

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
HELD A REGULAR COUNCIL MEETING VIA ZOOM.COM ON MONDAY,
MAY 3, 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, Shane Gibson, Linda Moeller, Scott Wood, 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:

COMMUNICATIONS – COUNCIL:

Mr. Applegate moved to reverse the order of the agenda with the exception of moving the appropriation for 1 Southern Indiana to be the first item introduced, **Mr. Turner** second, all voted in favor with the exception of **Mrs. Collier** who was not present at that time.

Mr. Aebersold stated that he heard a concern with the weeds coming up between the bricks in the brick sidewalks downtown. He said that he was taking a walk earlier and noticed the same thing happening on the sidewalks at the high school. He wondered if the street department could do anything about the situation because it just doesn't look nice.

Mr. Blair stated that Mr. Gibson was going to do a follow up on some of the budgetary items that he had and asked him if he had that information for him tonight.

Mr. Gibson stated that he does.

Mr. Blair stated that he can go over the information during the city officials portion of the meeting.

Mr. Turner stated that he thinks they may need to amend the 24-hour parking in the city because he had received a couple of concerns with everyone working remotely right now. He said that he received the example of someone that works nightshift one night a week and then works from home the rest of the week and by Tuesday morning if they don't leave the house, they are at 24 hours because they didn't have to go anywhere. He feels that we are going to experience a lot more of that even after the pandemic is over because like with his job, he will probably not go back in the office unless he wants to or if there is a major meeting. He said amending the 24-hour parking is something they may want to look at in the future. He then stated that he is curious as to what our TIF assessed value is based on the percentage of net assessed value in the city and wondered if that is something that Mr. Gibson could share with him. He said that he will ask him that during the city official's portion of the meeting when he is answering Mr. Blair's questions.

Mr. McLaughlin asked Mr. Turner if he is getting any complaints about people being ticketed for parking over 24 hours.

Mr. Turner said that they have gotten a warning that they sent him a picture of so they are getting concerned.

Mr. McLaughlin stated that it seems to him that in order to get a ticket for that, you have to be parked somewhere for almost a week. He said that he hasn't had a problem in his area, but Mr. Turner is right that there are many more people working from home.

Mr. Caesar stated that he wanted to tell Mr. Aebersold to contact Mr. Mickey Thompson or Mr. Joe Ham as far as the weeds/grass growing through the brick sidewalks because they usually have a pretty good handle on that stuff.

Mr. Gibson asked that Mr. Aebersold direct that request to the street department because they actually log them into the system so that maybe sometime in the future, they can be put into a systematic process.

Approval of Council Attorney's Contract for 2021

Dr. Knable moved to approve the contract as amended, Mrs. Collier second, all voted in favor.

Dr. Knable moved to approve a 2% increase to her contracted amount, Mr. McLaughlin second, all voted in favor.

Mr. Phipps stated that he had a phone call with Ms. Stein last week and she informed him that this is her fifth year as serving as the council attorney and she also pointed out the in the past, the council usually appoints people for about a five-year period and then does a reevaluation. He said next year they may do a reevaluation and look at other applicants but that is not to say that they wouldn't renew Ms. Stein again next year. He stated that she provided her new contract that was in the packet for the council to review.

Ms. Stein stated that her contract is essentially the same as in years past and she appreciates helping the council.

Mr. Phipps stated that they appreciate having her.

Mr. Blair stated that he thinks she does a terrific job and he appreciates her taking them on.

Dr. Knable asked if there was a cost of living adjustment in her contract.

Ms. Stein stated that she kept it the same which is \$45,483.00.

Dr. Knable stated that he thinks there should be at least a cost of living added to that.

Mr. Blair stated that he thought in the budget hearings that they had built in a cost of living increase and he thought that was 2%.

Mr. Phipps stated that since the cost of living increase was mentioned, he has mentioned many times in the past that in their last year on the council they need to consider that for the next council to come on. He said that they should adjust it so that a cost of living increase is put in place for the four years that they have not taken raises. He stated that he just wanted to keep on everyone's radar that they need to address that in their last year.

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mr. Gibson explained that looking back on the MVH fund, the DLGF approved us on a \$1.8M budget, however, it was not ultimately the revenue we ended up getting or would have expected to get. He stated that he is not really sure why they approved such a large amount of money and his is going to have to look into that. He also stated that he can't remember the last time that we had a \$1.8M budget for MVH, so he will watch the revenue and make adjustments in various things. He said that is why those line items were probably not completely expended because the revenue would not have been there to support it.

Mr. Blair stated that we were about \$120,000.00 over budget on electric and asked Mr. Gibson if he knew why because that seems like it should be something easy to budget.

Mr. Gibson asked where that was.

Mr. Blair stated that it was in board of works.

