

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, HELD A REGULAR COUNCIL MEETING VIA ZOOM.COM ON
THURSDAY, SEPTEMBER 10, 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.

INVOCATION: Given by **Rajad Zed, President, Universal Society of Hinduism**

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Phipps moved to approve the **Work Session Meeting Minutes for August 20, 2020**, **Mr. McLaughlin** second, all voted in favor.

Mr. Phipps moved to approve the **Regular Meeting Minutes for August 20, 2020**, **Mrs. Collier** second, all voted in favor.

COMMUNICATIONS – COUNCIL:

Mr. Aebersold stated that he is very concerned about the accident on the Sherman Minton Bridge with the car going in the wrong direction. He said that something needs to be done to keep things like that from happening. He was going to check into it further.

Mr. Turner stated that milling and paving started today in the Sherwood neighborhood and he spoke with Mr. Christmas because some neighbors had concerns about how the work was being done and he got that all cleared up through Mr. Christmas. He then stated that about three weeks ago his neighbor's mailbox across the street from him got hit again and that is the second time within a year so he just wondered what the update is on traffic calming. He said that the resident that owns the other mailbox that originally got hit has a 10-year old girl and it is only a matter of time before something tragic happens. He said he just wondered if the traffic committee had an update.

Mr. Applegate stated that they have to set up another final meeting on that or at least a meeting to get the process together so he would say for the immediate to work with board of works or the police and send them the information.

Mr. Turner stated that code enforcement has done a great job for him recently as well as the parks department. He said that there was a couple of screws sticking out of a rope ladder at one of the parks and they took care of it very quickly.

Mr. Applegate stated that he took his daughter to Bicknell Park over Labor Day weekend and there were at least two or three other families there sharing the park. He said it was very clean and they go to all the different parks and they are getting used so he just wanted to give kudos to the parks department, the city and redevelopment for investing in those parks. He stated that they do provide a strong outlet for families and they are all safe.

Mr. Blair stated that he met with a couple of neighbors on Saturday morning at St. Joseph's Circle and St. Joe Road. He explained that the retention pond at Kohl's Department Store is not being maintained and there is a lot of water overflowing and into

their neighborhood. He said that Mr. Gardner is helping him with that and they are going to contact Kohl's and see what we can get them to do to maintain that.

Mr. McLaughlin stated that we are coming out of things but he just wanted to note that nationally we are approaching possibly 200,000 people that have died from COVID-19 so he just wanted to remind everyone to wear their mask and distance and stay aware of what is going on.

Dr. Knable stated that he thinks everyone got an invitation to a joint meeting between the city and the county for the animal shelter budget meeting. He said that they get those each year and they haven't really participated so he would take President Caesar's lead on however he wants to handle that invitation.

Mr. Caesar said that he would like to discuss it right now and get it out of the way. He explained that this agreement between the city and the county is negotiated by the mayor and by the county commissioners but it is written in that agreement for the city council and the county council to go over the budget each year. He then asked Ms. Stein if she has any comments that she could bring forward at this time to help with this.

Ms. Stein stated that since she has been assisting the council and they have made these requests, it has always been after we have already approved our budget and our portion of animal control. She said that is not the case this year because we haven't approved our budget so she did go ahead and call Mr. Langdon and left a voicemail today because there are some things that she wants to clarify. She explained that she wants to clarify the nature of the meeting because the agreement calls for the city council and the county council to look at the proposed budget at a joint meeting. She stated that it doesn't call for any renegotiations of contributions that each of the respective bodies make. She said that she just wanted to make sure that we knew what the meeting was going to encompass before a meeting is scheduled.

Mr. Caesar asked if that is all it will encompass.

Ms. Stein said that it is just to review the budget request that comes from the animal control authority.

Mr. Caesar asked if the whole council should be there or just a quorum.

Ms. Stein stated that a quorum would be sufficient.

Mr. McLaughlin asked why we would need a quorum or if we are going to vote on something with the county council.

Ms. Stein stated that if they are meeting as the city council, they would want a quorum.

Dr. Knable asked if they could just have an ad hoc committee since they are not going to vote on any significant item at that time.

Mrs. Collier volunteered to be on the committee.

Ms. Stein stated that she can't think of any reason right now that they couldn't just have an ad hoc committee.

Mr. McLaughlin pointed out that if they meet with the county council with five people or over then that meeting needs to be posted for the public. He then said that this is for the 2021 budget.

Ms. Stein stated that is correct.

Mr. McLaughlin pointed out that they have not paid for 2020 yet.

Ms. Stein stated that is also an issue and they are relying on this document that says there is to be this annual review meeting.

