

**AGENDA**

**A MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WILL BE HELD IN THE THIRD FLOOR ASSEMBLY ROOM AT THE CITY/COUNTY BUILDING ON TUESDAY, OCTOBER 24, 2017 AT 10:00 A.M.**

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**BIDS:**

**NEW BUSINESS:**

**COMMUNICATIONS – PUBLIC:**

**OLD BUSINESS:**

**TABLED ITEMS:**

**COMMUNICATIONS – CITY OFFICIALS:**

1. Courtney Lewis re: Special Event Permit
  - Schmitt Furniture/New Albany Social Chili Cook-off

**APPOINTMENTS:**

**CLAIMS:**

**APPROVAL OF MINUTES:**

Grievance Hearing Meeting Minutes for October 10, 2017  
Executive Session Meeting Minutes for October 27, 2017  
Regular Meeting Minutes for October 17, 2017

**ADJOURN:**

**THE BOARD OF PUBLIC WORKS & SAFETY OF THE CIVIL CITY OF NEW ALBANY, INDIANA, HELD A GREVINCE HEARING IN THE THIRD FLOOR ASSEMBLY ROOM AT THE CITY/COUNTY BUILDING ON TUESDAY, OCTOBER 10, 2017 AT 11:00 A.M.**

**PRESENT:** Warren V. Nash, president, Cheryl Cotner-Bailey member and Mickey Thompson, member

**ALSO PRESENT:** Shane Gibson, Deputy Fire Chief Gadd, Scott Cecil, Tim Bailey, Fred Rexroat, Jason Brown, Karie Brown and Vicki Glotzbach

**Mr. Nash called the meeting to order at 11:00 a.m.**

**Mr. Nash** stated that the board is present to hear a grievance from Mr. Fred Rexroat, Mr. Jason Brown and Mr. Aaron Sparks. He then asked the board if everyone has read the complaints.

**Mr. Thompson** replied yes.

**Mrs. Cotner-Bailey** replied yes.

**Mr. Gibson** stated that he gave the board three Joint Exhibits and explained that Joint 1 is a current seniority list for the firefighters, Joint 2 is a section of a page from the contract which talks about the promotions process and Joint 3 is the actual 2017 firefighters contract.

**Mr. Bailey** stated that he gave the board copies of some certifications that will be referenced. He explained that in the black paper clip are the agreed certifications on the three individuals named in the grievance and the red ones are some that will be referenced but he redacted the names because this is not about politics and is more about certifications and the facts. He added that if the board would like those names, he will provide them but he didn't feel they were important at this time. He then stated that they appreciate the board hearing them and are present to hammer a few things out and to work with the city to make the best product for our citizens. He started with Mr. Spark's grievance and stated that first part will be the same argument on all three which is the timeliness issue. He stated that Fire Chief Juliot stated that he made the promotions on June 28, 2017 and that the grievance was filed on July 13, 2017 which he says is over the ten days allowable for a grievance. He explained that Fire Chief Juliot is counting the day that he verbally made those promotions to the individuals and at that time the three firefighters aggrieved had no idea that had happened. He said that no members were notified and according to the board of works minutes from July 5, 2017, the three promotions would take place on July 8, 2017 with a one year probationary period and wouldn't be permanent until July 8, 2018. He explained that from a union standpoint, if those individuals are not promoted until July 8, 2017 then the three firefighters were not aggrieved yet because until July 8, 2017, Fire Chief Juliot could change his mind and promote anyone. He also explained that the firefighters were not aggrieved until it came before this board and was approved for July 8, 2017 and the grievances were filed on July 13, 2017 which was only four days after the promotions were approved. He stated that one thing that they would like to make an agreement on is when a promotion takes place. He asked if that is when it is approved by the board of works or when Fire Chief Juliot sends out an email to all members which has taken place on prior promotions but didn't take place this time. He added that they would all be happy with the promotion taking place when the email is sent out by Fire Chief Juliot as long as all members are notified in writing. He also added that the promotion could take place when it comes before the board or works also but they just want clarification on when the promotion actually takes place so that

there are no timeliness issues. He stated that Mr. Spark's grievance says that he was also denied due to the fact that the members' abilities to perform the job are relatively equal to his but we don't have the knowledge of what relatively equal is. He said that there hasn't been a clarification of what state certifications are being looked at to know what relatively equal is and the only way to figure it out was to go over the last six captains' promotions. He said that they took the common certifications between those six captains' promotions to see if they could figure out what the minimum qualifications are for captain. He explained that came out to five state certifications which are firefighter 1&2, fire officer strategies & tactics, hazmat awareness, technical rescue awareness and road rescue operations. He said that they did that same process with sergeant and there were 10 in common certifications and they were confused because a higher rank has less certifications than a lower rank. He stated that Mr. Sparks has 40 state certifications which is well more than anyone who was promoted in this round.