Mr. Gibson stated that he didn't have that one done and he will dig back into it.

Mr. Blair stated that in the parks department there were two line items under contractual services and one was \$61,000.00 and the other was \$22,000.00 and he just wanted to know what work was done.

Mr. Gibson stated that he will check into those.

Mr. Blair stated that the last item was the amortization schedule for city hall.

Mr. Gibson stated that the schedule that Mr. Blair has is correct. He explained that he originally got an invoice from them that was off on the amount to pay, so those invoices were ultimately paid and he had to spend an hour or so with Mrs. Moeller to verify where we are at on payments. He stated that while the first couple of payments in the amortization schedule are kind of off, we are exactly now where we should be. He added that the schedule itself is correct.

Mr. Blair stated that he would like to see the new one that they sent him.

Mr. Gibson stated that he doesn't have a new one.

Mr. Blair stated that he doesn't have the one that Mr. Gibson has. He said that the one that he has is back from 2018.

Mr. Gibson stated that he will verify but that may be the same one that he has. He said that if it is different, he will get it to him.

Mr. Turner asked Mr. Gibson if he knew offhand what our TIF assessed value is as a percentage to the net assessed value of the City of New Albany.

Mr. Gibson stated that he does not know offhand and will have to get that for him.

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mrs. Collier moved to approve the Regular Meeting Minutes for April 15, 2021, Mr. Turner second, all voted in favor.

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-21-01 1st Appropriation

COMMUNICATIONS PETITIONER: A-21-01 1st Appropriation

**A-21-01 Ordinance for the Appropriation of Blair 3
Riverboat Funds for One Southern Indiana**

Mr. Blair introduced Bill A-21-01 and moved to approve the third reading, Mr. Turner second, all voted in favor. Bill A-21-01 becomes Ordinance A-21-03.

Mr. Blair stated that it is \$30,000.00 and is something that they have done annually. He said that it is membership dues for 1 Southern Indiana and we get two positions on their economic development board. He stated that the council has had 1 Southern Indiana here recently and saw the benefits and the value that they are adding and he thinks it is well worth the cost to be supporting them. He then asked Mrs. Moeller if she could cut the check pretty quickly to them if this is approved tonight because their fiscal yearend is at the end of this month and they want to get the revenue into this year's financials and this year's budget.

Mrs. Moeller stated that as long as the ordinance is passed tonight and signed by the mayor then she can get right on it with DLGF. She added that she can't cut the check until DLGF approves it, but thinks that she will be able to do that by the end of the month.

Mr. Aebersold asked if we have representation on their board.

Mr. Blair stated that they have one from the city which is Mr. Josh Staten and then one from the council.

Mr. Applegate stated that it is on their economic development division board, not the actual board of 1 Southern Indiana.

INTRODUCTION OF RESOLUTIONS:

COMMUNICATIONS PUBLIC: R-21-05 MP Global Products, LLC

COMMUNICATIONS PETITIONER: R-21-05 MP Global Products, LLC

**R-21-05 Resolution Concerning Statement of Applegate
Benefits for MP Global Products, LLC by the
Common Council of the City of New Albany**

Mr. Applegate introduced R-21-05 and moved to approve, Mrs. Collier second, all voted in favor.

Mr. Applegate stated that overall, this is great for the City of New Albany. He said that this is an existing building that was vacant that will now have life to it. He explained that this is their third manufacturing facility and they manufacture recycled cardboard, insulation packaging and floor underlay. He stated that this will bring 53 new jobs to

New Albany with over \$2.2M in annual payroll which roughly breaks down to over \$41,000.00 per employee, which is what our household income is in our area. He said they are great wages for our community and the IEDC offered up to \$500,000.00 to assist in this and we are offering a five-year personal property tax abatement on approximately a \$3.6M investment on equipment.

Ms. Sierra Enlow, McGuire Sponcel Credits & Incentives, stated that Mr. Reid Borgman was on the call with MP Global and is the Chief Operating Officer. She said that he is pretty excited to come to New Albany. She also said that this project was competitive and they looked at multiple states in the south. She thanked everyone for their support in helping win this project for the region because it certainly went a long way both from your local community and 1 Southern Indiana. She thanked the council for their local financial support. She stated that one of the things that was attractive about New Albany was your existing employers' willingness to help to support this project in terms of providing information on the community and culture. She also stated that MP Global is a packaging insulation product and then there is a floor underlayment product. She said that this is primarily going to be the curbside recycling packaging material that they make.

Mr. Reid Borgman, MP Global, thanked the council for giving them the opportunity to expand their operations and come to New Albany. He said that they are really excited about it and are looking forward to having the plant up and running come quarter 4 and staying there a very long time. He stated that he appreciates everything that was done to make them feel welcomed. He said that he has been here five times and feels that it is his second home already, so he is really looking forward to it and his entire team is ready to get cracking.