Dr. Knable stated that if it is not opposed by council, he would recommend that President Caesar names 1-3 people or whatever number is designated under a quorum and send them on to represent us.

Mr. Caesar thanked Dr. Knable and stated he thinks that is a good way to go about it.

Mr. Aebersold said that he would go since he is the council liaison to the animal shelter.

Mr. Caesar asked if he could get one more volunteer.

Mr. Applegate stated that he would go.

Mr. Caesar asked Ms. Stein to get back with Mr. Langdon to see what date will work out for everyone.

Ms. Stein said she would.

Dr. Knable stated that he wanted to publicly acknowledge to the petitioners on Mel Smith Road that they all received the petition regarding the variance that was just granted out there, but unfortunately, that was after the decision had been made and he doesn't know of any recourse that they have on that. He then said that he and Mr. Phipps have some information on issues on Elm Street around Thomas and Jay and he spoke with the mayor about it and they were very quick to get increased patrols for the speeding issue. He also said there was a speeding sign put up and he thinks there is some consideration being made for some more 4-way stops within that area. He asked Mr. Phipps if he had anything to add to that.

Mr. Phipps stated that he worked on that for over a year and didn't get any action so if Dr. Knable's advocacy helped on it, he just wanted to say thank you.

Dr. Knable stated that they should just keep applying pressure for a more permanent fix with the extra stops. He said that he is sure that as soon as they go up, there will people who complain and want them down but like Mr. Turner alluded to earlier, our first obligation is to safety for folks. He then asked Mr. Applegate to add to his traffic committee an issue at the top of Highland Avenue as it turns around the Silver Hills Lane area. He said that there is a hairpin turn there and a couple of winters ago a salt truck went off the road there and recently a sleepy or distracted driver drove through that as well. He added that he would like for there to be consideration for some guardrails or at least some reflectors and repainting. He stated that he did speak with Mr. Thompson about it but asked Mr. Applegate if he would reiterate it.

Mr. Caesar stated that it is actually Highland Avenue and Knob Avenue.

Dr. Knable stated that it also goes down Silver Hills Lane and he thinks that is where one of those cars went off and was stopped by a mailbox or something. He then stated that when we get to the committee reports tonight, he would like have some extra detail on the Slate Run Road allocation. He said that at their last meeting it was estimated that it was going to be \$200,000.00 and he found out in the paper that it was close to \$676,000.00. He stated that the council had a very, very detailed debate early in the year about a \$50,000.00 allocation for the Catalyst and he just wants to be walked through the details that were presented and researched before votes were passed. He also stated that he doesn't know how our representatives voted on that so he would just like a review of that process in this public forum so that he knows how we went from \$200,000.00 to \$676,000.00. He added that he wants the details of that allocation to have the same details that we had earlier in the year on a much smaller allocation.

Mrs. Collier stated that she would like to echo what Mr. Applegate said about Bicknell Park and that she thinks it is great. She added that she has taken her grandkids there and

they had a blast. She also stated that she wanted to thank Police Chief Bailey for putting the radar equipment out on Martin Drive for a while because she had some residents there with some issues. She said that she is grateful that we have that equipment.

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mr. Gibson stated that he knows Mr. Aebersold indicated that he didn't have anything more than what he mentioned in the public hearing so we are going to incorporate his conversation into the regular city council minutes.

Mr. Aebersold said let's do that and thanked Mr. Gibson.

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

FIRE COMMITTEE – Mr. Turner, Mr. Phipps and Mr. McLaughlin

Mr. Caesar asked that the committee get with Fire Chief Juliot and discuss the ambulances, new fire trucks, future expenditures, etc.

Mr. Turner stated that there needs to be some clarity because he asked Chief Juliot a question during the work session and he wants to get that on the record. He said that he emailed Chief Juliot and said during the meeting he asked about Quint 2 which is the apparatus at Community Park and is a ladder and a pump. He stated that he asked if that should be in the rotation and he thinks Chief Juliot thought he was talking about the actual firehouse being remodeled. He stated that chief emailed him back and said that Quint 2 is 13 years old and will need to be replaced in about 7 years and it would make a great auxiliary for years. He said that he just wanted it on record that he wasn't talking about the firehouse and was talking about the apparatus.

Mr. McLaughlin stated that is one of the pumpers though.

Mr. Turner said it is like a ladder and a pump.

Mr. McLaughlin asked if there is a pumper at that house.

Mr. Turner said he believes so.

Mr. McLaughlin stated that it is probably one of the pumpers that has to be replaced as well.

