

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
HELD A REGULAR COUNCIL MEETING VIA ZOOM ON MONDAY,
OCTOBER 4, 2021 AT 7:00 P.M.**

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

ALSO PRESENT: Amy Stein, Josh Staten, Warren Nash, and Vicki Glotzbach

CALL TO ORDER:

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

MOMENT OF REFLECTION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Caesar moved to approve the Work Session Meeting Minutes for September 8, 2021, Mr. Aebersold second, all voted in favor.

Dr. Knable moved to approve the Regular Meeting Minutes for September 16, 2021, Mr. Caesar second, all voted in favor with the exception of Mrs. Collier who abstained.

COMMUNICATIONS – COUNCIL:

President Phipps stated that he would like for the speeches that he made and that Mayor Gahan made be read into the City Council Minutes so that it is part of their official history. He announced that the first in person meeting at the new city hall building will be November 1, 2021 and stated that he is looking forward to this. He asked that if individuals that are attending the meetings have not been fully vaccinated that they wear a mask if the level is still in the orange or red category.

“The architect Richard Rogers said, “Architecture is about public space held by buildings” And THIS building is a perfect example of that because it holds the public space of the citizens of New Albany.

When the first discussion of a new city hall occurred in 2018 there were many naysayers.

Some said we should renovate the space on the 3rd floor of the City-County building.

Others suggested renting space for the city government in a downtown office building.

Others criticized the scope and cost of renovating this building and said we would be better served by tearing it down.

But I’m proud to say that the naysayers didn’t win because Mayor Gahan and five city councilmen had a vision.

A vision to save a historic building that had fallen into disrepair.

A vision for creating a catalyst for economic development and growth on the Main St. corridor of our downtown.

A vision for creating an energy-efficient, assessable building with ample parking for public meetings, city employees and visitors.

Today's celebration is the culmination of that bi-partisan, collective vision.

But, one of those visionary councilmen is not with us, my good friend Pat McLaughlin, but his memory will continue to inspire, motivate, and challenge us to keep making improvements in this city that he dearly loved.

In conclusion, today we celebrate, we cut the ribbon, and we admire the architecture that holds a public space, but more importantly, we must WORK in this building developing new visions to keep New Albany moving forward. – **Greg Phipps, Common Council President.**

I am so glad you are here. Thank you all for taking time out and joining us this afternoon for a brief celebration, an Open House, and the Grand Opening of a brand new New Albany City Hall.

First, there are some groups that deserve our thanks for making this day and this move reality.

I want to thank our city council. Without them, this would not have happened, and as a former council member myself, I understand the pressure of these kinds of decisions, but I appreciate you all stepping up to the plate for the people of New Albany.

I want to thank David Barksdale for sponsoring the ordinance, Greg Phipps, Bob Caesar, Matt Nash and the late Pat McLaughlin, my dear friend, not only for their leadership in making this project happen, but also for the leadership they have displayed on many improvements that have helped turn New Albany into the city it is today.

I also want to thank the folks at Denton Floyd, Joseph and Joseph, and HWC Engineering for helping us to complete this vision today. Big thanks also to Leslie Lewis Sheets and her design team for their expertise.

I want to thank our friends in the clergy, Reverend LeRoy Marshal and Father Joe Feltz for being a part of our program. I appreciate your service to New Albany and all of the good things that come from it.

And of course, I want to thank the team that led this project from the city: Shane Gibson, Cheryl Cotner-Bailey and Alicia Meredith. Without the three of them, this project never would've come to fruition and this building may no longer be standing.

This occasion is historic because you don't build a new city hall every day, and you certainly don't do it alone. It takes the help of lots of people working together for a common good. In fact, it is the number one ingredient that you absolutely must have to build and relocate a new city hall, and it is absolutely the one thing that makes me the most proud today. We compiled a team of hard-working public professionals that were ready to do the people's work, and began building a new home for public service.

For far too long, our city government has been a renter in its own downtown. For far too long, the people of New Albany deserved a home, a permanent home – a home that represents the growing interest and success of our city over the last decade. A home that pays homage to our history while also serving as a beacon for the future.

We knew what we needed to do. Now it was a matter of getting the politics right. And it took some time. Projects like this just don't happen by chance. Projects like this require teams from the public and private sectors who understand the need and benefits of ownership for the future. But in our modern-day political climate, good policy decisions sometimes get tangled up in petty differences or partisan squabbles.

