

**A MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WAS HELD IN THE THIRD FLOOR ASSEMBLY ROOM AT THE CITY/COUNTY BUILDING ON TUESDAY, APRIL 16, 2019 AT 10:00 A.M.**

**PRESENT:** Cheryl Cotner-Bailey, member, Mickey Thompson, member and Warren V. Nash, president.

**OTHERS PRESENT:** Chris Gardner, Bryan Slade, Police Chief Bailey, Assistant Police Chief Fudge, Fire Chief Juliot, Fire Marshal Koehler, Larry Summers, Russ Seagraves, Sidney Main, Jessica Campbell, Shane Gibson, Alicia Meredith, Krystina Jarboe, Linda Moeller and Vicki Glotzbach

**CALL TO ORDER:**

**Mr. Nash called the meeting to order at 10:00 a.m.**

**PLEDGE OF ALLEGIANCE:**

**BIDS:**

**NEW BUSINESS:**

**1. Jonathon Rose/Tim Mattingly with Spectrum re: Solicitor's permit**

**Jonathan Rose**, Residential Sales Manager for Charter, he explained that a couple of weeks ago one of their representatives were ticketed for soliciting and it is the first time they have ever been ticketed. He stated that he would like to get permits approved by the board for their 60 representatives that work around the city. He explained that they want to operate peacefully and legitimately within the franchise agreement that they have with the city which is 3%. He added that they don't want to upset residents and want to ensure the board and the residents that their safety is of the utmost importance. He explained that their employees are branded and wear shirts with their logo and carry identification as well so that there will not be any confusion as to who they represent.

**Mr. Nash** stated that he is glad that they are here because people have been going out in their name for several years without any of the identification that they are talking about and the City has had many complaints about the company.

**Tim Mattingly** stated that their company was purchased by Spectrum so he can't speak to the earlier Time Warner/Insight days but for the last three years their employees are required to be branded when they are out and if they aren't they are operating outside of company code and wouldn't be employed for very long.

**Mr. Rose** stated that their competitors are out there selling to the community and are not adherent to the same rules and standards that their company has. He added that if there are some subcontractors that are trying to represent them but unless they are branded reps they aren't under the Spectrum purview.

**Police Chief Bailey** stated that he appreciates the fact that they have come to the meeting to address these issues. He explained that Mr. Nash is referring to ongoing problems with solicitor in general and not just with Spectrum. He stated that he would recommend that the board resist approving any solicitation because of these ongoing issues and the fact that they would be going to non-customers.

**Mr. Nash** asked them if they have a copy of the solicitor's ordinance.

**Mr. Rose** stated that he has seen it online and it does mention a permit application which is something he wasn't aware of. He added that he is sorry to hear that there have been grumblings in the community about the relationship and that is why he is here today to see what can be done about that going forward. He stated that they are a part of this community with several hundred employees in southern Indiana and they want to operate peacefully.

**Mr. Nash** stated that he has mentioned franchise fees several times and he doesn't see any correlation between that and soliciting.

**Mr. Rose** stated that generally their competitors don't pay these fees and the franchise agreements usually exempt them from local solicitation ordinances. He added that even when that is the case they still follow the proper application procedure and pay for permits. He stated that he doesn't know of one community where they are absolutely not allowed to solicit in the state of Indiana or Kentucky.

**Mr. Mattingly** pointed out that they do not knock on doors or neighborhoods that have "no solicitations" posted.

**Mr. Rose** stated that they also have a "do not market" list that they update.

**Mrs. Cotner-Bailey** asked if they are able to market their product in other ways besides knocking on doors.

**Mr. Rose** replied certainly but a person to person sale has always been the most effective and give the company the added benefit of being out in the community and to address small issues on a day-to-day basis in a pro-active way.

**Mr. Thompson** stated that is the same things that their maintenance representatives do.

**Mr. Rose** stated that it is correct but they are addressing issues that they know of, not issues that could become bigger problems.

**Mr. Nash** asked if there is something in the ordinance that they are exempt from.

**Mr. Mattingly** stated that they came to the meeting because they read the ordinance and it looked like there was permit process.

**Police Chief Bailey** stated that coming before the board is actually the application process but he still recommends denying the request.

**Mrs. Cotner-Bailey** stated that she feels like the concerns about going door-to-door outweigh the positives.

**Mr. Thompson** stated their ordinances says that solicitation is unlawful without the consent of the resident and he doesn't know how they would be able to get that if they are knocking on doors of those individuals that aren't current customers.

