

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, HELD A REGULAR COUNCIL MEETING VIA ZOOM.COM ON
MONDAY MAY 4, 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 and Mrs. Glotzbach.

CALL TO ORDER:

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

MOMENT OF REFLECTION:

President Caesar stated that all of our thoughts and prayers are going out to everyone, especially those who have had COVID-19 and those who have lost loved ones during this crisis. He said they are also going out to all of our first responders, police, fire, emergency workers and all of the healthcare professionals who have been so brave to put their lives and their family's lives on the line to fight this horrible pandemic.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Phipps moved to approve the **Public Hearing Meeting Minutes for March 2, 2020** with corrections, **Mr. Blair** second, all voted in favor.

Mr. Phipps moved to approve the **Regular Meeting Minutes for March 2, 2020**, **Mr. McLaughlin** second, all voted in favor.

Mr. Blair moved to approve the **Special Meeting Minutes for March 27, 2020**, **Mr. Phipps** second, all voted in favor.

COMMUNICATIONS – COUNCIL:

Mr. Caesar stated that he wanted to express the council's condolences to the families of Mr. Norbert Bostock and Mr. Bill Schmidt. He said that they both served on the city council and served the city well. He then stated that the city did receive the Community Crossings Grant in the amount of \$1M which we are going to match. He said that he doesn't have any details on anything but possibly by the next meeting he may have that.

Mr. Phipps stated that he saw the latest CDC numbers on the news and they indicate that many of the states are opening up prior to their cases of COVID-19 going down for 14 days straight and Indiana is one of those. He said that they suggest possibly by June 1st, we could have 3,000 deaths per day and it would increase the total casualties to approximately 160,000-170,000 so we still need to be very cautious even though the state has lifted some restrictions. He also said that we need to keep practicing social distancing and wearing masks.

Mr. Caesar stated that he wanted to go over Stage 2 which Governor Holcomb has put out for us from May 4th to May 24th. He said that gatherings have increased to 25 people providing social distancing guidelines are followed. He stated that most retail will operate at 50% capacity with malls operating at 25% and restaurants and bars at 25%. He said that after a county has operated okay for one week, hair salons and barber shops can open by appointment only and restaurants and bars can operate at 50%. He stated that visitation to nursing homes, casinos and nightclubs, gyms, concerts, fairs, movie theaters and amusement parks will all be closed in Stage 2. He said that people 65 and older or those who have health conditions should remain at home. He also said that Hoosiers will

be able to convene in their churches on May 8th but seating should be at least 6 ft. apart between families. He noted that everyone should keep washing their hands often, don't touch your face, keep social distancing and wear masks. He added that a lot of people don't understand that they can be asymptomatic and not know that they have the virus.

Mr. Phipps stated that he double checked the data that he shared earlier and it was not 160,000-170,000 total deaths, it was 150,000 so he wanted to correct himself and put the correct data out there.

Mr. Turner stated that he would still like to have the police and fire chiefs in. He said he would mainly like to have the police chief in because there is a clear uptick in crime and Sheriff Loop has reported that there is an uptick in crime in the county as well. He stated that he would like see what the response time is and ask the chief if there is anything that the council can do like maybe appropriate funds for overtime or temporary help. He added that it seems there has been an uptick in shootings particularly. He then stated that he would like to have Fire Chief Juliot in to discuss the issue of the station on Twin Oaks because it does not have an engine in it. He said he agrees with why they don't because it is a COVID-19 response unit now. He also said that the big questions he would have are response times and when will it be back to normal after the quarantine is up because he thinks that is very important for people to know. He stated that he has some questions on what our city is doing to enable businesses to adapt to the COVID-19 response and is questioning if some non-essential workers in the city are maybe reaching out to some businesses and asking if there is any support that they give. He said he personally reached out to every business in the 5th District or at least most of them and he was able to assist them with getting help with some of their small business loans, unemployment and some of the grants. He also said that when he couldn't give them help, he helped put them in touch with people that could give them help. He then stated that we are a good community and people need fed and they need shelter so this is a perfect time to see some public-private partnerships and work with religious and non-religious all together. He then asked when the third reading for the Catalyst Rescue Mission will be on the agenda.