CAESARS FOUNDATION – Mr. Aebersold and Mr. Caesar

Mr. Aebersold stated that they are in the process of receiving applications for the director and they received 21. He said that they are going to split up and each member is going to look at these and come up with some recommendations. He stated that they are then going to come back and split up again with 5 or 6 that they like and come back together to discuss them. He said that they are going to interview after they have condensed it down to 4 or 5 people that they are really interested in.

Mr. Caesar stated that there are 21 applicants and he is so impressed with the applicants that they have so they are going to have a good director with whichever one they pick.

Mr. Aebersold stated that all of the applicants are from our area except for one that is in Wisconsin but he thinks they used to live here. He said they are all well qualified and it is not going to be easy but they want to make sure that they choose the right person for this job. He then stated that they received 49 requests totaling to a little over \$800,000.00 for fall grants and they looked over the list and discussed them a little. He said that the list goes to a grant committee which is 9-11 people and they are the ones that will go out

and interview each of these applicants, narrow it down and make suggestions. He added that in a month or so, they will talk with each of them. He stated that some of them have been on the list for years, some are new and some we haven't helped out a whole lot over the years. He said that it is quite a bit more than the \$350,000.00 they budgeted for this so the committee has their work cut out for them for the next few weeks or so. He then stated the Ms. Elizabeth Baxter has headed the small business revolving loans for quite a number of years and they received information that she will be stepping down next year so they will have a staff change as far as that goes. He added that she will be stepping down next May or June.

Mr. Turner asked if Caesars has made any type of estimate on where they are going to be at next year with having almost two months off without any revenue coming in.

Mr. Aebersold stated that he hasn't heard anything. He said the only thing he has heard is that all of the casinos are hurting.

Mr. Turner stated that it is going to hurt us.

REDEVELOPMENT COMMISSION – Mr. Applegate and Mrs. Collier

Mr. Applegate stated that Dr. Knable mentioned that Catalyst was brought to the council for a vote and they both know that redevelopment is a different pot of money and different situations so Catalyst and the Slate Run Road Project aren't really apples to apples.

Dr. Knable stated that Mr. Applegate represents this council's vote at that body.

Mr. Applegate stated that he does but when you look at those two different elements, there are two different pots of money.

Dr. Knable stated that he understands that they are two different pots but he just wants to make sure that the same level of scrutiny is brought forward on both processes.

Mr. Applegate explained that at least half, if not more of the \$676,000.00, was already in change orders that were just not put forth before the further issues with the ground came up and those orders included drainage issues, piping, etc. He stated that the road got a little more of the public's attention in the newspaper and when it was voted on, it kind of all looped into the same batch of issues. He explained that when they started milling and found that there were further issues with the road, there was about \$300,000.00-\$325,000.00 in change orders for that but there was already about \$350,000.00-\$375,000.00 in change orders done for the other issues. He stated that had there not been any issues with the road, they would have still had to approve the change orders for \$350,000.00-\$375,000.00. He said once the ground issues on the road were discovered, they brought S&ME to do the Geotech on it and once they were on it, they got the course to fix it. He explained that the first initial fix was to completely rebuild the road from Garretson Lane to roughly Slate Run School and then they had to decide how to fix the rest of the road right which was unanimous across the board. He stated that on the second part of the road, it was recommended by the engineers to re-excavate some of the areas and add in the slurry type mix to repair those areas that were damaged. He added that it is no doubt the project was over budget but they needed to get the road done and done right. He said that the road is in essence pretty much finished now besides the striping. He stated that if there are questions regarding the engineering and tech stuff, he would refer people to Mr. Summers or Mr. Staten.

Dr. Knable stated that he appreciates the details and realizes that it is two different pots of money but the source of both are same and that is the taxpayer's money so he wanted the details in this public forum for anyone joining the meeting tonight or who may read through the minutes. He then asked if there has been any discussion at that time or anticipated discussion for any change in the process with regards to some of these larger projects to avoid getting in the fix mode. He said that he knows they took a number of core samples and they were probably within the industry's standards but if we are known

to be such a hot pocket for aberrations, do we need to double the number of cores. He stated that he would just like to think that there will be some sort of discussion and evaluation of the process so that we don't have to be in fix mode again in a perfect world.

Mr. Applegate stated that he has mentioned that exact same comment to everyone involved and he thinks that now they can review it to see how to get better and how to best prevent these scenarios in the future.

Dr. Knable said that he had two quick recommendations. He stated that although he had his reservations about city hall project, he thought one of the greater elements of that contract was that this is the price and the contractor is on the hook for any overruns. He said that is great to have in a contract if you can get it. He said secondly, if you have an expenditure that is approaching \$1M, feel free to try and table an issue and have an emergency meeting of the council if our meeting is desired or required on something like that.