Mr. Caesar thanked them for coming to New Albany and stated that 53 jobs is going to be wonderful for our community. He then asked if there will be any kind of outside storage that they will need for this facility.

Mr. Borgman stated that they will be able to store everything inside.

Mr. Turner stated that he wanted to thank them and welcome them to New Albany. He said that he did read on their website that they have small town values and global scale thinking and he thinks that matches with a lot of the manufacturers in the area. He also said that for his career he works for Samtec and they are global, so he does want to welcome them to that part of the neighborhood as well. He thanked them for choosing New Albany and looks forward to having a tour one day.

Mr. Borgman stated that he would welcome everyone to come whenever they want to take a tour.

INTRODUCTION OF ORDINANCES: (CONTINUED)

READING

COMMUNICATIONS PUBLIC: Z-21-01 PUD for 4917 Grant Line Road

COMMUNICATIONS PETITIONER: Z-21-01 PUD for 4917 Grant Line Road

Z-21-01	Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV Chapter 156 (Docket P-02-21: Patoka Capital, by Gary Joy requests a Preliminary Planned Unit Development to permit an assisted living/senior care facility in the LDR, Low Density Residential district at 4917 Grant Line Road.)	Applegate 1&2
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Mr. Applegate introduced Bill Z-21-01 and moved to approve the first and second readings, Mr. Blair second, all voted in favor.

Mr. Applegate stated that this is located just north of Grant Line Elementary and just south of Blackberry Ridge Subdivision and it is through Patoka Capital and Mr. Gary Joy is on the meeting today. He explained that originally this was owned by someone who had a PUD and it was set for 186 units, but it never got built and then it expired and changed hands. He stated that the new owner is proposing 99 units with 83 being assisted living units and 16 being elderly independent units. He said that there is a nice transition from where you have a school to assisted living and then an actual subdivision of homes. He stated that in the plan, the commission mentioned a barrier of greenery between the houses and the development. He also stated that we are becoming an older community and there is a strong need for assisted living and especially elderly independent living, so we appreciate that Patoka Capital would look at investing in our community.

Dr. Knable asked if they have any figures on how much the anticipated traffic dropped when it dropped from 186 units to 99 units and also considering the type of development that it is. He said that he assumes it is a lot less, which is great for that area especially with the sight lines and trouble that we've had in that area out there.

Mr. Wood stated that the numbers he has seen are about a 60-70% difference especially because what was approved there earlier was kind of focusing on IUS and young married students. He said that there would be a lot more trips there than with an elderly population. He also said that when the neighbors heard that it was going to be elderly housing, there was a great deal of happiness.

Mr. Caesar explained that he is glad to hear that there is less going in there but he thinks it is very interesting that in front of Hausfeldt Lane and IUS, it is four lanes and after you pass Klerner Lane, it goes down to two lanes and the speed limit is still 40 mph. He stated that all of those houses on the right have to come out on the road and there is a lot of development coming in the future, so he thinks it would be a good idea to lower the speed limit from Klerner Lane to Barack Obama Way to 35 mph. He said he knows that needs to go before the board of works and asked Mr. Wood if they have thought about that at all.

Dr. Knable added to Mr. Caesar's point by saying that though there may be fewer drivers, their reflexes may not be as nimble as a 35-40 year old, so he just wants to make sure that entry and exit ways were well thought out to those parameters.

Mr. Wood stated that as to the entrance, they are requiring an acceleration and deceleration lane and the city engineer is requiring a turn lane. He said that it does get a little complicated because there is St. Joe Station that intersects where the proposed entrance is, so depending on the PUD getting approved, they will have some more engineering to do to get that taken care of. He stated that the speed limit is clearly a function of the of the board of public works and safety and Mr. Summers will be looking at travel speeds there to see what difference 35 mph versus 40 mph makes and pass his judgment on that. He said that he will certainly pass it along to Mr. Summers that he should consider that.

Mr. Caesar thanked Mr. Wood and said that his concern is for those residents that actually live on that stretch of road.

Mr. Blair asked what the different stipulations are that make this a PUD.

Mr. Wood stated that there are two routes that an applicant can go. He said they can go for a zone change which simply changes the letters on the map or they can do a PUD which has a development plan with it. He stated that with the zone change with Mr. Colin Recevuer last year, you didn't really get a specific drawing of what he was proposing. He explained that while there were conditions that he agreed to in the ordinance, they really haven't shown them to you. He stated that he thinks the PUD is the superior way to go because it is the two key pieces which are the use and the plan for how you are going to implement the use. He added that there is not a great deal of flexibility after you get through the ordinance process so you have a pretty good handle on what you are going to see go in on that site.

