

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,  
HELD A REGULAR COUNCIL MEETING VIA ZOOM.COM ON MONDAY,  
MARCH 1, 2021 AT 7:00 P.M.**

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

**ALSO PRESENT:** Amy Stein, Josh Staten, Linda Moeller, Warren Nash, Shane Gibson 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 Regular Meeting Minutes for February 18, 2021, Mrs. Collier second, all voted in favor.

**COMMUNICATIONS – COUNCIL:**

**Mr. Caesar** stated that towards the end of last year he was talking with the sewer department and they are ready and willing to come and give an update on what is happening in the sewer district in New Albany. He said that whatever they need to do to get that scheduled, he wants to make it happen.

**Mr. Phipps** stated that they will take a vote on that a little later in the agenda.

**Mr. McLaughlin** stated that the vaccines are really coming along and he thinks that the third vaccine coming in is really wonderful. He then stated that we had about 3.56 inches of rain and the river is going up and right now it is up to about 60+ feet on the lower gauge. He said that his whole backyard was covered with water and his basement got a little in it. He stated that he doesn't have a finished basement but they do have a lot of items down there and it was a real pain. He said it was a pain for a lot of other people so we will probably hear about that for some time to come. He then reminded everyone to be diligent with their masks and everything and keep doing what they have been doing. He stated that Dr. Knable could probably reiterate that the number of cases of the flu is down because people have been masking. He said that he did lose a friend a few weeks ago due to COVID so he wants everyone to get their shots.

**Mr. Turner** stated that he noticed on Facebook today that the Homeless Coalition of Southern Indiana and the Salvation Army are partnering together to do eviction prevention. He thinks it is a good idea that the council members know that is going on in case some of their constituents need some help. He said that they are open Monday-Friday, 10:00 a.m. – 4:00 p.m. and their phone number is 812-913-5173. He added that they are doing eviction and/or housing instability. He stated that Liberty Place is celebrating their 2<sup>nd</sup> year and they do a ton of great stuff with our veterans, especially homeless veterans, and he is proud that they are in New Albany. He then stated that he knows that we had torrential rain yesterday but the folks back on Silver Creek Drive have had some pretty major flooding with this rain. He said that he has been bringing this up

for about a year now and he did send an email to Mr. Chris Gardner yesterday. He stated that the problem he is seeing back there is that there is some existing drainage but it is very old and hasn't been maintained over many years and has completely failed. He said that he has gone out there in a normal rain and there are drains that have standing water on top of them. He stated that one thing he has noticed recently is that the neighbor who tried to get a garage built on his property wasn't allowed to move forward because of the way the water drains back there. He added that he is not sure if it failed the perc test or if it had something to do with the composition of the soil or water table. He stated that it is something that should probably be prioritized and he would like to know if there is a plan going forward. He then asked Mr. Gardner if there is any plan going forward so that these neighbors can get some type of relief.

**Mr. Gardner** stated that they received the messages from the neighborhood and they are discussing internally how to proceed.

**Mr. Turner** asked if there have been any communications out to the community to let them know that it is being worked on. He said that he could probably do that as well.

**Mr. Gardner** stated that this although this is a neighborhood that Mr. Turner is very concerned about, this isn't the only neighborhood that has such issues in the City of New Albany so they are looking from a macro level at what is appropriate and fair citywide.

**Mr. Turner** said that he understands.

**Mr. Blair** stated that he doesn't think that the council has to take a vote about the sewer presentation because it is in our city code that the sewer utility and the storm water department provide an update annually to the city council. He also stated that the last time they had a sewer presentation, it was very lengthy and detailed and he would suggest asking more for highlights of what is going on instead of some of the details that were provided last time. He then said that he agrees with Mr. Gardner that there are storm water issues throughout the city and that is why during the budget sessions, we have one specific tax for flood water. He stated that he thinks the plan of the administration was to use all of that \$2M appropriation for riprap on the flood wall. He said that at the time, there was some discussion that maybe we could use some of it for that purpose and some of it for just normal drainage and storm water repairs throughout the city. He told Mr. Gardner that whenever they come up with their plans in their internal discussions, he wants to encourage them to use some of that funding that comes in from the taxing district for things outside of the floodwall. He then stated that he believes the last time they received budget to actual reports they were for October 2020 and asked Mrs. Moeller when she plans to update the financial statements for them.

**Mrs. Moeller** stated that the 2020 year has finally been closed out and all of their reporting obligations have been fulfilled. She said she hopes if she can get all of the copies made tomorrow for the month of December, then they will receive the end of the year and if possible, she is hoping to do January as well. She stated that she is going to make sure that they are finished with January and can release it and if they are, she will give December and January at the same time.