Mr. Applegate said that he will bring those two recommendations up at the redevelopment meeting.

Dr. Knable stated that we should always try to get warranty on the work as well because if you have something caving in 18 months after the ribbon cutting, that is troublesome.

Mr. McLaughlin stated that getting a guarantee from the contractor will be a bit hard in this part of the state being so close to the river. He said it would have been nice if they could have done that with Cherry Street, Old Vincennes or Bono Road.

Mr. Applegate stated that he feels they did a really good job from when the problem was found to getting the problem addressed and getting the issues fixed. He said that he feels very confident in the way those items were handled.

Dr. Knable stated that he agrees safety is number one but unfortunately that money is not going to be available now for other projects.

Mr. Applegate stated that is very true but it was beyond their control.

Mr. Turner stated that he disagrees that it was handled correctly after looking at it. He said that he has the field report from S&ME and on July 20th they wrote the following: Existing base pavement was observed to be not uniform depth, areas identified as unfit for paving were excavated deeper and additional asphalt pavement was placed. Fully loaded tri-axle trucks were observed to damage the existing sub-base and the HMA pavement after placement. Due to traffic conditions and paving operations, further damage could not be mitigated by the contractor. He stated that it also says that S&ME informed Josh with Temple&Temple and Larry McIntire. He said that if they wanted to do this right from the very beginning, they probably should have stopped at 9:00 a.m. on July 20th and said hey, pump the brakes because we just got into something bad and we need to stop and reassess. He stated that they went on for three days from Charlestown Road to Garretson Lane and that cost \$350,000.00 or whatever. He asked what it would have cost to stop and reassess.

Mr. Applegate stated that did not cost \$350,000.00 and he doesn't know what Mr. Turner means by that.

Mr. Turner stated that he thought Mr. Applegate said it was \$350,000.00 with all of the credits and everything. He then asked who said to keep going at 9:00 a.m. on July 20th. He asked if it was Temple & Temple or B, L & N. He said he thinks that is the major question there because they just kept going and when he went out to talk to some constituents and made a big deal, that is when they started doing subgrade and treating the subgrade.

Mr. Applegate stated that when they got into the road, which was little before the July 20th date, they found out there were issues and that's when they called S & ME to come

out and look at the ground so that is when the problem was first addressed. He said that when Mr. Turner sent the emails to INDOT, that was almost two weeks after all of that had been laid and they worked on the portion from Garretson Lane to the school to get it fixed. He stated that those decisions had already been made on their part. He said that if we just would have stopped and then figured it out, there would have been no way for traffic to access that road when it was just dirt. He added that the road was open before all of the fixes were done because that pavement was laid and if we would have just stopped, the road would have potentially been shut down for three weeks and we had school starting and things like that. He stated that there were some other items in that decision to get pavement laid on the road so it could be used until they could go back and figure out exactly the process to fix it.

Mr. Turner stated that he can tell him that it is quicker and cheaper to rework ¼ mile of a road than reworking ¾ mile of a road. He then asked if Temple & Temple made the decision to keep going or if it was B, L & N.

Mr. Applegate stated that he is sure that he could reach out to redevelopment or put a request in through the city for that. He also stated that when you get into the who made the decisions for this and that, everything is not form fitting with a piece of paper.

Mr. Turner stated that with the rework, why would we reward more money to the company that did this massive job on Slate Run Road. He said who made this decision is the \$676,000.00 question.

Mr. Applegate stated that a lot of these decisions are things that had to be done with piping, etc. prior to this roadway. He said that we want to compartmentalize down to that \$300,000.00-\$325,000.00 range because if we want to talk about who made these decisions, then we need to talk about the right number to fix that road right.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

COMMUNICATIONS PUBLIC:

COMMUNICATIONS PETITIONER:

INTRODUCTION OF RESOLUTIONS:

COMMUNICATIONS PUBLIC:

COMMUNICATIONS PETITIONER:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Ms. Leslie Townsend, 4107 Royal Oak Drive, stated that she wanted to talk about the apartment building that was approved off of Mel Smith Road and Grant Line Road. She said that she was very disheartened to find out recently that there have been apartments approved on Mel Smith and Grant Line roads. She stated that she thinks that what put it over the top was that Mr. Receveur wanted to contribute \$100,000.00 to possible road construction that would need to take place at that spot. She also stated that it concerns her that she lives in the county and can't vote for any city council members because the city council approved the zoning change and Mr. Receveur misled all of them. She explained that he stated that he spoke with the neighborhood 12 times and she wasn't notified one time of any meetings nor were any of her neighbors. She stated that he said he went door to door and visited all of the people in the neighborhood and she and her husband have been working at home since March 12th and not once did anyone knock on their door or leave them a message to call about an apartment complex. She said that he very much misled the city council which makes her review his integrity, and the council

