

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, HELD A REGULAR COUNCIL MEETING VIA ZOOM.COM ON
MONDAY, OCTOBER 5, 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 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. McLaughlin moved to approve the **Work Session Meeting Minutes for September 10, 2020, Mr. Phipps second, all voted in favor.**

Mr. Phipps moved to approve the **Public Hearing Minutes for September 10, 2020, Mr. McLaughlin second, all voted in favor.**

Mr. Phipps moved to approve the **Regular Meeting Minutes for September 10, 2020, Mrs. Collier second, all voted in favor.**

Mr. McLaughlin moved to approve the **Work Session Meeting Minutes for September 17, 2020, Dr. Knable second, all voted in favor.**

Dr. Knable moved to approve the **Regular Meeting Minutes for September 17, 2020, Mr. Phipps second, all voted in favor.**

COMMUNICATIONS – COUNCIL:

Dr. Knable stated that he assumes that they will hear a report back from the animal shelter meeting.

Mr. Caesar stated that there is no report prepared.

Dr. Knable stated that a couple of the county people talked to him and one of their ongoing issues has been that they don't get a report of any revenue that comes in and he is going to try to explain to them that any revenue goes back to the non-reverting fund. He then stated that he had a communication with Mrs. Glotzbach earlier in the week about a correction on ordinance 30.15 that states that the council meets on every third Tuesday instead of every third Thursday. He asked Mrs. Glotzbach if she had checked into that.

Mrs. Glotzbach stated that she forgot and will do that tomorrow.

Dr. Knable stated that he had an opportunity to speak with Mr. Wood about notification procedures for the variance meetings of the planning commission in preparation of possibly bringing forth an ordinance amendment. He said at this point in time, Mr. Wood has agreed to some bigger signage with larger font and he would like to discuss better methods of communicating when the council gets back together live. He also said that we really already go above and beyond what is required but he doesn't know what the readership of the Tribune is compared to what it was 5, 10 or 20 years ago. He stated that state law only mandates that there is a notice in the paper so we already go above and beyond but he would like to see bigger signage, bigger font size, signs closer to the road and some more modern method of communicating to the public even if it is just a bulletin

board on the city’s website. He said that Mr. Wood was very cooperative as he always is and they are already going to switch to a little larger sign once their current signs are exhausted. He then asked if the fire committee has met regarding pumpers and other equipment.

Mr. McLaughlin stated that they haven’t met yet but he did touch base with Chief Juliot today and he thinks there is some dialogue going on with the administration about ways to fund a truck or two for next year. He said that they will meet and apologized that they haven’t been able to make that happen yet because they have had other things going on.

Dr. Knable stated that he had the opportunity to speak with Representative Trey Hollingsworth and one of Senator Todd Young’s staff and he is trying to get some creative direct funding for the watercraft that went down. He added that the initial dialogue is somewhat encouraging.

Mr. Applegate stated that he wanted to remind everyone to still be very careful and protect themselves since the state went to the next level with restaurants, bars, etc. He added that the fastest way for the smaller businesses to get shut is by people not being responsible for themselves and he thinks everyone knows how important our small businesses are. He said that they have such a tough time with any additional expenses and things like that so the more the public can do, the better it is for our community as a whole.

Mr. Caesar stated that he thinks that is very true so support our local businesses as much as you can and pay attention to the guidelines.

Mr. McLaughlin stated that he would like to thank some of the department heads that he called this week such as the fire chief, police chief and flood control for their response time on some issues that he had.

Mr. Phipps stated that he wanted reiterate what Mr. Applegate said as far as keep wearing your mask, practice social distancing and avoid large crowds because COVID-19 is a big deal despite what the man in the White House said earlier today.

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

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: 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 for the Year 2021 McLaughlin 1&2

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

Mr. McLaughlin stated that there was an attachment sent out to the council today and he is basically good to go with it unless there is anything that Mr. Gibson or Mrs. Moeller wants to add.

Mr. Gibson stated that he sent out an attachment yesterday and highlighted any areas that had changed or were amended since the work session in each department. He said

that he did indicate in his email that they are hoping that the revenue will support a 2% raise but maybe not right off the bat. He said that they will monitor the income but they were able to get that budgeted in there by making some adjustments in some other line items throughout all of the various departments.

