for approval.

Mr. McLaughlin asked if the other property owners abutting the property get partial ownership of the area.

Mr. Gibson stated that the way the statutory vacations work is that the land is split 50/50.

Mr. Caesar asked if all other parties have agreed to this.

Mr. Gibson stated that he has not seen any agreements but they were notified. He said that they were sent notification of the vacation being filed and the public hearing being held.

Mr. McLaughlin stated that the parties he talked to who are involved were okay with it.

Ms. Aletha Goodman stated that when she purchased the house, the little shed that sits beside it was on the card so she just initially thought that it went with it. She said that she found out later that property was owned by the city so that is when she applied to vacate the alley and she is good with whatever as long as she gets her shed.

Mr. Gibson stated that if you happen to drive out there, you will notice that there is a little shed on part of the old platted alley so someone else before Ms. Goodman put that on there. He said that he doesn't believe that there are any utilities through that so hopefully there are no concerns about the structure being on it. He added that if there were utilities or they needed to through it, unfortunately, it still would be retained as an easement but the city would work with Ms. Goodman in some fashion to make it work.

Mr. Blair asked what the approximate size of the property is.

Ms. Goodman said that it is almost 50' X 120'.

Mr. Aebersold asked if both parties would split this they would have 25' X 120' that would go to both of them automatically so they would pick up the taxes on that.

Mr. Gibson replied yes.

Mr. Aebersold asked if one of them decided they didn't want it and wanted let the other party have all of it, can they work that out between them.

Mr. Gibson stated that in those situations in the past they have always had the party sign a disclaimer that would go with the ordinance and it would all go to the petitioner that asked for it.

COMMUNICATIONS PUBLIC: Z-20-03 Virginia Avenue Vacation

COMMUNICATIONS PETITIONER: Z-20-03 Virginia Avenue Vacation

**Z-20-03 An Ordinance for the Vacation of a Public Way Turner 1&2
Pursuant to a Petition filed by Kyle and Angela
Kraft and Reservation of Permanent Utility
Easement**

Mr. Turner introduced Bill Z-20-03 and moved to approve the first and second readings, Mr. Phipps second, all voted in favor.

Mr. Turner stated that this is a former alley that is basically just a partial driveway and is 20' X 125'. He said that the Krafts have maintained this driveway and they also spent a little over \$3,500.00 blacktopping it. He said that there is no sewer, storm water, telephone, cable/internet or electric. He also said that he did call the adjacent landowner but his phone did not work so he needs to continue to try to reach out to him and maybe stop by his house. He stated that he knows that we sent notification out to him but he would still like to talk to him as well.

Dr. Knable asked if this conversation is any different because they blacktopped over something they didn't have complete possession of. He said what if the neighbor finds out that he has half of it but didn't want it blacktopped.

Mr. Gibson stated that fortunately for Krafts, most of the blacktopped area would fall on their side anyway.

Dr. Knable asked if there is an easement that someone wants to improve, can they do that or is it better to ask for forgiveness rather than permission.

Mr. Gibson stated that structures are usually not a good idea but something like this could pretty easily be fixed. He said that when they reserve easements and things of that nature, they usually do tell people that if we have an easement from the city's standpoint, you are not supposed to build anything on it. He said that if you do build something on it and something has to come through there and take it out, unfortunately that is your loss.

Dr. Knable asked if the excavation cost goes up for the city, are we able to pass that cost on to the owner. He said it is just a theoretical question and if it has never come up then it's never come up.

Mr. Gibson stated that it has never come up in his dealings so far but probably what Dr. Knable is talking about would be minuscule anyway. He added that knocking out some asphalt would not be any different than digging out some dirt.

Mr. Phipps asked who covers the cost for the legal to be redrawn, recorded, etc.

Mr. Gibson stated that when they give it to us they are required to provide an actual legal description. He said that when it comes to filing the ordinances and things like that, we go ahead and cover those costs because they are pretty minuscule. He said that most of the costs are taken on by the petitioner of the application.

COMMUNICATIONS PUBLIC: A-20-03 Non-Reverting Budgets

COMMUNICATIONS PETITIONER: A-20-03 Non-Reverting Budgets

**A-20-03 An Ordinance to Fix the Non-Reverting Budgets McLaughlin 3
for the Year 2021**

Mr. McLaughlin introduced Bill A-20-03 and moved to approve the third reading, Dr. Knable second, all voted in favor. Bill A-20-03 becomes Ordinance A-20-04.