But here in New Albany, I'm so proud that we can come together to achieve great things for the people of our river city. From the YMCA, to the development of an incredible park system, to two-way street conversion, the facilitation of a business-friendly environment, and top-notch shops and restaurants. We as a city have come together to help make New Albany THE PLACE YOU WANT TO BE in Southern Indiana.

Some people think that by preserving our history we are neglecting our future. That is not true. We truly can have it both ways.

We can preserve the rich history of the New Albany we all love, and we can choose to boldly build an exciting future filled with growth, happiness, good health and opportunities for everyone now.

We don't have to delay it.

Because now we know, and this brand new historical city hall stands as a testament to the fact: **When the people of New Albany work together, we can do big things not just for ourselves, but also for our children, our grandchildren and the future of our river city.**

Please, come in and enjoy yourself. I am so proud to be your mayor, but this is your house, this is your government and this is your new home for public service. Thank you for being here and thank you for helping to make New Albany the best city in Indiana.-
Mayor Jeff Gahan

Mr. Caesar apologized for not being at the public hearing but he was having technical difficulties signing in.

Mr. Turner stated that he saw a post on the Next Door app about someone's dog dying from an algae after getting in the water at Loop Island and he reached out to the health department as well as the parks department and animal control to verify this. He asked that they all take the time to reach out to their contacts to let individuals know to avoid areas where there is algae on top of the water.

Mr. Blair stated that he met with a constituent over the weekend regarding surveillance cameras and he expressed his concerns over neighbors being able to tape him on his property from their homes. He asked Mr. Blair if they could look into putting together an ordinance that prohibits taping someone while they are on their own property. He stated that he did some research into existing laws and Indiana does have a law stating that you cannot tape someone from their property. He asked for input from the other members on whether or not this is something they should pursue. He added that they obviously don't want to facilitate voyeurism but these cameras are also used for security.

Ms. Stein stated that she did speak to this gentleman and agrees that there is a whole gambit of issues regarding this conversation. She suggested that a few of them form a committee so that they can get together to look at all the issues and decide if it is something the council would want to look at.

Mr. Blair stated that he can also ask the individual to address the council during public comment at one of the meetings so that the council can ask him questions as well as allow him to express his concerns.

Mr. Phipps stated that he thinks it is considered public space if it is outside. He added that you cannot peer into someone's home with a telescope or camera, but when you are in a public place you can even photograph people and buildings that you don't own. He added that it may vary a little from state-to-state but it is a very complicated issue that they would be taking on. He stated that he can sympathize with what the gentleman is saying though and he would be upset about it as well.

Mr. Blair stated that the issue with him is that he is on his own property so he has an expectation of privacy. He added that the other issue is enforcement because he isn't sure how they would tackle that.

Mr. Turner stated that enforcement is an issue but cameras can also be gridded in a way that only records the owner's property so just because it is pointed at the street doesn't mean it is recording the street. He added that in order to even start this conversation with a neighbor, you would essentially need to accuse them and ask to see their footage without really know it is happening. He added that from what he read, you don't have a reasonable expectation of privacy from being seen in your backyard when you live in a city environment. He suggested that this is something that should be taken up at the state level.

Ms. Stein stated that her original assessment of this was that due to enforcement issues and constitution issues, she wouldn't recommend the city council trying to adopt a law. She added that if they decide that they would like to look into it, she would be happy to sit down with them and go through the issues.

Dr. Knable asked if they could get a copy of the state statute emailed to them.

Mr. Blair stated that it is IC 35-46-8.51-1 "a person who knowingly or intentionally places a camera or electronic surveillance equipment that records images or data of any kind while unattended on the private property of another person without the consent of the owner or tenant of the private property commits a class A misdemeanor."

Dr. Knable stated that it doesn't sound like they can strengthen that and if someone feels like this is being violated they should report it to the law enforcement as a first step.

Mr. Blair stated that he is going to ask the gentleman to address the council so that he feels like he has been heard. He added that he doesn't want to put a lot of hours into something that the council doesn't have any desire to pursue, but he also wants to make sure he has a chance to speak to them.

Mr. Phipps asked if the neighbor was using the footage in some malicious way or stalking the individual.