**Mr. Blair** stated that he appreciates that and as far as he is concerned, she can skip November. He also stated that there were three line items in EDIT that he asked for specific detail on and if he could get those details, he would appreciate it.

**Mrs. Moeller** stated that she will get that information.

**Mr. Aebersold** stated that he saw the pictures in the email that was sent to them and that is a very troubled area with water and he is hopeful that the city will help them out. He

said that he is sure it is on their agenda along with some other issues. He then said that he wanted to comment that Sunday morning at around 10:30 a.m. he did see one of the city trucks out cleaning the drains up on Elm Street, so he just wanted to say that they are working and he appreciates what they are doing. He stated that he has two sump pumps in his basement and his back and side yards were full of water and his side yard still has water in it. He said that New Albany is in a sinkhole so it is all over everywhere but he is sure that the city will help these people out and get it taken care of in the future.

**Mr. Applegate** stated that he just wanted to remind everyone to be accountable for themselves and make sure to wear masks. He also wanted to congratulate those who have been vaccinated. He then stated that there is a lot of moisture in the ground right now so if anyone has trouble, he asked that they reach out to the city because they do great work. He also stated that it makes it nice when all hands are on deck and he appreciates them all.

**Dr. Knable** stated that with regards to Mr. McLaughlin's comment, the mask is one variable for sure with regards to reduction in the flu season but also, we have all socially isolated a great deal and are not out and about as much so he thinks that is part of it as well. He encouraged everyone to get their vaccines. He then asked Mr. Turner if they have not extended the inability for evictions to take place for another six months or something like that or are there some evictions taking place under the radar of the COVID relief packages.

**Mr. McLaughlin** stated that he thinks the extensions happened.

**Dr. Knable** said he thought so too and he is curious to see if anyone has spoken with any of the state legislatures or federal reps about some kind of relief for the landlords because if they don't get money then they can't make their mortgage payments either. He stated that he has been trying to initiate some discussions on that. He told Mr. Gardner that he appreciates the need for internal discussions but the representatives of the council are the interface with the population on this so at some point, they would like to have something publicly that they can discuss with them. He also told him that if he needs more money to let them know because he would be more than willing to put more funds towards infrastructure if asked to do so. He then asked Mr. Gardner if we look at the sinkhole that Mr. Aebersold described, how is it different in 2021 versus 2011 versus 2001 and are those differences primarily manmade or nature made.

**Mr. Gardner** stated that the answer to that is not very simple. He said that as the community has developed over the years, requirements that took into account natural occurrences such as rain events really didn't take place until late 1990s and early 2000s. He stated that these items turned to retention basins, detention basins and things of that nature and prior to that, they just weren't practices. He said that is not just the City of New Albany, it is communities throughout the Midwest and throughout the nation.

**Dr. Knable** asked if we have to reverse some of our practices and not look to resolute in development and look to new technologies such as permeable pavement or leaving some areas that we are taking down for open green space. He also asked if we are doing things for the best interest of the community when we continue development without looking from a God's eye view and say we are taking one-tenth of one percent of land area over here and paving, so do we need to try to compensate for that elsewhere.

**Mr. Gardner** stated that those questions would require very complicated answers and he just doesn't have those in a shortened version tonight. He said that he thinks what would be appropriate here is that the internal discussions they are having is updating current masterplans for storm water because they are over 10 years old. He stated that there has

been a lot of research and development in the last 10 years in regards to storm water and drainage runoff.

**Dr. Knable** stated that what he wants to hear tonight and what the people that have written in want to hear is that all of these reports are being pooled together and being taken into consideration with regards to the masterplan that we are going to be seeing at some point. He said he is not looking for anything tonight but they received a lot of calls from all over the city and his hope is that they are all being catalogued and looked at very carefully and diligently and at some point, that masterplan will be made public.

**Mr. Gardner** stated that the answer to that question is yes. He said that's why he encourages all council members to please encourage constituents to call the office so that they can appropriately log and catalogue those so when they go into the planning standpoints, they can have those areas identified.

**Dr. Knable** then stated that they if they can get out ahead of the paving season rather than later with regards to requests, that would help get some of the worst areas paved this year.