**Mr. Gibson** stated that black clip will be marked as Union 1 and the red clip will be marked as Union 2.

**Mr. Bailey** He stated that they do agree that there may be a base level of certifications to go off of and then go by seniority after that. He also stated that they also get a little lost in the seniority argument because in the previous ruling with Mr. Chris Swarens, seniority was not stated as a factor and seniority was not used with the other examples that he is going to reference. He said that he is not sure why seniority was not cited in these promotions but was in Mr. Spark's situation. He pointed out that in the Union 2 packet, firefighters number 1 and 3 both put in for a promotion in November, 2015, and firefighter 3 was promoted even though he had more than 9 years less seniority. He explained that in October, 2016, firefighter 1 put in for the same exact position on the same exact truck but just on a different crew and between the time of the two promotions, he received no further education, qualifications or certifications and was awarded the promotion. He said that when they spoke with Fire Chief Juliot about that, he said that he had the minimum qualifications and had seniority over everyone else so he was promoted. He asked if he had the minimum certifications and was qualified the first time and had no further certifications, why he wasn't promoted the first time if seniority was a basis. He stated that in first instance seniority was not used but in second instance seniority was used. He also stated that in Mr. Spark's case, without timeliness and without knowing what the minimum certifications are as well as seniority not being followed then they question why he was not promoted.

**Mrs. Cotner-Bailey** stated that she didn't receive a copy of Mr. Spark's denial letter and asked if she could have that.

**Mr. Bailey** gave her a copy.

**Mr. Nash** asked Mr. Gibson if they should respond to Mr. Spark's grievance at this time or wait until they hear all three.

**Mr. Gibson** replied no and explained that their response will be more of a blanket response that they will bring back.

**Mr. Bailey** then addressed Mr. Rexroat's grievance and stated that the timeliness issue applies to his as well and stated that he was denied promotion with the fact that others were more qualified at the time of promotion than he was. He said that Mr. Rexroat has more seniority than the three people who were promoted and according to the common certifications that they found, he is qualified to be a captain and be in charge of a sergeant but not qualified to be a sergeant. He also

said that in prior promotions, if a firefighter didn't have all certifications at the time of the promotion, he was allowed a time afterward to receive the qualifications needed after he was promoted and Mr. Rexroat was not allowed that opportunity. He explained that part of the problem they are seeing is that one of the certifications that the union believes is applicable for this promotion is the driver-operator certification but that class has not been offered in several years so no one at this time has had the opportunity to receive these classes to obtain a promotion if we are saying that is a qualification for it. He added that the classes will have to be offered in order to receive the education. He also added that if we are going to allow time for people to get the certifications after promotion then that needs to be a blanket policy. He stated that Mr. Rexroat's main concern is to get a promotion policy in place that is black and white because it is hard to aim for a target if we don't know what the target is and it is bad for morale and causing animosity. He also stated that the union feels it is better for the community to put educated, certified people in the decision making and hands-on positions in the fire department. He said that he does realize that as a union they have failed to implement a promotional policy from voting. He said that in his 10 years on the department, they have voted down a promotional policy five different times which he agrees is unfortunate. He stated that in the contract it states that the board of works shall implement a promotional policy so he is asking today that the board implement a policy so that the target is there and we know what to work towards.

**Mr. Thompson** asked why the union hasn't been able to come up with a policy.

**Mr. Bailey** stated that the union worked with the chief's office several times to come up with something they thought was fair but when it comes to a majority membership vote, it always seems to get voted down. He said that he understands that the majority of the membership doesn't want a promotional process because it will require more work but he believes as union leader that if it is better for them and better for the city then we have to take the initiative on it.

**Mrs. Cotner-Bailey** asked if they have the ability to go to other fire departments if they offer the same training that an individual may have missed when it was offered in our fire department.

**Mr. Bailey** stated that as long as they are not creating overtime for our city, we are allowed to go somewhere else if we are on duty. He explained that one argument for Mr. Sparks is that he travels the state and every weekend he is gone getting a certification somewhere and he is upset partly because Fire Chief Juliot told him that certifications that he does not receive at the New Albany Fire Department don't count. He said that he understands both sides of that argument because in Mr. Spark's situation, it is great for him to travel all over the state and get as much training as he can but guys with families or other jobs and don't have that ability and we are hindering their promotional process. He then gave the example of the closest EMS class through the next eight months is in Bloomington and EMS takes between three and four months usually so an individual would have to drive to Bloomington about three times a week to take the class. He said that the union would be happy to work the chief to have more classes because we have 20 to 30 people that are instructor certified now that could help put these classes on.

**Mr. Rexroat** stated that he failed the written test on the driver-operator class in 2015 and he communicated by email with the training officer in regards to taking a retest with no response. He said that the training officer sent out an email with a list of the officers that wanted to retest and his name was still on there but he left for vacation in June and found out that several members had actually gone and gotten their driver-operator test and passed it. He also said that he did bring that up to the chief's office and just wanted to point out to the board that there are attempts made by members sometimes but things happen for whatever reason.