Mr. Blair stated that he just did not want his house videotaped and he had a confrontation with the neighbor when he asked them to move the camera.

Mr. Aebersold stated that he received a letter from a Christopher Sweeney regarding a fall his grandmother took while leaving her house at 2516 Spring Avenue. He explained that the ambulance took 35 minutes to get to her home and at that point, they found out she had a broken hip. Mr. Sweeney said that the EMS workers were great and took care of her, but the response time while she was laying in pain was unacceptable. He stated that maybe they do need to look into this deeper to see if there is anything they can do about it.

Mr. Turner stated that by contract they have one and a half ambulances for the city and it is a deal breaker for him voting for the budget because it is a resource issue.

Mr. Aebersold stated that he did not bring this up to make it a deal breaker issue with the budget because it is something they can find ways to fund something like this and he just thinks it is something that they need to start looking at to move in the right direction.

Mrs. Moeller stated that Police Chief Bailey and Mr. Gibson have been looking into the ambulance service in New Albany and she is sure that they will have something for the council soon.

Mr. Applegate reminded everyone that it is fall break so they may see kids out and about during school hours where they normally aren't and encouraged everyone to be extra cautious.

Dr. Knable stated that he hadn't gotten his badge for city hall and asked if anyone else had received theirs.

Mr. Phipps stated that he got his and turned his other one in to the old building.

Dr. Knable stated that he went Friday and was told they weren't available.

Mr. Phipps stated that he got one at the ribbon dedication.

Dr. Knable asked Mr. Phipps to find out how they go about getting the badge and where to pick them up.

Mrs. Moeller asked the council members that do not have a badge to send her a quick email and she will make sure to get that to Mr. Walker and get those to them.

Dr. Knable stated that he just received a text that he can pick his badge up so that takes care of his question. He reported that he received the same email regarding the response time for EMS and he has also received several others throughout the course of the year. He stated that he spoke with Mr. Gibson to let him know that he would be a provisional

yes on the second reading tonight for the budget, but that if they can't get some funding for additional services through the end of COVID, he would be a "no" on the third reading. He added that this gives them ample time between now and that third reading to try to get something together. He recommended stripping money from paving or some other service if they needed to because he is concerned about some irrevocable tragedy happening without this issue being addressed. He added that the opposite end of this argument is that he doesn't want to get locked into a long-term contract with more ambulance service than they need and emphasized the need for some sort of stop-gap measure.

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-21-03 Non-Reverting Budgets

No one signed up to speak, President Phipps closed the public comments.

COMMUNICATIONS PETITIONER: A-21-03 Non-Reverting Budgets

A-21-03	An Ordinance to Fix the Non-Reverting Budgets for the Year 2022	Caesar 1&2
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Mr. Caesar introduced Bill No. A-21-03 for first and second readings, Dr. Knable second, all voted in favor with the exception of Mr. Turner who voted no.

Mr. Caesar explained that there is not much to discuss and added that the total number is almost exactly what it was last year at \$1,905,375.00.

Mr. Turner asked if they have committed any more funding to storm water for the Silver Creek Drive neighborhood.

Mr. Caesar stated that they have not in this budget.

COMMUNICATIONS PUBLIC: A-21-04 General Fund and Other Budgets

No one signed up to speak, President Phipps closed the public comments.

COMMUNICATIONS PETITIONER: A-21-04 General Fund and Other Budgets

A-21-04	An Ordinance to Fix the General Fund and Other Budgets for the Year 2022	Applegate 1&2
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Mr. Applegate introduced Bill No. A-21-04 for first and second readings, Mr. Aebersold second, all voted in favor with the exception of Mr. Turner who voted no.

Mr. Applegate explained that the city has had great audits through the last few years and this is one of the main portions of those audits. He added that next year looks good as well and he anticipates being in the same boat.

Mr. Blair stated that he spoke with Mr. Gibson regarding the road paving budget and right now they have less than \$3M allocated for paving next year. He asserted that they should be paving between somewhere between \$4-5M each year and he would like to see them increase that amount by another \$1M and he made some suggestions to Mr. Gibson on where they could reallocate the funds. He added that he will talk more about it with Mr. Gibson this week but anticipates adding an amendment for the next reading. He stated that they can't continue to underfund paving as roads will become unsafe and we need to add an emphasis on sidewalks as well. He explained that he does agree about the importance of the ambulance service, but there are other areas that can be cut and he doesn't think it should be the paving budget. He stated that they want to have that money ready to go at the beginning of the season so that they can properly look at the inventory and bid out the jobs appropriately.