Mr. Blair asked Mr. Wood if they should look at the situation on that corner and maybe go to HDR or make a change. He stated that with the new zoning code, they were trying to limit the number of PUDs being done.

Mr. Wood stated that it was expected to see something here because they approved the previous PUD with 186 units and they went LDR so that they would have the ability to come to the council. He said that this is really the last 8.8 acres in that corridor so he doesn't think a zone change is warranted out there at this point in time.

Mr. Blair stated that he would take Mr. Wood's judgment on that, but he just knows this is the second one to come to the council in that area and they talked about that there may be some pockets of areas that they may need to change when they were doing the zoning ordinance.

Mr. Turner asked what the estimated cost is to do the acceleration and deceleration lanes.

Mr. Applegate stated that he does not have those exact costs.

Mr. Wood stated that Mr. Summers hasn't shared that estimate with him yet. He said that he knows that the applicants have come up with a conceptual drawing but he doesn't know what kind of estimates they may have put on that.

Mr. Turner stated that the only other concern he has besides traffic is what the height will be for the fencing or barrier that is going in there.

Mr. Applegate stated that in planning they discussed a greenery type shrubbery that would be a little more beneficial for aesthetics. He added that he doesn't know if there is going to be a fence as well.

Mr. Wood stated that they would get to the details when they get to the PUD secondary but the applicants had indicated that they are willing to do both a hardscape and a softscape.

Mr. Turner stated that in the future he would hope that Mr. Summers could be present at these meetings because he is referenced in these amendments so often so it would be nice to get answers from him directly.

Mr. Caesar asked Mr. Wood if all of the drainage is taken care of on this.

Mr. Wood stated that the applicants are required to get storm water approval and if this ordinance passes, they are required to do a voluntary annexation of the property. He said when that annexation is complete, they will be able to go through the city's storm water masterplan which is essentially identical to the county's. He stated that they would have to go through a third-party review and when they get their third-party review, then they

can go get their storm water permits. He added that he is not aware of any pressing storm water issues at that site right now so he thinks it is in pretty good shape.

Mr. Caesar asked if there is plenty of parking for residents and visitors.

Mr. Wood replied yes and stated that a service that the folks will enjoy there is a van carpool type service that will go to various shopping places in New Albany, entertainment places, etc. so they don't necessarily need their own vehicle.

COMMUNICATIONS PUBLIC: Z-21-02 PUD for 304 West Main Street

COMMUNICATIONS PETITIONER: Z-21-02 PUD for 304 West Main Street

Z-21-02 Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV Chapter 156 (Docket P-01-21: Chris Sturgeon, requests a Planned Unit Development (PUD) to permit used car sales in the "D-Downtown" district at 304 West Main Street.) Applegate 1&2

Mr. Applegate introduced Bill Z-21-02 and moved to approve the first and second readings, Mr. McLaughlin second,

Mr. McLaughlin withdrew his second.

Mr. Applegate reintroduced Bill Z-21-02 as amended and moved to approve the first and second readings, Mr. Blair second, all voted in favor.

Mr. Blair moved to amend the ordinance to read that there will be no on the lot financing or payment plans allowed, Dr. Knable second, all voted in favor with the exception Mr. McLaughlin who abstained.

Mr. Applegate stated that this was passed favorably through the planning commission and it is the property that used to be known as the old Red Bird Service Station and used to be an old car lot. He explained that Mr. Chris Sturgeon owns this property as well as the Hub Caps Galore shop across the street and has recently painted there and at the property across the street. He stated Mr. Sturgeon really cleaned up the building on the property inside as well as outside once he got the old owners out. He explained that Mr. Sturgeon is looking to put up to 14 higher end cars, which the planning commission approved, on the property to sell during the hours that he is already opened. He added that he is closed on Sunday and Mondays.

Dr. Knable stated that he is always leery when we don't have our terms defined so he would like to see what higher end means because that could be different for him than the next person. He said that he would like some clarification on that, not only from Mr. Sturgeon tonight, but also amend it to the ordinance at some point.

Mr. Applegate stated that he can agree with that and that Mr. Wood is on the meeting so he may have an answer to that terminology through the planning commission.

Mr. Wood stated that we are looking at cars that are in the 5-6 years old and newer range as he has seen elsewhere in downtown. He said previously this site was \$5.00 down and drive away and kind of rougher vehicles so we are looking at cars that are a little newer.

Mr. Sturgeon thanked the council for inviting him this evening. He stated that he has owned Hub Caps Galore across the street for 30 years or so and he feels he is in pretty

good standing with the community and he cares a lot about New Albany. He said that he purchased the property across the street and it has always been known to be auto sales, but they have been terrible auto sales and he has had numerous issues with the renter in the past. He stated that once he received the property, he cleaned it up dramatically and in his business across the street, he does a lot of higher end cars like Cadillac Escalades. He said that he would like to keep approximately 8 nice quality vehicles across the street with no buy here, pay here junk or anything like that. He stated that he is pretty particular.