Mrs. Collier stated that she wanted to add to the crime part because she had to have an officer at her home this morning because someone tried to steal her husband's motorcycle. She said that the officer told her that they could have 2-3 vehicles stolen per day in the city right now where they used to only have 2-3 per month. She stated that just gives some perspective to how much it has increased right now.

Mr. McLaughlin stated that they did have one in his district during the cold spike with someone was warming their car up but they did get their car back a week later.

Mr. Caesar told Mr. Turner that he would see what he could do with the fire and police chiefs. He then stated that he thinks something else is going to come up here on Catalyst and we are probably getting close to being able to take a look at that.

Mr. Blair stated that he has the same question as Mr. Turner as far as Catalyst and why it wasn't on the agenda for a vote tonight. He then stated that since the aquatic center is not going to open this year, he wants to make sure that we adjust the budget and take that into account. He said that he would like to see the amended park's department budget and it may be something that the council has to vote on but he is not sure how that works.

Mr. Caesar stated that the main reason that Catalyst was not on here tonight is that we still need to have a public hearing and it is very difficult to do a public hearing like this so he is working on that to try to make sure everyone is included.

Mr. Blair stated that this is a public meeting right now so he doesn't see why you couldn't have a public hearing in this form.

Mr. Gibson stated that you have to advertise first. He added that if that is the process that the council wants to go through then they have to let them know so they can advertise.

Dr. Knable stated that with regards to the Catalyst issue, he would like to see the council discuss it tonight and put it on the agenda. He said that he discussed this with the council attorney and since we are under a state of emergency, public input on emergency expenditures can be waived so he feels there is an argument to be made to discuss this and vote on it tonight. He stated in regards to Mr. Blair's question of why it wasn't put on the agenda, he was under the assumption that it would be on tonight. He added that it really boils down to whether or not teleconferencing meets the criteria for public input. He stated that he would like to put it on for the third reading tonight because it is part of an emergency situation. He said that we have more people being disrupted from their homes and we have the Catalyst now being designated by the state as a quarantine site for people affected by that. He also said that they have been awarded a grant but haven't received the money yet so they are still operating day to day while awaiting that money from the state. He stated that the money in the appropriation is enough money to run the shelter for basically one month. He said that he thinks they should discuss putting this on the agenda tonight provided that our legal council agrees with our interpretation that we discussed earlier in the week.

Mr. Turner stated that the encampment at Joe Kraft Park has been taken down as well as the one at the pallet company so we have displaced some homeless people during this pandemic and should be able to give these people some shelter.

Dr. Knable stated that we did what is in direct opposition to what the CDC recommends because the guidelines put out last month said that we should let those encampments sit until this crisis is over because we are perhaps taking people who are asymptomatic and putting them under new roofs.

Mrs. Collier stated that the encampment at Joe Kraft Park was abandoned and was just the remnants of what was left of it. She said it was not an active area.

Dr. Knable said very good and asked about the other one that was discussed.

Mrs. Collier said she does not know.

Mr. Turner stated that he was at Joe Kraft Park doing a cleanup and there was a homeless man there a couple of weeks ago.

Mrs. Collier said that he was just kind of traveling through there and all of the stuff removed from there wasn't being used by anyone and was covered in moss and mold.

Dr. Knable asked Ms. Stein if her interpretation is still the same as when they spoke earlier in the week.

Ms. Stein said she would be more comfortable if this went through the normal procedure because the ordinance predates the pandemic and these special rules. She stated that if it goes on the agenda tonight and gets amended to where it is specifically dealing with the COVID-19 pandemic and the need, she thinks that it would be permissible if it meets all criteria.