Dr. Knable asked Mr. Blair to expand upon where he would get that \$1M out of fairness to those at the table that might have some input.

Mr. Blair stated that looking at the LRS and Riverboat projections, he would propose to take half out of those two budgets to equal \$500,000.00 as well as pull \$500,000.00 from EDIT. He questioned the necessity of a rainy day fund instead of using it for the benefit of the public.

Dr. Knable asked if there is a number beyond which where they physically don't have the manpower to get the paving done. He stated that it seems to him that last year they had more money than manpower and the budget wasn't totally utilized. He added that there is a possibility to have too many projects going on at once.

Mr. Blair stated that as far as he can tell they have always used the paving budget in the past but they didn't talk about a top number. He explained that they used Clark Dietz to make the paving inventory and final decision on what is to be paved and he follows that plan as they report every week to the Board of Works. He stated that he thinks they have the staffing to plan appropriately to minimize disruptions as long as contractors are available.

Mrs. Moeller reminded them that she and Mr. Gibson were able to add \$500,000.00 to the paving budget from EDIT.

Mr. Blair stated that the numbers he pick from is LRS \$350,000.00, Riverboat \$750,000.00 and EDIT \$150,000.00 with another \$250,000.00 that he couldn't identify which equals \$2.85M. He added that he thinks the \$500,000.00 that she is referring to is included in that number.

Dr. Knable stated that Mr. Blair has his support as long as they can prioritize EMS over paving.

Mr. Turner explained that he sent a list of funds that could be cut as options to fund EMS that included the Rental Housing Department to Mr. Gibson and stated that he would be happy to send that to the council members. He stated that he is concerned that they didn't receive a preliminary budget on May 1 and he is concerned that they only had budget-to-actuals through June, but they should receive them at the second meeting of every month. He added that he requested more information from the controller's office regarding several items two weeks ago and has not received a response other than her saying she received the email. He stated that he doesn't have all the information he needs to make a good decision.

COMMUNICATIONS PUBLIC: A-21-05 Salaries for Non-Bargaining

No one signed up to speak, President Phipps closed the public comments.

COMMUNICATIONS PETITIONER: A-21-05 Salaries for Non-Bargaining

**A-21-05 An Ordinance Setting Salaries for the Year 2022 Applegate 1&2
for Non-Bargaining Unit Employees**

Mr. Applegate introduced Bill No. A-21-05 for first and second readings, Mr. Caesar second, all voted in favor.

Mr. Applegate explained that this is fairly routine with the 2% added to non-bargaining employees as discussed during the workshops.

Mr. Blair stated that there is a correction under the salary for an IT assistant as it should be listed as an annual.

Mrs. Moeller stated that it is actually supposed to be hourly as it is a new position and they will be paid as needed so it should read in dollars not thousands and she will make that correction.

COMMUNICATIONS PUBLIC: A-21-06 Salaries for Elected Officials

No one signed up to speak, President Phipps closed the public comments.

COMMUNICATIONS PETITIONER: A-21-06 Salaries for Elected Officials

**A-21-06 An Ordinance Setting Salaries for the Year 2022 Caesar 1&2
for Elected Officials**

Mr. Caesar introduced Bill No. A-21-06 for first and second readings, Mrs. Collier second, all voted in favor with the exception of Mr. Turner who voted no.

Mr. Caesar explained that this is almost identical to what it was last year.

Dr. Knable asked if it is basically just a cost of living increase.

Mr. Caesar stated that many are exactly the same if not a little less.

COMMUNICATIONS PUBLIC: X-21-01 Ragains/Patoka Capital Annex

No one signed up to speak, President Phipps closed the public comments.

COMMUNICATIONS PETITIONER: X-21-01 Ragains/Patoka Capital Annex

**X-21-01 AN ORDINANCE OF THE COMMON Applegate 3
COUNCIL OF THE CITY OF NEW
ALBANY, FLOYD COUNTY, INDIANA
ANNEXING CERTAIN REAL ESTATE
INTO THE CITY PURSUANT TO PETITION
FOR VOLUNTARY ANNEXATION**

Mr. Applegate introduced Bill No. X-21-01 for third reading, Mr. Aebersold second, all voted in favor. Bill No. X-21-01 becomes Ordinance No. X-21-10

Mr. Applegate explained that this is the property just north of Grant Line Elementary. He stated that Mr. Joy as well as others involved in the project are on the call to answer any questions.