Dr. Knable said that he can appreciate that but he thinks they need to lock that down within the ordinance, otherwise, it is hard to hold people accountable after the fact. He stated that he has respect for what Mr. Sturgeon is doing and what he has done but if they are going to have to enforce something, they have to know what they are enforcing.

Mr. McLaughlin stated that he agrees with Dr. Knable because close to his neighborhood on Vincennes Street they have one that had the best of intentions when starting out, but is now \$1,000.00 down, finance \$1,000.00 and drive off. He said that on the other hand, there is one by the library that seems to do a really good job.

Mr. Sturgeon stated that he deals in some very old vintage cars as well so it would be hard to put an exact year limit on a car.

Mr. Turner stated that he is also concerned about the higher end statement because it could possibly be used against Mr. Sturgeon. He also stated that he has a problem with the government trying to tell someone how to make a buck and he would hate to be restrictive to Mr. Sturgeon. He said at the same time, there have been some dealerships that haven't been great neighbors. He said that he would hate to hold Mr. Sturgeon back on making money too. He then stated that the ordinance says that the number of employees shall be limited to two at a time. He asked what if the business really starts to boom and he wants to have more than two employees down the road.

Mr. Sturgeon stated that he doesn't really want to boom that much because they stay pretty busy across the street and they are really blessed with being as busy as they are now. He said that he is just generally trying to make some income off of the property so that he can keep up the maintenance and the taxes paid to keep someone else from coming in and taking it back to what it was for the last 20 years.

Mr. Turner stated that he would like to see an amendment on the higher end statement just for the protection of Mr. Sturgeon.

Mr. Blair stated that one idea on the amendment would be to restrict financing and payment plans and not have those if the is agreeable to Mr. Sturgeon.

Mr. Sturgeon said that he would absolutely agree to that.

Mr. Blair asked Mr. Sturgeon if he has had any problems with zoning or police in his years of operation at the business across the street.

Mr. Sturgeon replied no and stated that he actually has had great standings for the last 32 years and doesn't believe that he has ever had one single complaint. He added that he has built relationships with a lot of people from the city/county building and the police officers come by and buy from him.

Mr. Phipps asked if we have ever put restrictions such as higher end cars in an ordinance before because he is concerned that the council is setting a precedence.

Dr. Knable stated that the term was in the ordinance when it was presented to the council. He said that he had no skin in writing that up but since it is there, he would like to have it defined.

Mr. Blair stated that when they were going through the zoning code, they did a lot of limitations on what businesses could do and how they can operate in our regular zoning code so he just thinks this is sort of an extension of that.

Dr. Knable stated that they have done it with aesthetics and fencing.

Mrs. Collier asked if they could just say “no buy here, pay here” but still allow traditional financing.

Mr. Phipps stated that he guesses they can do whatever they want but he is just concerned about the precedent being set with that much micromanaging being done.

Mr. Gibson stated that it is actually in front of the council because the zoning code did not permit it because the use of it as a car dealership had expired and was not grandfathered in. He said that he doesn’t think it is quite as limiting as Mr. Phipps thinks and you do have the parameters to do it because it would not be permitted at all without the council allowing it.

Dr. Knable stated that he would like to see this move forward with Mr. Blair’s proposed amendment. He also stated that he would really like to applaud the process because we have so many people that just put for sale signs on cars in otherwise deserted lots around town and Mr. Sturgeon is trying to go through the process so he doesn’t want to impede him.

Mr. Aebersold stated the hours of operation in the ordinance and noticed that they close at 5:30 p.m. He asked if Mr. Sturgeon is okay with those hours because a lot of people work and go looking for cars after working hours.

Mr. Sturgeon stated that he does agree with that but he basically designed those hours from his business across the street and he is a two man show and can only do so much. He added that Sunday is family day and he uses Mondays as a business day for his banking and things like that so that is why he picked the hours that he works now.

Mr. Wood stated that the stipulations are standard questions that they ask the applicants so that they have some limits and some enforceability. He said that when it comes to high end vehicles, it is a state-of-the-art type of term and he respects the council’s choice to amend this and he thinks it does bring some clarity to it.

Mr. Turner asked what happens when Mr. Sturgeon retires.

Mr. Wood stated that if he wants to sell it, the new owner would have to come back and get a new PUD.

Mr. Gibson stated that it is for this applicant only and is not transferrable.

President Phipps asked **Vice President Applegate to assume the chair for a moment so he could speak on this.**

Vice President Applegate assumed the chair.