Mr. McLaughlin stated that he is understanding that with the resolution they did at the last meeting, the council can do this.

Ms. Stein stated that she believes so but not as the ordinance is now but said that it can if it is amended and made clear that it is addressing an emergency situation due to COVID-19. She added that she would be a lot more comfortable if they went through the normal procedure with a publication and we could do public comments via email to Mrs. Glotzbach.

Mr. Applegate stated that he agrees with Ms. Stein's thought process on this because before COVID-19 and now, everything has changed and he is sure that the business model has changed with it becoming an emergency shelter for the state. He said he feels

if it goes back to committee to reassess where the business is at, then they could answer any other questions that the council may have and present it at the next meeting.

Mrs. Collier stated that she feels they also need to look at if there are current changes in the city's situation with different expenses and things. She also stated that it has been quite a bit of time since they met with Reverend Moon and there were a few things that they asked him for as a committee such as the end of 1st quarter report. She said that was like five weeks ago and she thinks a little time could have been taken to put that together for the council so we could have that picture that we wanted. She said she also stressed to him to ask the county for money as well as Clarksville Township and that was three weeks before the everything started happening and she would like to know if he did those things.

Mr. Caesar said that personally, he would really like to have the public hearing because he feels there are a number of questions that would like to be answered for different council members. He said that he would really like to have it on the agenda for the next meeting and he is trying to figure out how to have the meeting but not have everyone present in the assembly room. He said that he is working on that but doesn't now if he will get a total solution to it. He also said that the state money that was given was actually given to the Clark County Health Department and they are in turn reimbursing the Catalyst Mission for the work they are doing. He stated that there are other people involved in this also and it is for the entire region not just for Jeffersonville or New Albany so he is not sure how that all works out. He also stated that the money has not been received. He told Dr. Knable that he would rather go through the proper channels and have this done at the next meeting.

Dr. Knable stated that he strongly feels, given the nature of this crisis, that things have changed but not for the better. He said that as he rides his bike through the city, he sees more homeless people rather than less and feels that they are in a position that they can help this issue in the short-term. He also said that he would like to formally ask for this to be placed on the agenda for discussion and vote tonight. He stated that if he gets a second on that, he would like to have a roll call vote. He said that he thinks procedurally we have to agree to discuss it before it can be amended and his intentions would be to amend it.

Mr. Turner stated that he believes this is in the spirit of what the governor is trying to accomplish with his executive orders and we have been sitting on this for a long so he feels that it was good for a second and is good for a vote tonight.

Mr. McLaughlin stated that he is kind of nervous because he doesn't believe anyone can tell him what the grants are going to pertain to in terms of helping the shelter out as far as being a COVID-19 quarantine area. He said that he feels that we and the people in the public need to know that before going forward with putting this kind of investment into this at this point. He also said that he is behind this but also feels that it is kind of a different animal now. He mentioned that he has concerns at this point with the city because the aquatic center is not going to be open.

Mr. Turner stated that Reverend Moon is here and asked President Caesar if he could speak because he could probably answer some of these questions.

Mr. Applegate stated that if he is going to speak, he would like to know if PPP's have been filled out because it is for non-profits. He said there are also a lot of other community grants and he would like to know if he has gotten any of those mentioned in the paper and if not, why not.

Mrs. Collier stated that if this ask was going to be made tonight, maybe someone should have checked to see if there is information that the members would've liked to have had prior to right now.

Mr. Aebersold asked if we know how much of the \$700,000.00 is going to go to the Catalyst Mission.

Mr. Caesar stated that he cannot answer that and is not sure that Reverend Moon can answer that at this point. He said that the money is going to agencies and he is not actually going to get the money.

Dr. Knable moved to have the Catalyst Rescue Mission ordinance placed on the agenda tonight and to be discussed and voted on, Mr. Turner second, Mrs. Collier, Mr. Phipps, Mr. McLaughlin, Mr. Aebersold, Mr. Applegate and Mr. Caesar voted no, Mr. Turner, Mr. Blair and Dr. Knable voted yes.