**Mr. Bailey** stated that he referenced in the beginning that in a prior promotion for this same exact position, a member did not have the certification but was allowed time to get the certification after he was promoted. He pointed out that Mr. Rexroat had taken the class but didn't take the test and was not promoted and allowed the time to get it. He then moved on to Mr. Jason Brown's grievance and said that Mr. Brown has less qualifications but much more seniority and something has to be said for seniority because a lot of our training is on-the-job training. He stated that they do have guys that have been on two years that have more certifications than maybe 40% of the membership but that doesn't necessarily mean that they are ready to be in that position of decision making. He said that Mr. Brown's strong suite is that he has been around a long time and has been used to making a lot of split second decisions so he asked why seniority doesn't count in this case.

**Mr. Brown** stated that he also took the driver-operator class and failed the written test which you have three opportunities to retake but he didn't get a chance to retake it because he went on vacation. He said that there were a couple of guys that went and took the test somewhere but he was never notified. He then stated that he has been on the job for about 18 years and for about 90% of his career he has been a driver so he has spent more time driving than being a firefighter.

**Mr. Rexroat** stated that they have never really been told which classes they need for promotions and next Monday he will have 16 ½ years on and is asked to perform the duties and responsibilities of sergeant often but was told he didn't have the qualifications to be promoted to that position. He also stated that when he, Jason or whoever is driving, their title for that day is acting sergeant but there is no difference between an acting sergeant and a ranking sergeant that day because their duties are the same. He said that being on the rescue truck he is still required to operate in the ropes or in swift water and all things that are required by the sergeant. He pointed out that he can be mandated to drive on a truck that he is not familiar with and he is fine with that but he thinks that's why there needs to be policy with more clarification. He said that he brought up in chief's office that if he is qualified to drive then why he is not qualified to have a rank and if he should even be allowed to drive.

**Mr. Bailey** stated that they believe he should because the certification that he is missing is driver-operator and if we take a \$1M apparatus down the street and T-bone a family of five and we go to court and they ask how come you were driving and you do not have the driver-operator certification then that would be bad. He said that he had a rookie driving with him and he was going to let him drive that day to get experience and they got a run and he got in and asked how you turn the lights on. He said that on his very first emergency run they were going down Spring Street and had they hit anyone and he was asked where he learned to drive emergency he would have to say right now. He stated that if we make driver-operator a minimum certification requirement, he is all for that because that is only making the guys on the truck safer as well as the citizens but they have to be given the opportunity to receive that education.

**Mr. Thompson** asked if the fire department is exempt from CDL.

**Mr. Bailey** replied yes.

**Mrs. Cotner-Bailey** asked if there is a 10 day window to file the grievance.

**Mr. Bailey** stated that is correct.

**Mrs. Cotner-Bailey** stated that she noted on all three that it was past the ten days.

**Mr. Nash** stated that he addressed that and said that the only notification they received was the board of works minutes.

**Mr. Gibson** asked them to pull out Joint 1 and went over the seniority of Mr. Brown who was number 32 on the list, Mr. Rexroat was 42, Mr. Cooper was 48, Mr. Heavrin was 50, Mr. Fee was 52 and Mr. Sparks was 62 so he thought it may be helpful to have that readily available. He then asked Deputy Fire Chief Gadd to explain to the board how the promotional system works.

**Deputy Gadd** stated that when Fire Chief Juliot became chief he started the state certification program.

**Mr. Gibson** asked what the state certification program is.

**Deputy Fire Chief Gadd** replied that it is through the Department of Homeland Security where each person has to meet certain criteria and test out to gain that certification. He explained that the ones in yellow are basically what everyone is required to have. He also explained that if you came on after 2001, you have to maintain a basic EMT certification and that is per the union's contract. He said that the ones in green have been offered on duty by the fire department so if a member wants to take a class, he simply signs up and is allowed to attend on duty and is paid to be there. He added that some classes are one week long and they have to come in off duty which they are compensated for.

**Mr. Gibson** stated that if they are looking at what is marked as Chief's 1, it is the three individuals who filed the grievances and then the three individuals that were ultimately promoted. He then asked if he is saying that yellow are mandatory from the state and green are recognized by Homeland Security that the fire department puts on.

**Deputy Fire Chief Gadd** replied that is correct.

**Mr. Gibson** stated that there are some that are not highlighted and asked what those are.

**Deputy Fire Chief Gadd** stated that they are extra things that an individual may acquire as Mr. Sparks has. He said that LMS courses are all online.

**Mr. Gibson** stated that these certification sheets show what Homeland Security recognizes as certifications.

**Deputy Fire Chief Gadd** stated that is correct.

**Mr. Nash** asked if these are classroom instructions.

**Deputy Gadd** replied yes and stated that they also have to go out and physically do the activity on most of them.

**Mr. Gibson** asked if these forms are used by individuals for promotional purposes.

**Deputy Gadd** replied yes and stated that when they do a promotion they do pull those up and look at them.

**Mr. Gibson** asked him to explain how that process goes.

**Deputy Fire Chief Gadd** stated that if a position is not filled by transfer and it comes open for promotion then they post it and whoever wants to put in for it does so after it is posted.