COMMUNICATIONS PUBLIC: A-20-04 General Fund and Other Budgets

COMMUNICATIONS PETITIONER: A-20-04 General Fund and Other Budgets

**A-20-04 An Ordinance to Fix the General Fund and Phipps 3
Other Budgets for the Year 2021**

Mr. Phipps introduced Bill A-20-04 and moved to approve the third reading, Mr. McLaughlin second, all voted in favor with the exception of Mr. Turner who voted no. Bill A-20-04 becomes Ordinance A-20-05.

Mr. Blair stated that at the last meeting they discussed the flood control district and the \$3M appropriation for the improvement of the floodwall and Mr. Gibson indicated that there may be an opportunity to maybe do that in phases so that they can look at some other projects. He said that his understanding is that it is a separate taxing district and it would have to be done for broad range type projects and he feels a retention pond would probably fit into that category. He stated that the one that he is specifically thinking about is the one off of Rolling Creek Drive which is right off of Grant Line Road. He said that in the past they were not able to that because they couldn't acquire the land because Pillsbury owned it at the time. He stated that with the change of ownership there, we may find that there is a willingness to work with us to put a retention pond in that area. He added that the retention pond he is referring to was a very high priority in the 2010 Storm Water Masterplan.

COMMUNICATIONS PUBLIC: A-20-05 Salaries for Non-Bargaining

COMMUNICATIONS PETITIONER: A-20-05 Salaries for Non-Bargaining

**A-20-05 An Ordinance Setting Salaries for the Year 2021 McLaughlin 3
for Non-Bargaining Unit Employees**

Mr. McLaughlin introduced Bill A-20-05 and moved to approve the third reading, Mr. Phipps second, all voted in favor. Bill A-20-05 becomes Ordinance A-20-06.

COMMUNICATIONS PUBLIC: A-20-06 Salaries for Elected Officials

COMMUNICATIONS PETITIONER: A-20-06 Salaries for Elected Officials

**A-20-06 An Ordinance Setting Salaries for the Year 2021 Phipps 3
for Elected Officials**

Mr. Phipps introduced Bill A-20-06 and moved to approve the third reading, Mr. McLaughlin second, all voted in favor. Bill A-20-06 becomes Ordinance A-20-07.

Mr. Caesar stated that the council did not take a raise for 2021. He then thanked Mr. Gibson and Mrs. Moeller for all of their hard work on the budget.

COMMUNICATIONS PUBLIC:

COMMUNICATIONS PETITIONER:

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Ms. Jesica Smith, 1017 East Spring Street, stated that she is sure that the council heard about the Harvest Homecoming unofficial events that took place this past weekend. She said that she has come before the council to see what can be done to better protect the people of our city and our community. She stated that if you walked or drove around downtown New Albany during any of the events, you probably saw lots of people out and about. She said that she doesn't have a problem with people being out and about, however, she does have a problem whenever large events take place where very few masks are being worn and people aren't social distancing which is what happened at the Earl and several other locations. She stated that we are in the middle of a pandemic that we can't get under control. She said just today Indiana had their highest number of cases since the pandemic began. She stated that even though Stage 5 allows for these types of events to take place, people are still required to wear masks and social distance and that is not what happened in New Albany this past weekend. She said that our public middle schools and high schools are operating on a hybrid schedule to allow the students to social distance and to keep our schools at 50% capacity or below. She stated that this is the safest way to send our kids to school and keep our schools open. She asked why it is that our schools have to work so hard to stop the spread of this deadly virus but bars are allowed to hold unsafe events with hundreds of people where safety guidelines aren't being followed. She stated that it makes absolutely no sense. She said that these events that were held and will continue to be held are putting other downtown businesses at risk. She asked that if the virus spreads because of these types of events, what will happen if we have another shutdown. She stated that this has the potential to destroy our city financially. She also asked what will happen when our hospital ICU beds are full. She said that these are the questions we need to think about when we see these types of events taking place. She stated that we have worked so hard as a community to get our numbers under control and these events have the potential to ruin that hard work. She also stated that she was told by the health department and different city officials that what took place this weekend was legal. She said it may be legal but it is dangerous and has the potential to cause a spike in cases in Floyd County. She asked how long we are going to allow this to continue. She also asked if the city, county and health department could all come together to discuss this. She asked what we can do to make our city safer. She stated that we need to start communicating and stop pointing fingers at each other so let's come together to figure out a safe solution.

ADJOURN:

There being no further business before the board, the meeting adjourned at 7:58 p.m.

Bob Caesar, President

Vicki Glotzbach, City Clerk