Mr. Turner stated that he did have a couple of things that may not be on this budget but was included in the packet that Mrs. Glotzbach sent out. He said there was a page with several line items and one was the fire department for \$500,000.00 for a pumper truck, one was for parks for \$30,000.00 for three lawn mowers and one was \$100,000.00 splash pad for Griffin Street. He added that if you go further down the document it says 3rd floor rent in the amount of \$209,272.74. He said that it looks like an out of place document and asked if these are going to be charges for us.

Mr. Gibson stated that was an error on their part to include that document. He said those are things that they are looking at for the future. He then stated that he wanted to highlight a few things since the animal shelter came up and we have not received any payment whatsoever per the interlocal agreement so the city has had to foot the entire bill at this point. He said that this budget is less because they did go through and monitor a few things and the main one is the capital improvements because that project is off the books because they have most all of it done. He stated that it is at \$636,000.00 versus \$785,000.00 for last year. He also stated that Dr. Knable had mentioned that income had been a question of the county officials and he explained that about 2 years ago they changed it so any income goes to those two non-reverting funds and not the general fund or any other fund. He said that income averaged about \$30,000.00 per year which is not a substantial amount of money but he wanted to point out that the interlocal agreement does not mention that whatsoever. He stated that he wanted to point out the animal control budget because it has some of the larger adjustments but all of the other departments have some adjustments as well.

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 1&2
Other Budgets for the Year 2021**

Mr. Phipps introduced Bill A-20-04 and moved to approve the first and second readings, Mr. McLaughlin second, all voted in favor with the exception of Mr. Turner who voted no.

Mr. Phipps turned it over to Mr. Gibson for questions.

Mr. Gibson stated that he jumped ahead on the first ordinance so everything he said 10 minutes ago on the first one is actually applicable to this one.

Mr. Turner asked if they added anything to the rainy day fund.

Mr. Gibson replied no.

Dr. Knable stated that he is disappointed but understands why we didn't put anything into the rainy day fund as it exists based upon the EDIT estimates that were made for 2021. He said that based upon some conversations he has had with various sources, he is a little more bullish on 2021 and thinks that we actually will get more from EDIT than what we have budgeted for but he does understand and applauds budgeting in a conservative fashion. He stated that as 2021 progresses, if we get substantially more through EDIT funds, he would like to prioritize putting some extra money into the rainy day fund because as bullish as he is on 2021, he is very pessimistic about 2022. He added that he thinks we really need to focus from here through 2022 on being as close to the bone on some of these things as we can. He said that he hopes to have the opportunity to put another \$500,000.00 in the rainy day fund during the course of 2021 if revenue exceed projections.

Mr. Gibson stated that we have rainy day, EDIT, river boat and the general fund to operate the city so that's how we have always looked at it and will continue to look at it. He said that there is no actual funding mechanism for the rainy day fund and that is something that is looked at depending on the situation and transfers are done from something else.

Dr. Knable stated that he understands that.

Mr. Blair stated that he does have one comment regarding flood control and the \$3M for maintenance of the flood wall. He said that he does know that our flood wall is our most important flood control system but he also thinks that they need to be cognizant of other projects that we have throughout the city. He stated that there is a lot of flooding that occurs and he has three areas in his district that have been problems ever since he has been in his seat for the last nine years. He said that he also looks back at the 2010 Storm Water Masterplan and the problems he listed are on that masterplan to have some kind of improvement done. He also said that he thinks they really need to continue to focus and continue to work on the storm water masterplan. He stated that he knows that they did some retention basins and took care of the North Y, but there are pipe type and street type improvements that we didn't work on. He said that he would like to see them focus on problems in neighborhoods and work on things that affect everyone's daily lives as far as flooding in streets and neighborhoods. He pointed out that this is the third year that we have spent a large amount of money on the flood wall system and he thinks that they need to focus on the neighborhoods and things that are happening throughout the city.

Mr. Gibson stated that they have had that internal discussion on maybe rolling it out in stages over several years because it is such a big project and then maybe reallocating some of those resources to other needs in the city.