believed him and thought that we were all in favor of this project. She stated that they are adamantly opposed to the apartment complex so much so that two other apartment complexes have been proposed at Mel Smith and Kamer Miller roads and the city council's room was overwhelmed by 150+ residents arguing that they not be built. She said they are against this due to water issues and traffic. She stated that she spoke with Mr. Turner and he told her that they were notified by something being put in the paper and the last two times they were notified by a stick in the ground and a sign, so this time they had nothing. She said that not everyone reads the paper so that is not sufficient and they are all feeling very disheartened that the city council made a decision for all of the homeowners in that subdivision. She also said that she does not know Mr. Receveur but every time she brings up his name, kind things are not always said and that goes hand in hand with how he misled the council. She stated that she knows that nothing can be done now but she will make sure that Mr. Receveur follows through with everything that he has said he will do. She also stated that she just wanted the city to know that Floyd County residents are very upset with the approval of this project.

Ms. Veronica Ingram, 3021 Alyssa Court, stated that she is representing all of McQuery Estates as acting President. She said that they have not, at any point, been notified by Mr. Receveur and she is not sure that he will do all of the things that he has promised but hopes the city will hold him to the fire on those things. She stated that no one in her small neighborhood wishes to have that at the end of the street along with the very busy intersection at Grant Line Road and Mel Smith Road.

Ms. Rebecca Dejarnnat, 4101 Kamer Miller Road, stated that she recently moved to New Albany from Louisville and she did so because she felt it was a safe neighborhood. She said that she lives right at the intersection of Mel Smith Road and Kamer Miller Road and recently when her mother passed away, she got custody of her sister who is mildly autistic. She stated that she sits on her front porch a lot and is seeing things that really concern her and then when she heard they were going to build some apartments; she knew it was going to get worse. She said that people run the stop sign all of the time as well as speed. She stated that she is retired and was never contacted about any apartments, has never seen any kind of a sign and no one has knocked on her door. She said that with these apartments there is going to be more traffic, more accidents and she worries about pedestrians walking the road being injured. She stated that she just wanted to let the council know that as a new person to the community who moved here because she thought it was going to be safe and quiet, it is not going to be what she thought because of more people using Mel Smith Road. She said that she doesn't receive the paper but she does read it online and listens to the news everyday so she was surprised that she never heard anything about this project. She also said that she doesn't know what the additional things are that Mr. Receveur is going to do but she hopes there is some tracking in that process.

Ms. Vicki Sheppard, 4200 Mel Smith Road, stated that there are several reasons that she is opposed to the passing motion of the apartments on Mel Smith and Grant Line roads. She said that she will focus on traffic and establish how the New Albany Plan Commission and the New Albany City Common Council have been misled in passing the motion for the approval of the apartments. She explained that at the June 16, 2020 meeting of the New Albany Plan Commission, many of our residents spoke in opposition regarding traffic congestion and traffic safety. She said that at that meeting, the applicant's attorney, Mr. John Kraft, said that there has been a traffic study performed on the property and he also said that traffic study was completed prior to COVID-19. She stated that as a homeowner on Mel Smith Road since 1977, she spoke at the June 16th meeting and requested a copy of the traffic study and did not receive any information regarding this. She said that at the city council meeting on August 3rd Mr. Caesar said that he was surprised that there was not a traffic study done on this project and he was going to push for one right now because he does have some grave concerns. She stated that was a contradiction of what the residents were told and what was stated at the June 16th meeting regarding a traffic study having been done, therefore, she believes the common council was misled and misguided. She said that in the minutes of the city council meeting on August 20, 2020, Mr. Receveur stated that he has probably had a dozen meetings with the neighbors and in July he went door to door to all of the

neighbors in Royal Oaks and on Mel Smith Road and showed them preliminary plans. She stated that this absolutely did not happen. She said that Mr. Receveur also stated at the August 20th meeting that they never moved forward with doing a complete traffic study because after they got the counts and went to INDOT and KIPDA and started looking around, they found that traffic literally has been almost stagnant on Mel Smith Road for the last seven years. She stated that KIPDA's last traffic study was in 2013 and those numbers cannot be compared with a traffic study that has not been done for this project. She said this is another blatant misrepresentation to the council by Mr. Receveur and his team. She also said that because of misrepresentation and misleading of facts from these three meetings, the residents are asking for the motion to be rescinded.

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:12 p.m.

Bob Caesar, President

Vicki Glotzbach, City Clerk