INTRODUCTION OF RESOLUTIONS:

COMMUNICATIONS PUBLIC: R-21-13 Confirm ERA (Ragains/Patoka)

No one signed up to speak, President Phipps closed the public comments.

COMMUNICATIONS PETITIONER: R-21-13 Confirm ERA (Ragains/Patoka)

**R-21-13 A CONFIRMATORY RESOLUTION OF THE Applegate
CITY OF NEW ALBANY, INDIANA FOR THE
DESIGNATION OF AN ECONOMIC
REVITALIZATION AREA AND FOR REAL
PROPERTY TAX ABATEMENT**

Mr. Applegate introduced R-21-13 and moved to approve, Mr. Caesar second, all voted in favor with the exception of Mr. Blair and Mr. Turner who voted no.

Mr. Blair explained that he talked with a developer in New Albany who asked where his tax abatement was, and he didn't have an answer. He stated that this is not much different than any other housing project that they do and this is the first time an abatement has been done for a non-manufacturing facility. He added that this is also a project with competing facilities, three recently in New Albany, and suddenly this fourth one gets an advantage over their competitors with a tax abatement. He stated that they can tell a company no in order to assure things are being done fairly and with them not paying taxes for a period of time, that means that they aren't contributing to the tax pool. He argued that the reasons given at the last meeting such as a drive way and addressing water retention are all issues they would have to deal with anyway. He added that there was a claim that this was a campus-like facility, but when he looks at the plans all he sees is parking lots and rooftops. He stated that they talked about the additional grading but it doesn't look like it is any different than most projects done locally. He added that he questions why they are doing this and what makes this one so unique. He stated that the property was under common ownership and that might be why nothing was done with it. He would have expected a cost-benefit analysis because the wages are below the state average.

Mr. Applegate addressed Mr. Blair's previous comments and stated that he thinks this project is a lot different than a regular residential. He stated that this is a facility that will provide service that they are short on in the area with the memory care unit. He added that there will also be 42 jobs going into this facility versus an apartment complex/residential that may have one or two on site. He stated that the site has been a challenge and Patoka Capital did a lot of work on how to not only make this facility work, but to make it a first class facility for the elderly population of the community. He added that he would hate to see this as an opportunity missed because people get caught up in what "could be".

Dr. Knable stated that he is very comfortable voting for this project. He reminded the council that he had Mr. Zeller read the definition of ERA at the last meeting because he wanted it on record when it talks about undesirable land. He explained that this property sat vacant for almost a decade in an area that has been growing for some time so the uniqueness of this property has made it a difficult sale. He added that for anyone that has spent any time at an assisted living facility versus a common residential facility will

know that the demands of the properties, staff and campus are very unique. He added that he thinks this project will be a great addition to that and the city at large. He then asked for clarification that in year two of this project they will be collecting more tax revenue off the property than they are right now.

Mr. Applegate stated that is correct and added that they have never collected a dollar off the property.

Mr. Blair stated that they don't know what opportunity they are losing by doing this and the developer never said they couldn't do the project without the abatement.

Mr. Caesar stated that they have lost eight years of opportunities so he is all for this project. He added that the employment is the big difference for him.

Mr. Turner stated that this area is experiencing growth and not all jobs are created equal and when it is below average that means the top earners will benefit while the lower earners get less. He stated that this is not manufacturing, R&D, logistic or technology and no financial information was given to them.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Andrew Nicholson stated that he would like to bring attention to the lack of public knowledge about any of these meetings or ordinances. He explained that he was talking to a local leader who said something to the effect that it must be nice that New Albany is thriving so much that they don't have to pay taxes. He stated that they just gave another tax abatement to Sazerac which paid for their lawsuit regarding an employee that was so overserved at a Christmas party and killed two people. He asserted that they get taxed for everything as residents and they need to do a way better job of not only addressing the public, but of representing the public rather than the businesses that come in claiming to create jobs. He asked the council to stop giving away abatements like they are corporate welfare.

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:07 p.m.

Greg Phipps, President

Vicki Glotzbach, City Clerk