Mr. Blair thanked Mr. Gibson. He stated that on Thursday the sewer and storm water budgets are going to be discussed and asked if there will be anymore new information then.

Mr. Gibson stated that he will check because he has not looked into that.

Mr. Phipps stated that repairs to the rip rap on the levy were brought up at the last meeting and he had never heard that term before so after the meeting he google searched it. He said that he found some information on some engineering pages and it really is a very important part of flood control and even things such as trees and weeds can destabilize a levy. He also said that they showed some animations where some of these levies had been destabilized in just a small place and you get these large gaps that can open up and it pretty eliminates the whole protective barrier there. He stated that he is sort of glad that he looked that up because he has more respect now for what those levies do to protect our city and the critical need that we have to make sure those are operating properly in the event that we were to have a flood. He said that he also wanted to ask Mrs. Collier if she has had any complaints in the west end about flooding where people have to open their front and back doors to let the water go through their house or have those situations been rectified. He added that they used to hear a lot about that in her district.

Mrs. Collier replied no. She said that she has had some complaints about flooding in the streets and yards but nothing going through houses.

Mr. Phipps stated that they would hear that there were many houses that had to literally open the front and back doors to keep them from washing away. He said that maybe some of the improvements that we've made in flood control in the internal workings have helped that problem.

Mrs. Collier said that she is thankful for that.

Mr. Turner stated that he thinks a lot of things have been cut and Mr. Gibson has put a lot of effort into it and it's looking really good. He said that there were about 25 things that he saw where they can still trim some fat and he will email those items to Mr. Gibson. He added that these 25 line items are rarely touched if they are used at all so he was just thinking of some ways that they can save some more money for the city.

Mr. Gibson stated that some of the items that Mr. Turner mentioned were addressed in some fashion.

Mr. Turner agreed and said that he thinks it is a great start.

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 1&2 for Non-Bargaining Unit Employees

Mr. McLaughlin introduced A-20-05 and moved to approve the first and second readings, Mr. Turner second, all voted in favor.

Mr. Gibson wanted to point out that there is something in the ordinance that is slightly different than in the past. He explained that they are trying to move to bi-monthly pay versus bi-weekly pay and the reason this came up internally from an administration standpoint is that next year will be a 27-pay period. He said that doesn't happen very often but the problem was that the first pay period was on the 1st and that's a holiday and a Friday so it just made them analyze and take a good look at this. He stated that they are trying to move to being paid twice a month on the 1st and the 15th or the following business day if that happens to be a holiday. He said that it is the same pay so it is not affecting anyone's pay but their checks will be higher since they are being paid only twice a month.

Mr. Applegate stated that you probably have to look at insurance as well because of that pay schedule unless it is only taken out twice a month.

Mr. Gibson stated that it is taken out twice a month so when an employee had a third paycheck in a month, insurance wasn't taken out of that third paycheck.

Mr. Blair asked if we have a payroll provider and if we do, who is it.

Mr. Gibson stated that we have a dedicated staff member that does payroll.

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 1&2 for Elected Officials

Mr. Phipps introduced Bill A-20-06 and moved to approve the first and second readings, Dr. Knable second, all voted in favor.

Mr. Blair stated that in a few years they really should look at what our full-time elected officials are paid and make sure that we are paying market pay for those positions. He said that he wants to make sure that we are competitive and that the positions are desirable to hold. He said that he is talking specifically about the city clerk and the mayor to make sure that we are competitive with other second-class cities so that we can attract the best and brightest people into those positions. He stated that it would probably take a study or something to do throughout the state but he thinks it would be worthwhile to maybe start looking at that at this time next year.