**Mr. Gibson** asked if there is a transfer then that automatically takes that position.

**Deputy Fire Chief Gadd** stated that is correct.

**Mr. Gibson** asked if there were any transfers in these three situations.

**Deputy Fire Chief Gadd** replied no and stated that they were all promotions.

**Deputy Fire Chief Gadd** stated that after the time period is up the chief calls a meeting with the staff and he consults with his three battalion chiefs to look over the applicants and recommend which ones to promote. He said that the next step is to basically take a vote and most of the time majority wins and chief votes in a tie breaker. He explained that they look at certifications and what has been offered on duty because it is not necessarily the number of certifications you have but what is offered on duty because depending on your home life, you may not have the ability to take vacation time to go to a class. He said that they feel that if it is offered on duty then everyone has the opportunity to attend the class.

**Mr. Gibson** asked if the department offers these classes at various times.

**Deputy Fire Chief Gadd** stated that is correct and also stated that Mr. Bailey is correct that some of them have not been offered because of logistics such as budgets because it costs money to get people in to teach classes.

**Mr. Bailey** stated that driver-operator has not been offered since 2015.

**Deputy Fire Chief Gadd** stated that they have one firefighter that has 54 state certifications that put in for a promotion but because of his place on the seniority list, he was passed for that promotion much like Mr. Sparks. He added that member understands and didn't file a grievance.

**Mr. Gibson** stated that we have heard that there is really no promotional structure other than what is in the contract and asked Deputy Fire Chief if that is fair to say.

**Deputy Fire Chief Gadd** agreed.

**Mr. Gibson** stated that Joint Exhibit 2 says if a promotion is not filled by transfer then seniority shall be a guide when the ability of the employee to perform the work is relatively equal and asked how the ability to do the job is looked at.

**Deputy Fire Chief Gadd** stated that Fire Chief Juliot made the decision to basically honor what we have offered on duty. He also stated that these certifications are helping the individual but some of them are things we don't even do. He gave the example of trench rescue and stated that they don't even offer that because if they would end up burying three firefighters along with the person in the trench then they would have a lot of questions to answer.

**Mr. Nash** asked if the firefighters are aware that the certifications that are not offered by the department are not weighed as heavily as the ones that the department offers.

**Deputy Gadd** replied yes and stated that they have stressed that especially since the Swarens grievance that came before the board. He said he came on in 1988 and the union for one reason or another has voted a promotional system or merit system down many times since he has been on. He explained that in 2015 a promotional system was voted down by the union and the executive board came to them to say that they are never going to get it and asked them to put it out as a policy. He said that they talked to the mayor and he said if that's what they want for policy then put it out. He said that it was posted it in every station but it was going to be a pilot program because the mayor felt that they needed to be able to tweak it if need be and not have to

come before this board for every little change that may come up until they got it solid. He stated that as soon as it was posted the same two guys that asked them to put it in policy went to the mayor and told him that we couldn't do that because it is contractual.

**Mrs. Cotner-Bailey** stated that according to what Mr. Bailey provided them on Mr. Sparks, he has the driver-aerial certification and asked if that has been offered by the department.

**Mr. Bailey** stated that the department hasn't offered that but the job that Mr. Sparks applied for was a driver-operator of an aerial truck.

**Mr. Thompson** stated that in the contract promotional system it says that the rank of major will only be in accordance with paragraph B and asked if that means that only the rank of major goes by that or do all promotions go by that.

**Deputy Fire Chief Gadd** said that is all including the rank of major which is now battalion chief.

**Mr. Gibson** asked if they looked at the certifications as part of the discussion process and if it is fair to say that at least with Mr. Brown and Mr. Rexroat regarding approved classes offered by the fire department there weren't as many as the other four.

**Deputy Fire Chief Gadd** stated that is correct.

**Mr. Gibson** asked if that was used in determining the relative to equal.

**Deputy Fire Chief Gadd** stated that is correct.

**Mr. Gibson** asked if it is pretty fair to say that all were essentially pretty close in some fashion and there was not as big of gap as there was with the others if you go through the other four individuals and look at the approved fire department certifications.

**Deputy Fire Chief Gadd** stated that is correct.

**Mr. Gibson** then asked if when they were evaluated from a relatively equal standpoint while looking at the certifications for the other four, they all fell within that relatively equal area and that's when seniority was factored into the promotions.

**Deputy Fire Chief Gadd** stated that is correct.

**Mr. Gibson** asked if the other three that were promoted above Mr. Sparks had more seniority.

**Deputy Fire Chief Gadd** stated that is correct.

**Mr. Bailey** stated that Deputy Fire Chief Gadd brought up Mr. Swarens' grievance and the board ruled that qualifications are what their rule is so that is what he is going by according to that ruling. He said that when we go back to look at the common qualifications for captains, there are five of them and Mr. Swarens met all five so his grievance should have been upheld the first time. He asked how the board came up with him not being qualified when he had all certifications that are required for that job but in this instance with Mr. Sparks it is being said that he is qualified but doesn't have enough seniority. He said that they are arguing both sides of that.