Mr. Phipps stated that he is a member of the plan commission and they heard this last month. He said that one of the things he mentioned at the plan commission was that

generally he is opposed to PUDs because he feels that they carve doughnut holes in the zoning code and they spent time creating the new code. He stated that he also had initial reservations about another one that they granted a while back, but he was sold on this particular sight because it is a unique sight. He said that it is kind of sandwiched there by the overhead pass of the Sherman Minton Bridge and it had auto use in the past. He also said that Mr. Sturgeon is right that it has been sort of an eyesore for a long time and he has a good reputation and he thinks it will bring life to that corner. He added that it is not on Pearl Street or Bank Street and is somewhat isolated, so he thinks there are some unique things that would warrant a PUD there.

Vice President Applegate assigned the chair back to President Phipps.

Mr. Caesar stated that he knows there used to be a filling station at this location and asked Mr. Wood if all of the tanks have been removed.

Mr. Wood stated that he believes the tanks have been removed.

Mr. Sturgeon stated that they have been 100% completely removed and he has 568 pages of a clean bill of health for the property so it is 100% clean.

Mr. Caesar stated that he wants to see a nice, neat and clean property and asked about the fence to be replaced. He said that it says it will have to meet staff's approval. He also said that he has only seen the property online and asked if Mr. Sturgeon has done anything to the property. He stated that he will get down to see it.

Mr. Sturgeon invited Mr. Caesar to come down anytime and said that he would love to show him the before and after pictures because he thinks it is a big change. He said that he has put a lot of his personal money into the building to get it where it is today and once he starts creating some revenue off of the property, he intends to immediately replace the worn out fence. He also said that he wants to repave it once he starts creating some revenue.

COMMUNICATIONS PUBLIC: G-21-04 American Rescue Fund

COMMUNICATIONS PETITIONER: G-21-04 American Rescue Fund

G-21-04	An Ordinance Establishing Local American Rescue Fund, Plan and Appropriations	Applegate/ 1&2 McLaughlin/ Aebersold
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Mr. McLaughlin introduced Bill G-21-04 and moved to approve the first and second readings, Mr. Aebersold second,

Mr. Aebersold withdrew his second.

Mr. McLaughlin reintroduced Bill G-21-04 as amended and moved to approve the first and second readings, Mrs. Collier second, Mrs. Collier, Mr. Caesar, Mr. McLaughlin, Mr. Aebersold, Mr. Applegate and Mr. Phipps voted yes, and Mr. Turner, Mr. Blair and Dr. Knable voted no.

Dr. Knable moved to change the following items on page 1 as follows: change the word "provided" to "provide" in paragraph 1, line 3; change the word "unites" to "units" in paragraph 2, line 2; delete the first word "from" in paragraph 7, line 2; change the wording to read "two payments with the initial one in 2021 and the final one in 2022" in paragraph 7, line 3; change the following items on page 3: strike "and/or bonus" from premium pay in line A; change it to read "which includes

trails/pathways” in line iii; change to read “to recover lost revenue in letters D, E, F, G and H”; Mr. Turner second, all voted in favor.

Mr. Turner moved to remove the New Albany Redevelopment Commission from the ordinance and replace it with the Common Council of the City of New Albany, Mr. Blair second, Mr. Turner, Mr. Blair and Dr. Knable voted yes, and Mrs. Collier, Mr. Caesar, Mr. McLaughlin, Mr. Aebersold, Mr. Applegate and Mr. Phipps voted no.

Dr. Knable moved to spell out MVH (Motor Vehicle Highway) and LRS (Local Roads and Streets) on page 3, last paragraph, letter F, Mr. Turner second, all voted in favor.

Mr. Turner moved to add to the ordinance whereas, any expenditure or project over \$250,000.00 will come before the council during the time period ending December 31, 2024 for approval, Mr. Blair second, Mrs. Collier, Mr. Turner, Mr. Blair and Dr. Knable voted yes, and Mr. Caesar, Mr. McLaughlin, Mr. Aebersold, Mr. Applegate and Mr. Phipps voted no.

Mr. Turner moved to add to the ordinance whereas, every six months a detailed explanation of expenditures, line by line, will be made to the council and posted on the city website, Dr. Knable second, Mrs. Collier, Mr. Turner, Mr. Blair and Dr. Knable voted yes, and Mr. Caesar, Mr. McLaughlin, Mr. Aebersold, Mr. Applegate and Mr. Phipps voted no.

Mr. Turner moved to add to the ordinance whereas, any expenditures for premium pay or bonuses must come through the city council for approval, Dr. Knable second,

Dr. Knable withdrew his second because he said that information would be made public.

Mr. Turner moved to change the ordinance to read now, therefore, be it further resolved item b, line iii, to only improve existing facilities, existing infrastructure including existing trails/pathways, Mr. Blair second, Mr. Turner and Mr. Blair voted yes, and Mrs. Collier, Mr. Caesar, Mr. McLaughlin, Mr. Aebersold, Mr. Applegate, Dr. Knable and Mr. Phipps voted no.