Mr. Caesar said that he knows we are little below several municipalities but he just felt for this year we need to hold things as close to home as we possibly can. He also noted that the council kept their salaries the same so there is no pay raise in the ordinance for this year.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Ms. Vicki Sheppard, 4200 Mel Smith Road, stated that she is representing herself and the majority of residents on Mel Smith Road, Kamer Miller Road, McQuery Estates, Maplewood Subdivision and Royal Oaks Subdivision. She said that on September 10th she spoke with this council regarding the false information received to pass the apartment development on Mel Smith and Grant Line roads. She stated that at that time, she called for the motion to be rescinded because in her opinion, a motion is not valid when a committee is not given factual information. She said that on September 14th she emailed a letter to all council members in regard to the traffic study which was never done and the false statement in regard to Mr. Receveur speaking with all residents on Mel Smith Road and Royal Oaks Subdivision. She stated that she spoke with Mr. Receveur today and found out that he spoke with a total of six property owners. She said that only two council members, which were Dr. Knable and Mr. Turner, acknowledged that they received her letter and Dr. Knable forwarded the legal question to Ms. Stein. She stated that she didn't sign up to speak at the September 17th council meeting because she had not received a response from Mr. Caesar or the committee as a whole and she wanted to give the council the courtesy of a reply. She said that at 7:08 p.m., shortly after the meeting had started, she received a letter from the law office of Nick Stein. She stated that Mr. Caesar had asked Ms. Stein to forward a letter to her which stated that the city was currently in short supply of housing and Ms. Stein could not answer her legal question. She said that the letter stated that Mrs. Glotzbach would provide her with any documents that were on file regarding the apartment project. She stated that on September 21st and 22nd she spoke with the mayor and expressed her concerns regarding false information given to the council and the mayor assured her that the apartment project cannot move forward without an official traffic study. She said that she asked several questions that he could not answer and he advised her to call Mr. Krisjans Streips. She stated that she spoke on the phone with Mr. Streips on September 22nd and he did not know when the traffic study would be done and he did not know when a builder's permit would be issued but he did know that not all of the planning had been done yet on the infrastructure. She said that he stated that no more public meetings would be held regarding the apartment project. She stated that since the state will handle the expense of Grant Line Road and the county the expense of Mel Smith Road, she asked how will they, the citizens of Floyd County and the State of Indiana, be able to see and follow the plans for this development. She said that since Mr. Caesar stated that housing was in short supply in the city of New Albany, she asked Mr. Streips to send her a copy of the housing study. She stated that he could not and advised her to get the study from Ms. Stein or Mr. Caesar. She said that on September 22nd she emailed Mrs. Glotzbach stating that Mr. Caesar told her that she would send her any plans currently available for the apartment project. She stated that she told her that she understands that not all of the plans have been actualized and as yet, she has received no information and the community is feeling ignored. She said that today, October 5th, she spoke with Mr. Shane Gibson on the phone and he has asked her to forward all of the minutes and correspondence regarding the apartment project. She stated that her question to him remains the same and that is how can a motion be legal and passed with false information. She said that she also called Mr. Receveur today and they spoke briefly concerning the official traffic study that needs to be done. She stated that he also told her about the six people that he spoke to and forwarded her their names. She said that these are the questions that the community has for the council and they need to know where to go because they can't seem to get any answers. She asked who are the liaisons between the city and the county residents being affected by this apartment project. She asked who are the liaisons or representatives between the county and them who are being affected by

the project. She asked if the council members and other planners are aware that nothing can move forward until an official traffic study is done. She asked how they will be notified when the traffic study takes place and how they will be notified of the results of the study since there are no more public meetings. She asked how they, as taxpayers and residents, have available plans as they are created and how can they obtain a copy of the housing shortage study, city versus county. She asked when they can expect an answer or be appointed a representative from the city and/or county to answer their questions. She stated that she has tried very hard to go up the chain of command and she feels that she has just been thrown from pillar to post. She said these are the questions that the community is asking and she is just the spokesperson and she would appreciate a reply.

Mrs. Glotzbach stated that she should've emailed Ms. Sheppard back and the only plans that her office has had or will have on this project were included in the first council packet that went out.

Mr. Colin Receveur, Receveur Real Estate, stated that he is the owner of the property being discussed at the corner of Grant Line Road and Mel Smith Road. He said that there have been some discussion around the validity and truthfulness of the comments he has made and everything that he represented in the videoed meetings and in his presentation was honest and he stands behind it all. He stated that he spoke with Ms. Sheppard today and had a very nice conversation as well as an email follow up but he is concerned with some of the statements she has made and he hopes to continue to have some open dialogue around that. He also stated that he hopes she will continue to engage with him as he goes this project.

ADJOURN:

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

Bob Caesar, President

Vicki Glotzbach, City Clerk