**Mr. Thompson** stated that it says that when all things are relatively equal then you go by seniority.



**Mr. Bailey** stated that Mr. Swarens was relatively equal because he had all five certifications but the board ruled against him and said that he was not qualified enough.

**Mr. Thompson** asked if he was passed over by candidates that had the same qualifications.

**Mr. Bailey** replied far less.

**Deputy Fire Chief Gadd** asked what the five certifications are that he is referencing and if they are required by the state.

**Mr. Bailey** stated that they firefighter 1 & 2, fire officer strategies & tactics, hazmat awareness, technical rescue awareness and rope rescue operations.

**Deputy Fire Chief Gadd** stated that they can only promote those that put in a request so they need to run the numbers of the pools according to who puts in for it

**Mr. Bailey** stated that all of the ones required by state are on there because there have been captains promoted that don't have the required state certifications.

**Deputy Fire Chief Gadd** stated that they can only promote off of the pool that puts in for the position so if those are being pulled as a whole then you are cheating yourself because they are limited on who they can look at.

**Mr. Bailey** stated that they understand that.

**Deputy Fire Chief Gadd** stated that those numbers need to be run off of the pool that put in for the position.

**Mr. Bailey** stated that the three things they want to see out of this is a notification system so timeliness will not be an issue anymore, a promotional policy that is black and white, and if any one of the these three people should have been promoted then they be awarded that promotion. He also stated that if the chief wants to stand by the certifications in green and yellow then they are good with that but in the past there have been promotions of individuals that didn't have all of the certifications required and were promoted over individuals that did have them.

**Mr. Gibson** stated that the simple fact is that there are three grievances in front of the board and they are looking at whether those decisions for those three individuals were proper or not and how those decisions were made. He said that past issues do not matter because time periods are gone and those promotions have been made.

**Mr. Bailey** stated that his point is that you can't go by what is in green. He added that the three things they want to see out of this is the timeliness issue addressed, a black and white target for them to shoot for and if any of the three individuals should've been promoted then the promotion happen.

**Mr. Nash** asked if they feel like they have had a fair hearing.

**Mr. Rexroat** replied no and stated that he was under the impression that everyone was going to be here and wished that the chief would have been present as well as the firefighter union's attorney. He said besides that, he feels it was fair and appreciated having ample time to speak.

**Mr. Nash** asked Mr. Brown if he felt he had a fair hearing.

**Mr. Brown** stated that he is like Mr. Rexroat in that he wanted everyone here.

**Mr. Nash** stated that the board can't control who is here. He then stated that the board would take these grievances under advisement and have an executive session then announce the decision in due time.

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 12:10 p.m.

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Warren V. Nash, President

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Vicki Glotzbach, City Clerk

**THE BOARD OF PUBLIC WORKS & SAFETY OF THE CIVIL CITY OF NEW ALBANY, INDIANA, HELD AN EXECUTIVE SESSION IN THE THIRD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON TUESDAY, OCTOBER 17, 2017 AT 9:00 A.M.**

**PRESENT:** Warren V. Nash, president, Mickey Thompson, member and Cheryl Cotner-Bailey member.

**ALSO PRESENT:** Vicki Glotzbach

**President Nash called the meeting to order at 9:00 a.m.**

The council discussed personnel issues. No other business was discussed.

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 9:30 a.m.

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Warren V. Nash, President

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Vicki Glotzbach, City Clerk

**A MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WAS HELD IN THE THIRD FLOOR ASSEMBLY ROOM AT THE CITY/COUNTY BUILDING ON TUESDAY, OCTOBER 17, 2017 AT 10:00 A.M.**

**PRESENT:** Mickey Thompson, member, Cheryl Cotner-Bailey, member and Warren V. Nash, president.

**OTHERS PRESENT:** Bryan Slade, Robert Lee, Chris Gardner, Sidney Main, Police Chief Bailey, Assistant Police Chief Fudge, Fire Chief Juliot, Fire Marshal Koehler, Alicia Meredith, Linda Moeller, Larry Summers, Claire Johnson, David Hall, David Brewer, Courtney Lewis and Vicki Glotzbach

**CALL TO ORDER:**

**Mr. Nash called the meeting to order at 10:00 a.m.**

**PLEDGE OF ALLEGIANCE:**

**BIDS:**

**NEW BUSINESS:**

**1. Carl J. Goodman, Jr. re: Dumpster permit request at 1928 E. Elm Street**

**Mrs. Glotzbach** stated that Mr. Goodman was going to try to put the dumpster on his property but it may end up a little on the city right-of-way and asked Mr. Thompson to go out and take a look at it.