Mr. Caesar stated that he does want to see the original committee get back together and get with Reverend Moon. He then asked Ms. Stein to make sure that it gets advertised in the paper for the next meeting. He stated that any members with specific questions needs to get them to the committee.

Dr. Knable thanked Mr. Caesar for prioritizing this and pushing it to the May 21st meeting and making sure that it gets on the agenda so that we can get this done.

Mr. Blair stated that there is one other alternative for those who are concerned because the public hearing wasn't advertised and that is that they can always call a special meeting of the council. He said that he does think the situation is urgent and a dire need for the shelter and there is nothing saying that we cannot call another meeting to address this situation only.

Mr. Caesar stated that Mr. Blair is correct.

Mr. Blair asked Ms. Stein if that is correct.

Ms. Stein stated if they do a third reading as the ordinance is written now, they have to follow all of the regular procedures. She said if it is amended to deal with COVID-19 only, you could call a special meeting.

Mr. Caesar asked Reverend Moon to briefly bring the council up-to-date on what is going on.

Reverend Moon stated that he is glad to talk with any council member at any time on his phone and his number is 812-989-1620. He stated that they have been sheltering in place at the shelter since March 13th and they have placed two tents on their property to take in emergency shelter guests. He said that means they have to stay in that shelter in order to receive medical assessments and since March 13th they have done 698 medical assessments. He stated that they test to see if they are symptomatic in any way and if they are, they immediately put them into quarantine. He said the actual grant that they received from Family and Social Services was thrust on them at the last minute and because of the response they already had done, they asked them to actually become the Region 13 and Region 14 shelter for COVID-19 positive homeless individuals. He stated that money has not come down to the Clark County Health Department and it is for COVID-19 response for the 14-county region surrounding us. He said that part of those funds are to actually provide a safe quarantine response at a local hotel/motel which is actually in Clarksville and they are having it medically supervised. He stated that the other issue at hand here is that they have had to double the staffing to be able to staff the COVID-19 response at the hotel/motel for a 24 hours per day 7-day response at the Red Carpet Motel. He said they have already paid all of this money out and haven't received any money back. He explained that their initial response to COVID-19 was actually to help the vulnerable people that we all know exist in our communities but they are also paying for the response where they are offering showers at the YMCA and they do that because everyone there has to be medically assessed. He stated that they are spending money from July for today and they do not know when the dollars will be received. He said he has been told that it will likely be later in May and even if they receive money from the state, those dollars come partially to Catalyst, partially to LifeSpring, partially to the Homeless Coalition, etc. He stated that there are actually seven different groups that are all coming together to formulate this response and they are just a leader in getting those COVID-19 response dollars into the community and are not the sole recipient of all

of those dollars. He said that he actually earmarked \$188,000.00 to pay for first month's rents and deposits, utilities that are on back pay and hotel/motel stays for people who are potentially homeless to get them off of the street. He stated this is not dollars coming to just Catalyst so that should stop anything from the New Albany City Council coming to them. He said they are desperately trying to provide the services that he feels are best needed for response to COVID-19 and beyond.

Mr. Applegate stated that this was originally supposed to go to Catalyst and whether it should be amended to go for COVID-19 would be a great thing for the committee to look at.