Dr. Knable moved to change the ordinance to read that the council will conduct quarterly public hearings through the end of the calendar year 2022 and thereafter as determined by the council, the redevelopment commission or the mayor, Mr. Applegate second, all voted in favor.

Mr. McLaughlin stated that they had this in committee for some time and they had at least four meetings and he timed it at six or seven hours that they spent with Mr. Staten and Mr. Gibson going over this. He said that we are very lucky to be getting this and they have this ordinance to where they want it to be at this point to hit the ground running when we receive the funds. He added that he understands there may still need to be some tweaking that may need to be done.

Mr. Gibson stated that the ordinance has quite a bit in it to where the justification came from and where the money is coming from and how it is being distributed.

Dr. Knable stated that before further discussion, he noticed a few typos and errors that he would like to go through to get clarification on before they get into the spirit and the meat of this. He then set out all of his corrections in an amendment.

There was a lengthy discussion regarding whether the ordinance should read premium pay or premium pay and/or bonus and it was determined by Mr. Gibson that it should read premium pay because that is what the statute itself says.

Mr. Gibson stated that he doesn't have a problem with any of the corrections in Dr. Knable's amendment.

Mr. Blair stated that at the bottom of page 2 it says that it will be administered by and through the New Albany Redevelopment Commission and he wanted to know exactly what that means.

Mr. Gibson stated that it is as it says and he is not sure that he can elaborate more on that.

Mr. Blair asked if they will be in control of how it's funded or what is funded as well as the decision making and so forth.

Mr. Gibson replied yes, with the parameters that have been set up. He said that they are the normal body that implements the major projects throughout the City of New Albany.

Mr. Turner asked whose idea it was to use NARC for this.

Mr. Gibson again stated that it is the body that implements the major projects throughout the City of New Albany. He said that it is the staff that knows how to report to the federal requirements because this is going to require federal requirements and federal reporting. He stated that this staff knows how to do that and does it on a yearly basis.

Mrs. Collier stated that she used to work in redevelopment and if she had to pick any body in the city to manage this, it would be redevelopment because she knows they have excellent accountability practices overall. She also stated that if they step back and look at it logically, the council does not have the staff to deal with this.

Mr. Turner stated that he has some concerns with the premium pay which goes on in perpetuity and infrastructure changes and you're looking at maintenance costs as well as budgeting for those people after this money runs out. He said that he believes that would be a city council thing and they do deal with a \$22M yearly budget so surely, they could handle \$16.8M over four years. He thinks that with them being elected by the people and not appointed, it would be their responsibility to manage this money for the people. He also thinks he would be doing a disservice to his constituents by relinquishing the power of his vote to a board that doesn't necessarily have to answer to those people.

Mrs. Collier stated again that the council does not have the staff that other bodies in the city have such as redevelopment and she feels that they are the most experienced to handle this fund.

Dr. Knable stated that his counter to that would be what Mr. Turner stated in that they deal with over \$20M each year and this is almost \$17M over four years.

Mrs. Collier stated that they don't have to come up with procedures to spend it and the council has other people such as Mr. Gibson and Mrs. Moeller who provide them with the information for the budget.

Dr. Knable stated that the council also has a county attorney and a comptroller so he thinks everyone on this council would be willing to meet every Saturday morning at 8:00 a.m. for extra meetings.

Mr. McLaughlin stated that the council has tried to eject themselves into development and buildings, etc. and he remembers a time when the Farmer's Market was going to be redone. He said that they were given a lot of leeway in talking about it and making recommendations and quite honestly the council has to recognize at times that they are not architects or redevelopment experts. He stated that the Farmer's Market turned out to take about two years and went from adding a couple of wings to it at one point to a push to have it moved into the covered parking garage. He also stated that part of the reason this is in redevelopment is because it goes into CDBG through redevelopment and the administration offered for the council to have input in this with a bipartisan three-member committee. He said that he is good with it being with redevelopment.

Dr. Knable stated that one more point to counter that is that the money was not intended solely for redevelopment. He said it says it is for the assistance of households, small businesses, non-profits or aid to impacted industries such as tourism, travel and hospitality. He said that he feels that this body is more in touch with the community as a whole along with the mayor's office than the redevelopment commission is per say.

Mr. McLaughlin stated that they have two appointments to redevelopment through the council.

Mr. Applegate stated that they did just recently secure a grant for \$250,000.00 through redevelopment for small businesses and then issued money out to the various businesses.

Dr. Knable stated that he is aware of that and was part of it, but there is also a majority on redevelopment that is appointed and has no direct accountability to the electorate.