**Mr. Thompson moved to approve subject to approval of right-of-way coordinator, Mrs. Cotner-Bailey second, motion carries.**

**2. Sarah Galbin with Outfront Media re: Replacing Tarc shelter in front of Baptist Floyd Hospital**

**Not Present.**

**COMMUNICATIONS – PUBLIC:**

**Derek Misch, Dan Cristiani,** requested an extension on the Beechwood Avenue Street closing through Friday and requested 3 sidewalk cuts at 1216 Beechwood Avenue, 1218 Beechwood Avenue and 1230 Beechwood Avenue.

**Mrs. Cotner-Bailey moved to approve the extension on the closure of Beechwood Avenue and three sidewalk cuts on Beechwood Avenue, Mr. Thompson second, motion carries.**

**Father Tom Merrill, St. Mary's Church,** thanked the board for their flexibility regarding parking He stated that he knows they were going to do a study regarding the left turn and would be interested in knowing the results He also mentioned that may be done.

**Mr. Christmas** stated that they stopped the work due to water line relocation work that should be completed this week. He explained that once the water line work is complete it should make the road available to finish paving but they do not have a set date to when they will be back on site although they indicated that they hope to be back next week.

**Father Merrill asked** Mr. Christmas if he could notify the church when they get ready to pave.

**Mr. Christmas** stated that he would do that as soon as he knows and explained that the reason they are holding off for the water line work is that they would like to get it all done at one time.

**Irv Stumler** stated that the milling was done just before the festival and they did come back and put one layer of pavement done but there is still an inch and half drop. He added that they have another yard sale and festival going on at the church this weekend so his request is that it gets paved either today or tomorrow.

**Mr. Thompson** stated that as Mr. Christmas explained to Father Thomas, the city is no on the crew's schedule right now. He explained that they were asked to hold up on work and they have moved on to other projects and they are trying to work out the timeline to get back to the city as soon as they can.

**Mr. Stumler** stated that is fine for everyone except those that are attending mass and festivals at the church.

**Mr. Nash** stated that the city does not have a paving crew so it is contracted out which leaves us somewhat at their mercy.

**Brent Greenwood** requested a dumpster at 219 Pearl Street for remodeling.

**Mrs. Cotner-Bailey** asked how long they would need it there.

**Mr. Greenwood** stated that it would be no longer than one week.

**Mr. Nash** asked when he wanted to place it.

**Mr. Greenwood** replied Monday.

**Mr. Thompson moved to approve the dumpster permit at 219 Pearl Street, Mrs. Cotner-Bailey second, motion carries.**

**Paul Lincks, HWC Engineering**, stated that everything has been converted to two-way traffic but there is still some work that needs to be completed. He explained that the work that they will be seeing moving forward is the tying of the loops to controllers so the signals should work much better than they have been working and signal work on Spring Street and 15<sup>th</sup> Street & Main and Pearl. He stated that after this work is complete they will install some software that will interconnect all the signals in the downtown grid and that will allow the city to manage the entire grid as one system. He explained that the push buttons have been installed at all the pedestrian crossings with the exception of the two locations where they are still doing signal work and the pedestrian activated crossing at non-signal sections have been installed but they still have signs that need to be put up at 4<sup>th</sup> and Elm Street.

**Mr. Nash** asked how many there are.

**Mr. Lincks** replied 30 or 15 sets. He stated that the contractor that was doing the paving work has received a punch list to complete throughout the grid and they will be working on that. He added that they will be replacing the flashing red lights at 13<sup>th</sup> and Market next week.

**Mr. Nash** stated that he has heard complaints of traffic backing up on Elm Street back to the bridge and asked if it has been addressed.

**Mr. Links** stated that he hasn't heard anything about that.

**Police Chief Bailey** stated that the festival attracted a lot of people and every year when the weather has been nice this has been an issue so it has nothing to do with the grid modernization. He added that the two-way conversion has been very positive for public safety and emergency response time and the traffic calming expectations have been met. He stated that when you have a large festival such as harvest there is going to be some traffic disruption so to suggest that there is a failure to the system because of that is wrong.

**Fire Chief Juliot** stated that their response times are down because they don't have to circle around blocks to reach locations.

**Police Chief Bailey** stated that there was a chronic speeding problem and Market, Elm and Main and that has essentially been corrected because of this conversion.

**Mr. Nash** stated that it is still in its infancy so people are still learning and he expects it to be even better as time goes on.

**Mr. Summers** stated that as they fine-tune to equipment it will only serve to improve upon the positive changes they have already seen.

**Mr. Nash** asked if they have any estimate on when the work will be completed.

**Mr. Lincks** stated that the revised completion date was October 14 but the contractor is submitting a change order due to a lot of additional items that were added. He added that he thinks early November will be the completion date but he will update the board as soon as he knows for sure.

**Wes Christmas, Clark-Dietz,** stated that activity is going to be relatively light this week on paving and will hopefully resume next week. He added that they should be wrapping up Silver Street bike lanes and a few corrections on State Street.