Dr. Knable stated that he wanted to commend Governor Holcomb for doing a phased reopening of the state's economy. He said it's true that there are some risks on this at both ends and we heard about the risk of reopening too early but not about not reopening in a phased in manner. He stated that each week a small business probably goes out of business and everyday that people are indoors with one another, there is more domestic violence. He saw an estimate of 30 million more cases anticipated in the United States through mid-May. He mentioned overdoses and suicides and stated that it is such a complex picture. He said that he doesn't think that we need to go wide open all out but he does like this phased in gradual approach and thinks that Indiana is the closest to hitting the target right where it ought to be. He then stated that the pool not opening was mentioned and he thinks we profited \$500.00 off that last year so the main question is how much money are we going to have to come up with to maintain it. He also stated that we need to keep all of the plumbing active and run the pumps. He then stated that he thinks this body needs to start working as a committee of the whole to start to estimate the financial impact on the city with regards to the decreased revenue over the next several quarters and how we are going to deal with that. He said that we may have to have special budgetary meetings on that and the sooner we can get information, the better off we will be on that. He then asked Mr. Caesar to seek a larger venue for the May 21st meeting such as the Griffin Street Center or one of the gymnasiums that would allow for ample social distancing and public presence.

Mr. Caesar stated that he has actually thought about that and is definitely looking into it.

Mr. McLaughlin stated that he feels, as someone who was involved in industrial safety and OSHA training, that this is a serious situation and opening back up is a great thing but we have already seen in some nations that it has been a little bit too soon. He said while out riding his bike on the walking bridge there were about 300 people and they encountered only a dozen or so wearing masks and this was about two weeks ago. He also said that we have to be very careful where we do our meetings with regards to social distancing because even a gymnasium may only allow for a few people from the public. He added that he is a little apprehensive about Zoom meetings due to the fact that some people may not have or may not be able to operate the equipment needed to join the meeting. He then mentioned the aquatic center being closed this year and how it is probably a relief to Mayor Fischer of Louisville since their pools are closes as well.

Mr. Phipps stated that if we go back to a public venue, he would insist that everyone has to wear a mask and anyone that comes to speak in front of the council has to wear a mask as well. He said wearing a mask is primarily to protect other people because any one of us could be positive and simply breathing or sneezing could transmit that to a vulnerable person. He said out of common decency and civility to others, he thinks they need to insist on masks. He added that is the only way he would feel comfortable going into a public venue in the near future.

Mr. Caesar stated that he totally agrees.

Dr. Knable wanted to know if Mr. Gibson could give a rough update on expenditures on the emergency resolution that we passed last month.

Mr. Gibson stated that there have been only minute values such as a few thousand dollars for PPE to make sure that our public safety officers have all the equipment they need.

Mr. Phipps asked if there is a mechanism in the chat portion of these meetings for people to sign up to speak at non-agenda items.

Mr. Caesar said that he does not know how to do that but will try to figure it out for the next meeting.

Mr. Phipps stated that there is a chat feature where people make comments and maybe you could say at the beginning of the meeting if anyone wants to speak under non-agenda items, you have one minute to send a message.

Mr. Caesar stated that he would get that worked out.

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

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

ONE SOUTHERN INDIANA – Mr. Applegate

Mr. Applegate stated he wanted to give a special shout out to One Southern Indiana for partnering with Caesars on several different programs that provide forgivable loans and/or loans. He thanked all of the organizations that are involved in those. He added that One Southern Indiana has been good about providing businesses information, funding, grants and applications on their site so they are a good source for businesses to go to.

DEVELOP NEW ALBANY – Mr. Applegate

Mr. Applegate stated that during one of the board meetings they had discussion about what the local businesses were going to need to open up and it was cleaning products, sanitizers, disinfectants and PPE. He said that they all thought if everyone has some consistency about everything that will help us open up as a safe city. He stated that he took that conversation to the city administration and he wanted to applaud the mayor's office and others in the administration that wanted to know how they could help make this happen. He said that he got with Huber's because they are making a hand sanitizer type mix that the World Health Organization put out a recipe for that they are giving out to local business owners. He stated that Huber's has asked people to donate to hard costs for the materials while they are still producing with their people for free so the city was able to secure quite a bit of hand sanitizer. He said that Bradley Fair who is the Vice Chair of Develop New Albany and he looked at it and picked a couple of elements that they thought they may be able to do and that was one of them. He stated that the other one was actually producing some tape for social distancing with the City of New Albany logo on it and give that tape out to the local business owners. He explained that if all of the businesses use the same process, it will make it easier and safer when people go to the different businesses. He also explained that Develop New Albany talked to individual businesses about certain needs and they are providing some PPE for certain businesses. He stated that this release will come out soon with instructions on how it can be ordered by the individual business owners through Develop New Albany by filling out a form. He said the city will then be able to work with them to get these items into the businesses to help with opening up. He then thanked Huber's for changing their business model to be able to produce something that helps.