**Mr. Phipps** stated that he didn't really have anything new to add that hadn't already been mentioned. He commended the street department on the good job they did cleaning out the drains on Sunday morning. He said that residents can help out a little in that regard as far as when they see leaves in the gutters and drains in front of their homes, they can just take a rake and scrape them away. He also said to be cautious about blowing leaves into the right-of-way which can stop up the drains. He stated that this was a phenomenal rain that we had but we can all do our part to help out. He said that he would concur with those who mentioned wearing the masks and to continue that because the numbers really are looking good at the national, state and local levels. He stated that we can see light at the end of the tunnel but it's important that we continue to wear our masks until we are all vaccinated and it's safe to remove them. He said it is his hope that by the end of the year we may be back to normal and certainly hope that by early to mid-summer, we can have our meetings in person again.

#### **COMMUNICATIONS – MAYOR:**

#### **COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:**

**Mr. Staten** stated that he wanted everyone to be aware that both the Department of Child Services and the BMV are moving to Colonial Manor. He said that the Department of Child Services actually opened today and the BMV should be opening tomorrow so their particular suites are done and they are in service. He stated that it has been a great project all around and he is really excited because those are two offices that certainly serve a large portion of our community. He said that he thinks it is good that everyone knows that they are now located in that particular center.

**Mr. Phipps** asked if they are going to upgrade the traffic signals at that intersection because he knows those are quite old and with more traffic coming in and out of there, they probably do need some degree of upgrade.

**Mr. Staten** stated that he would look into that and see if he can get an answer on it. He said that obviously as that center becomes fuller, especially with a lot of people coming and going, the traffic counts will go up. He also stated that you will likely see a lot of residual investment not only in that center but up and down the corridor with various restaurants and shops, etc.

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

**Mr. Phipps** stated that he thinks Mr. Blair was right when he mentioned earlier that we don't need to take a vote on having Mr. Wilkinson come to the next meeting to give an update on the sewer utility, but wanted to ask if anyone has any objections to him coming to the next meeting. He then asked Mr. Wilkinson if he is available to attend the March 18<sup>th</sup> meeting.

**Mr. Wilkinson** replied yes.

**Mr. Phipps** stated that he would also concur with what Mr. Blair said earlier about the length and detail of the last report. He said probably a bullet point type of presentation with just the main points would be sufficient and if someone wants more detail, you can always provide that to them.

**Mr. Wilkinson** said he can make that happen with a smaller profile of information.

**Mr. Phipps** stated that he could just include the main projects that they have been doing.

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES:**

**READING**

**INTRODUCTION OF RESOLUTIONS:**

**BOARD APPOINTMENTS:**

**COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):**

**Mrs. Glotzbach** stated that she received two emails and forwarded them to each councilman because one included pictures of flooding in their neighborhood and one included a video of flooding in their neighborhood. She first read an email from Ms. Marilyn Lewellen regarding flooding in the Silver Creek Drive/Colonial Drive neighborhood. Said email is on file in the city clerk's office. She then read an email from Mr. Robbie McConnell regarding flooding in the same neighborhood. Said email is on record in the city clerk's office.

**Mrs. Leslie Townsend** stated that she just wanted clarification on the zoning approval that was given for the apartment complex at Grant Line Road and Mel Smith Road. She said that it was her and her husband's understanding that the zone change was approved with the knowledge that there would be a traffic study completed. She stated that they noticed that they have started clearing the lot, but have not noticed a traffic study at all and they drive it all of the time. She said that they reached out to Mr. Larry Summers and his response was that based on the planning and zoning office, Mr. Receveur submitted a traffic study for the zone change so no further study was required. She stated that they were on numerous city council meetings and the council approved the zone change with the knowledge that Mr. Receveur would contribute \$100,000.00 and that there would be a traffic study completed. She said that Mr. Summers stated that the council approved it because they saw a traffic study, but that is not what occurred and the council said that he would have to complete one. She stated that they have never seen one completed. She also stated that Mr. Summers said that Mr. Receveur is required to coordinate with his office and the office of the county engineer for intersection improvement requirements. She said if there are improvements, they think they should be done before the apartment complex is put in because there will be major traffic issues if not. She stated that they would just like clarification on this.

**Mr. Phipps** stated that the minutes will have to be checked to see what was actually agreed upon and they will also have to check with zoning and the city engineer on that.

**Mrs. Townsend** stated that they would appreciate that because they do have copies of those minutes and the council approved it with the knowledge that a traffic study would be completed before building of the apartment complex could be commenced and there has never been a traffic study completed. She added that she is sure the council wants Mr. Receveur to abide by the reasons for changing the zone and she would think that he would be required to fulfill that requirement.

**Mr. Phipps** stated that they will check into it and get back with them on it.

**Mrs. Townsend** asked how they will get back with them.

**Mr. Phipps** asked her to send their contact information to the city clerk and she will forward it to them.

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 7:43 p.m.

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Greg Phipps, President

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Vicki Glotzbach, City Clerk