**Mr. Rose** stated that generally they are exempt from those solicitation laws.

**Mr. Nash** asked Mr. Gibson if he had anything to add.

**Mr. Gibson** stated that the ordinance states that they apply through this board for approval or modification of parameters. He added that he will have his office put together an application.

**Mr. Thompson moved to deny the permit request, Mrs. Cotner-Bailey second, motion carries.**

2. Vectren re: Cut permits for 1715 E. Market St (15871944) – 9’ x 15’- sidewalk cut, 2405 Mary Ann Dr (16381993) – 4’x9’ sidewalk cut, 64 Valley View Court (16720319) -4 ‘x3’ sidewalk cut, 1745 Klerner Lane (16713975) – 4’x4’ street cut. Work has already been complete on 2209 State St (15121037) – 4x5 sidewalk cut, 7x12 street cut = 104 sf, 528 State St (16388328) – 5x11, 6x14 and 4x4, 3x3 street cuts=164 sf, 2212 State St (15121037) – 5x5,5x11 sidewalk cuts=80 sf, Monon Ave @ Jolissant Ave (16282647)- 6x8 street cut=48 sf, 910 Old Vincennes St (15848571)- 4 x 11 and 4 x 6 street cut=68 sf, State St @ E Oak St (16388328) – 4 x 7 street cut=28 sf

Mr. Thompson stated that he reviewed these when he received the packet and most of them were done when

Mr. Thompson moved to approve the above cut permits, Mrs. Cotner-Bailey second, motion carries.

3. Julie Holst re: Request for a street cut to tap into sewer on 16<sup>th</sup> Street

Ms. Holst requested a cut to tap into the sewer on 16<sup>th</sup> Street where they are building a new home. She explained that they have not been able to locate the main yet so they wanted to apply for the cut in case they can’t find it.

John Shepherd stated they have been working with Mike Cook and have been in contact with the street and wastewater departments during the process.

Mr. Thompson moved to approve subject to his review, Mrs. Cotner-Bailey second, motion carries.

**COMMUNICATIONS – PUBLIC:**

Mr. Matt Hines, United Consulting, reported the following:

**MT TABOR RD RECONSTRUCTION**

**Last Week**

- #53 stone road base passed LWD testing and proofroll after undercuts
- Installed curb and gutter for Phase A North lane between Klerner and the West Church entrance
- Installed two lifts of Borrow fill North of Curb and Gutter where sidewalk and handrail will be installed
- 6 Inch Concrete Driveway:
  - Excavated to subgrade, undercut bad material, installed Subgrade Treatment Type II (6” of #53 stone), passed LWD testing, and placed concrete at 1017 Mt Tabor Rd
- Permanent Seeded, fertilized, and strawed NW, NE, and SE corners of Charlestown Rd
- Installed underdrain for Phase A South lane between the West Church entrance and W Oakwood
- Installed 4” QC/QA Base asphalt in the Phase A North lane between Klerner and the West Church entrance

**This week**

- Install 2.5” QC/QA Intermediate asphalt in the Phase A North Lane between Klerner and the West Church entrance
- Install underdrain for Phase A South Lane between E Oakwood and W Oakwood
- Excavate and Install North Phase A Sidewalk
- Continue installing Phase A Driveways
- Install temp asphalt North of North lane in Phase C between Church and Grant Line Rd

**STATE ST SIGNAL MODERNIZATION 2**

- Notice to Proceed issued 4/10/19.
- Pre-Construction Conference held 4/11/19.
- Work to begin 5/8/19.
- Project Schedule to be received by 4/17/19.

**Larry McIntire, Beam, Longest & Neff, Slate Run Road** - reported that the contractor is still setting up and are working with the existing aerial utilities that are still there. He stated that they are moving equipment out, getting signs put up and they will be meeting with the City Engineer to address some maintenance of traffic and phasing options.

**Mr. Nash** asked if it will stay open for the foreseeable future.

**Mr. McIntire** replied so far.

**Mr. Nash** stated that they would like for them to keep it open.

**Derek Misch, Dan Cristiani**, passed a map for the request to close Fenwick Drive in front of 530 Fenwick Drive on April 18<sup>th</sup>, 19<sup>th</sup> or 20<sup>th</sup> from 9:00 a.m. until 5:00 p.m. He said that the map also includes a detour route.