**OLD BUSINESS:**

**TABLED ITEMS:**

**COMMUNICATIONS – CITY OFFICIALS:**

**1. Courtney Lewis re: Special event permits**

- **St. John's Lodge Fish Fry**

**Ms. Lewis** stated that they are located at 100 Vincennes Street and they would like the parking spots on the corner of their building blocked off on October 27 & 28.

**Jackie Robinson** stated that they would like to have permission to have the sidewalks blocked in that area for the fish fry instead of the tents.

**Mr. Nash** asked if this is an annual event.

**Mr. Robinson** stated that they have done this in the past but they lost their lot during harvest so they weren't able to have it this year

**Mr. Thompson moved to approve the closure of the sidewalk at Vincennes Street and Main Street on October 27 & 28, Mrs. Cotner-Bailey second, motion carries.**

- **First Church of God Trunk-N-Treat**

**Ms. Lewis** explained that they are on the corner of Charlestown Road and Silver Street and would like the alley behind them blocked off from 10:00 a.m.-2:00 p.m. on October 28.

**Mr. Thompson** asked if they just want the portion of alley between their parking lots.

**Ms. Lewis** replied yes.

**Mr. Nash** asked if they are going to have inflatables.

**Ms. Lewis** replied yes and stated that it would be on their property.

**Mrs. Cotner-Bailey moved to approve the closure, Mr. Thompson second, motion carries.**

**Ms. Lewis** informed the board that the Jingle Walk is going to be on Saturday, November 25 from 1:00 p.m. to 6:00 p.m. She explained that they are going to base it out of Main Source parking lot but there will be an influx of people in the downtown area.

**Mrs. Cotner-Bailey** asked if there will be any streets closed.

**Ms. Lewis** replied no and stated that to her knowledge they won't be using any of the city property.

**Mr. Nash** asked if she is the person to report on Trunk or Treat.

**Ms. Lewis** reported that the city's Trunk or Treat event will be on October 28 from 5:00-8:00 p.m. at the amphitheater. She added that if the weather is bad they will use the parking garage as an alternative location.

**2. Warren Nash re: Trick or Treat hours on Halloween on Tuesday, October 31<sup>st</sup>**

**Mrs. Cotner-Bailey** stated that in the past it has been 6:00-8:30 on Halloween night in the past. She added that this is purely a recommendation but is not mandatory hours.

**Police Chief Bailey** stated that they always have extra patrols out and has always worked in the past.

**Mr. Nash** stated that the main concern for the board is that everyone is safe.

**Mrs. Cotner-Bailey** encouraged everyone to use good judgment and added that there is no rain date for this event.

**Mrs. Cotner-Bailey** moved to approve the suggestion of 6:00-8:30 p.m. on October 31, **Mr. Thompson** second, motion carries.

**3: Warren Nash re: Fire Department Grievance**

**Mr. Nash** stated that the board heard a grievance last week from the fire department and will announce their decision next week.

**APPOINTMENTS:**

**CLAIMS:**

**APPROVAL OF MINUTES:**

**Mrs. Cotner-Bailey** moved to approve the Regular Meeting Minutes for October 10, 2017, **Mr. Thompson** second, motion carries.

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 10:35 a.m.

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Warren V. Nash, President

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Vicki Glotzbach, City Clerk







# Special Event Permit Application

311 Hauss Square Room 316, New Albany, IN 47150  
812-948-5333  
www.cityofnewalbany.com

Name of Organization: New Albany Social / Schmitt Furniture  
Name of Applicant: Kelley Winslow Date: 9-25-17  
Address: 101 East Main St City: New Albany State: IN Zip: 47150  
Contact Phone: (812) 972 1021 Email: newalbansocial@gmail.com  
Onsite event day contact person: Kelley Winslow Phone: 812 972 1021

## Event Information

Type of Event			
<input type="checkbox"/> Run/Walk	<input type="checkbox"/> Rally	<input type="checkbox"/> Parade	<input type="checkbox"/> Wedding Ceremony/Photos
<input type="checkbox"/> Fair	<input checked="" type="checkbox"/> Concert	<input type="checkbox"/> Picnic	<input checked="" type="checkbox"/> Other (Specify) <u>Chili cook-off</u>

Event Title: New Albany Chili Cook-off  
Event Date: Nov 10, 2017 Estimated Attendance: 200  
Requested Park:  Bicentennial Park  Riverfront Amphitheater  City Square  
 Other (Specify) \_\_\_\_\_

Event Hours: 7 AM/PM - 10 AM/PM  
Set Up Hours: 6 AM/PM - 7 AM/PM Tear Down Hours: 10 AM/PM - 11 AM/PM

Please indicate all of the following that apply to your event

- | Yes                                 | No                                  |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | FOOD CONCESSIONS   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | ALCOHOLIC BEVERAGES  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | FIRST AID FACILITY AND AMBULANCE                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | TABLES AND CHAIRS SET UP, IF YES HOW MANY <u>maybe 20?</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | FENCING, BARRIERS, BARRICADES                              |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | ELECRTICITY REQUIRED, IF YES SOURCE _____                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | BOOTHS, EXHIBITS, DISPLAYS                                 |