Mr. Turner asked if the city contributed anything to that or if it was all donations.

Mr. Applegate stated that right now it is donation only but we've got the link and just picked up product on Friday so there will be a donation that will go to them.

Mr. Turner asked if the city has paid for any of the tape or anything like that.

Mr. Applegate stated that it is literally all on order now so he doesn't whether any checks have been cut or not but there will be money transferred to get these items for the businesses.

Mr. Turner asked if he had an idea of how much that cost.

Mr. Applegate stated that he thinks the total is going to be in the \$6,000.00 range.

Mr. Turner asked if that is coming out of redevelopment.

Mr. Applegate stated that he would have to check on that because he is not sure what it is coming out of because nothing has been cut yet.

CAESARS BOARD – Mr. Caesar and Mr. Aebersold

Mr. Caesar stated that the scholarship program is moving along and there are 51 scholarships with 23 going to Floyd Central, 24 to New Albany, 3 to Providence and 1 to the Montessori school. He said that the foundation contributed \$50,000.00 to the small business emergency forgivable loan fund and there were 42 gifts but there were 145 applications on that. He said that they helped raise \$371,000.00 for small business emergency forgivable loans in Clark and Floyd Counties. He stated that they contributed \$250,000.00 to the community and cultural loan initiative and helped raise an additional \$300,000.00 for the community and cultural loan program. He said they helped raise \$250,000.00 for the nonprofit disaster relief fund, contributed \$50,000.00 to the community foundation of southern Indiana disaster relief fund, contributed \$15,000.00 to the YMCA's childcare for healthcare workers and they screened 75 loan applications and administered funding for those small business loans.

INTRODUCTION OF ORDINANCES:

READING

COMMUNICATIONS PUBLIC: G-20-01 Amend Pretreatment Ordinance

COMMUNICATIONS PETITIONER: G-20-01 Amend Pretreatment Ordinance

G-20-01	An Ordinance Amending City Sewer Pretreatment Ordinance	McLaughlin 1&2
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Mr. McLaughlin introduced **Bill G-20-01** and moved to approve the first and second readings, **Mr. Aebersold** second, all voted in favor.

Mr. McLaughlin stated basically there is a discharge of certain elements that go into the river and is based on total phosphorus. He said that we have been doing this but this ordinance kind of changes the baseline and sets the bar a little differently than it has been.

Mr. Sartell stated that this ordinance is basically an update from the 2012 ordinance and it adds phosphorus to our pretreatment discharge permittees and cleans up some language we had in the 2012 ordinance. He added that this is a mandate that comes down from IDEM and the EPA.

Mr. Turner asked if there is a baseline average already established for total phosphorus here in New Albany because he hates to say yes to this if they average over 25 milligrams per liter on total phosphorus and end up getting charged.

Mr. Gibson replied no and stated that if we were over limits, we would already be out of compliance and would have issues with that. He said these are new mandated levels required of the state and he believes they are lowering them from what they used to be.

Mr. Aebersold asked if we are able to handle everything with the equipment we have now or will we have to increase the expense on anything or buy something new.

Mr. Gibson replied yes, we are able to handle everything and there are no additional expenses required. He stated that this also allows us to hold all of the permit holders that discharge into our system to a slightly better standard.

Mr. McLaughlin stated that this isn't lowering the bar but raising the bar.

Mr. Gibson stated that is correct.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:15 p.m.

Bob Caesar, President

Vicki Glotzbach, City Clerk