**Mrs. Cotner-Bailey moved to approve the requested closure, Mr. Thompson second, motion carries.**

**Pat Hauersperger, Dave O'Mara**, presented a 5'X9' asphalt cut to repair a service leak at 1403 Locust Street and a 4'X12' sidewalk cut to repair a main leak at 3416 Jaffery Drive.

**Mr. Thompson moved to approve, Mrs. Cotner-Bailey second, motion carries.**

**Mr. Brandon Frazier, Jacobi, Toombs & Lanz**, reported the following:

- Grant Line Road (Daisy Lane To McDonald Lane):
  - The Contractor is working on asphalt patching of the storm sewer crossings and asphalt widening at Grant Line Road and Beechwood Avenue. They are also continuing grading for sidewalks.
  - Concrete curb & gutter is being formed and poured this week.
  - Utility relocations are caught up.
    - Duke Energy - DONE.
    - Vectren Energy - Remaining 8" gas main at Nelson Avenue will begin relocation soon, anticipated start week of 4/22.
    - Indiana American Water – DONE.
    - Spectrum/Charter – DONE.
    - AT&T – DONE.
- Old Vincennes Road Emergency Reconstruction
  - Roadway open for traffic.
  - Walkthrough held, working on project closeout.

#### **UNFINISHED BUSINESS:**

#### **TABLED ITEMS:**

#### **COMMUNICATIONS – CITY OFFICIALS:**

##### **1. Vicki Glotzbach for Elaine Snelling re: Noise exemption for party on Edgemont Drive**

**Ms. Glotzbach** explained that Ms. Snelling would like to have a birthday party at her residence at 112 Edgemont Drive on Saturday, June 8<sup>th</sup> from 5:00 p.m. until 7:00 p.m. and they anticipate 20-30 people in attendance. She said that they are going to have a band so Ms. Snelling is going to speak with all neighbors beforehand so they will be aware of the noise but she would like to request an exemption from the board.

**Mr. Thompson** explained that the exemption was intended for after-hours so it shouldn't be an issue.

**Police Chief Bailey** stated that she is asking for an exemption and he doesn't see where the City should get involved in any residential area so he would resist taking any action.

## **2. Shane Gibson re: 20 ft. Permanent Access Easement for Christ Tabernacle Church**

**Mr. Gibson** presented a request for a permanent access easement and explained that there is an alley that the City owns through the parking lot and the church would like to get more access along that easement that the City owns. He stated that they had asked about vacating that portion but he explained that need to maintain some kind of control since it is so close to the highway off-ramp, but suggested this permanent access easement.

**Mrs. Cotner-Bailey moved to approve, Mr. Thompson second, motion carries.**

## **3. Krystina Jarboe re: City Beautification Day**

**Ms. Jarboe** informed the board that the City Beautification Day will be this Saturday from 8:00 a.m. - noon but the start location has been moved to Bicentennial Park because Loop Island could be too wet to host after the rain this week.

## **4. Police Chief Bailey re: Extra patrols on State Street and Grant Line Road**

**Police Chief Bailey** stated that he will have extra officers available due to some congestion in the area from the overpass painting project.

**Mr. Nash** asked about Grant Line Road.

**Mr. Thompson** stated that they are also looking into adjusting the time to see if that will help.

**Police Chief Bailey** stated that there will be extra patrols there as well to help with congestion.

**Mr. Summers** stated that much of the congestion is from the bridge painting project and he has been in contact with INDOT. He explained that they are going to try to alter the signal timings for the ramp and the City may look at adjusting their signal timing as well.

**Mrs. Cotner-Bailey** asked if the bridge painting is slated to be finished on State Street by the end of this month.

**Mr. Summers** replied yes.

**Mr. Nash** asked if they leave the scaffolding up every night.

**Mr. Thompson** explained that it is tented off.

**Mr. Summers** stated that they leave it up because it would take too long to put back every day.

## **5. Mickey Thompson re: Signs at Chadwood Drive**

**Mr. Thompson** stated that he is going to meet Mr. Applegate out there to double check the locations of the signs.

**Mr. Nash** stated that he had a friend complain about the double yellow line.

**Mr. Applegate** stated that he hates to use good money on something that doesn't need to be done but he can talk with the entire neighborhood to let them know because they are looking to start a neighborhood association in the area.

**APPOINTMENTS:**

**CLAIMS:**

**APPROVAL OF MINUTES:**

**Mrs. Cotner-Bailey moved to approve the Regular Meeting Minutes for April 9, 2019, Mr. Thompson second, motion carries.**

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 11:00 a.m.

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Warren V. Nash, President

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Vicki Glotzbach, City Clerk