- CANOPIES, TENTS, STRUCTURES (must be approved by building commissioner/ fire marshal)
- VEHICLES, TRAILERS, IF YES HOW MANY \_\_\_\_\_
- TRASH CONTAINERS, DUMPSTERS
- PORTABLE TOILETS
- ENTERTAINMENT, IF YES PLEASE DESCRIBE band
- INFLATABLES, AMUSEMENT, IF YES PLEASE DESCRIBE \_\_\_\_\_

**Voluntary Donations**

While there is no fee for the use of our non-parks public spaces, donations are accepted for the use of the City of New Albany Bicentennial Park, Riverfront Amphitheater, City Square or any other non-parks public space. Contributions support a broad array of recreational activities for residents and visitors, as well as helping to maintain our ever evolving park system. Donations made to New Albany Parks and Recreation Department are tax deductible.

**Other permits**

All components of the event are subject to Board of Works approval and may require approval by and/or permits from other agencies. Board of Works approval permits use of the specified space under the terms of the permit and does not constitute permission from other agencies. Events that impact other agencies must seek proper approval and permitting from said agencies. It is the express responsibility of the applicant to secure all necessary permissions and paperwork.

**Insurance Requirements**

Proof of insurance may be required before final permit approval. Each event is evaluated on its risk and exposure. The City of New Albany is not responsible for any accidents to persons or property resulting from the issuance of this permit.

**Affidavit of Applicant**

Everything that I have stated on this application is correct to the best of my knowledge. I have read, understand and agree to abide by the policies, rules and regulations listed on this and all applicable forms, including City of New Albany ordinances, as they pertain to the requested usage. Applicant agrees and understands any significant damage to city property will be the sole responsibility of the applicant. By signing this application, the applicant agrees to follow all rules and regulations and city ordinances. The permit, if granted, is not transferrable and is revocable at any time at the absolute discretion of the New Albany Board of Public Works. All programs and facilities of the City of New Albany are open to all citizens regardless of race, sex, age, color, religion, national origin or handicap.

For any questions regarding special event permitting, please contact Courtney Lewis at [clewis@cityofnewalbany.com](mailto:clewis@cityofnewalbany.com) or 812.948.5333.

Name of Applicant: Kelly Winslow Kelly Winslow (please print)

Signature: [Handwritten Signature] Date: 9-25-17

<b>Office Use Only</b>			
_____ Approved	Notes: _____	_____	
_____ Denied	Signed: _____	Date: _____	_____
(Board of Works President)			



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
10/05/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> ISU INSURANCE AND INVESTMENT GROUP 301 EAST UTICA ST SELLERSBURG IN 47172	<b>CONTACT NAME:</b> JAMES SISSON <b>PHONE (A/C, No, Ext):</b> (812) 246-6333 <b>E-MAIL ADDRESS:</b> <b>INSURER(S) AFFORDING COVERAGE:</b> <b>NAIC#</b>
<b>INSURED</b> Schmitt Furniture 101 E. MAIN STREET NEW ALBANY IN 47150	<b>INSURER A:</b> ERIE INSURANCE <b>INSURER B:</b> FLAGSHIP INSURANCE <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>

**COVERAGES**      **CERTIFICATE NUMBER:** Cert ID 1705      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		Q97 0947381	03/01/2017	03/01/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> COLL \$2500 DED <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY <input checked="" type="checkbox"/> COMP \$2500 DED		Q03 0132670	03/01/2017	03/01/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	UMBRSLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> RETENTIONS		Q27 0172038	03/01/2017	03/01/2018	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS BELOW	Y/N <input type="checkbox"/> N/A	Q87 5101333	03/01/2017	03/01/2018	PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000 \$ \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

<b>CERTIFICATE HOLDER</b>  New Albany County Building Authority 311 Hauss Square  New Albany IN 47150	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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New Albany Chili Cook-off

What: Local businesses and restaurants in downtown & uptown New Albany compete to see who has the best chili in the city!

When: Friday, November 10, 2018 7pm-10pm

Where: New Albany Amphitheater (subject to change)

Why: All net proceeds go to Hero Reward. Hero Reward is a non-profit organization that offers heroes and their families a retreat where they can enjoy outdoor activities. Guests, which include vets, first responders and their families, stay in a private lodge all free of charge.

Also why: To bring a fun event to New Albany and bragging rights!

Small print: This is a charity event. Restaurants and businesses will not be compensated for participation. Please provide table and warming plates/crockpots. We will provide the containers and utensils. We encourage you to decorate your table. We also encourage trash talking the competitors on facebook.

Any questions please contact Kelly Winslow at Schmitt Furniture

812-972-1021

[Newalbany-social@gmail.com](mailto:Newalbany-social@gmail.com)

This is a New Albany Social Event sponsored by Schmitt Furniture

Participating Restaurant \_\_\_\_\_

Management Signature \_\_\_\_\_

Email address for contact \_\_\_\_\_