Mr. Applegate stated that we have a voice on redevelopment through Mrs. Collier and himself and that's where he is assuming that anything that the council would put out there could be funneled through the body that can get the money directly to use and put it in recovery for the City of New Albany. He said he thinks they have to remember the point that it is a recovery fund and that it is to get it in the hands of the small businesses, nonprofits, etc. and he feels that they are very qualified to do that.

Dr. Knable stated that it is a fact that three of the members on that board are not accountable to the electorate and only two of them have to face an election.

Mrs. Collier stated that is true but she believes above all that Dr. Joshua is more than fair about listening to concerns and they are willing to do what is best for the city. She said that through the contacts that redevelopment has, if we do this the right way and think about what is best for the City of New Albany, we can use this to benefit New Albany for generations to come.

Dr. Knable stated that they all took an oath to uphold the Constitution of the United States and that constitution as well as the Constitution of the State of Indiana clearly indicate that appropriation bills originate with legislative bodies and that is the council. He said in most democracies, the approval of legislation by the legislature is necessary before any money is spent by the government before the fact, not after the fact. He stated that he faces his voters every single day and he wants to be able to tell them that he was in control of this and he believes that they have a fiduciary responsibility as elected officials to maintain control of this. He said that he supports what the people on NARC have done in the past and he thinks there are good people on there, but he just thinks that this is the council's responsibility. He then asked what do they owe to the electorate. He stated that they owe them the duty of care, the duty of loyalty, the duty of impartiality, the duty of accountability, and above all, the duty to preserve the public's trust in the government. He said that is the synthesis that comes from the Harvard Law Review as well as the Markkula Center for Applied Ethics at Santa Clara University. He stated that

at the end of the day, he wants to be able to face people and say that he had direct say in how that \$17M was allocated. He said that he doesn't want to say that he turned it over to a third party of which the majority were not elected officials.

Mrs. Collier stated that she understands Dr. Knable's concerns but when it comes to redevelopment, there is no other department that is more accountable and we do not have the staff, the knowledge, the contacts or the know how that the redevelopment staff has. She added that it is just logical to have redevelopment in control of this.

Dr. Knable stated that he does not believe that and they could run some of this through NARC and use their resources.

Mrs. Collier stated that it is not right to ask them to do that for us because they are very busy as it is.

Dr. Knable asked why then burden them with this responsibility.

Mrs. Collier stated that she asked Mr. Staten if this was going to be too much of a burden for his staff and asked if anyone else did that.

Dr. Knable asked is it or is it not, because Mrs. Collier said it was and then said it wasn't.

Mrs. Collier stated that he said they would figure it out.

Dr. Knable said so they will figure it out, huh.

Mrs. Collier replied yes.

Dr. Knable stated that he thinks the responsibility lies with the elected officials to do this, not an appointed body.

Mrs. Collier asked if the council has the staff to do it.

Dr. Knable stated that he has faith in the comptroller, he has faith in the attorney and he has faith in our city attorney who has always been there for us as well. He added that he could just say that we will figure it out, but he doesn't think they have to say that because he thinks they have the resources at hand.

Mrs. Collier stated that she doesn't think that the council has the staffing resources or the contacts.

Dr. Knable stated that even if he felt they didn't have the resources or the staff, he strongly feels they have the duty to do it as the elected officials.

Mrs. Collier stated that they need to just think about it logically and do what is best for the city which she believes is turning it over to redevelopment.

Mr. Blair stated that the city council is the fiscal body and they look at things in a very broad perspective and in our code, we have oversight over the redevelopment commission. He said that the council has flawlessly done their budgets for years and have done things like appropriations for police cars and have done them well. He stated that the city council is more visible and more transparent and we were elected by the citizens to be accountable. He said that he is actually insulted that they have been asked to pass this to redevelopment because this is something that is made for the city council. He stated that the problem is that the redevelopment commission is very narrowly

focused. He said that they have real estate knowledge, which is good because land usage and real estate improvements is what they are focused on doing. He stated that if the council decided that a real estate project needed to be done then they could hand that over to redevelopment because that is their expertise. He said just like if there was a storm water project, they would hand that over to the storm water board or if there was a sewer project, they would hand that over to the sewer board. He stated that redevelopment has not been involved in any of those areas and those are areas where we can appropriate money too. He also stated that it does really bother him that redevelopment is a majority of appointed people and not elected because he thinks constituents expect elected people to step up and do their jobs. He said that the purpose of this rescue plan is replacement of revenue so if there is lost revenue, we will replace it but there is no lost revenue in redevelopment because they get their money from TIFs and grants. He stated that he called Mr. Todd Cauldwell, Director of Audit Services at State Board of Accounts and he told him that it is too early to do this because final guidance hasn't been provided and that he is willing to provide an opposition statement on if this is even appropriate to turn this over to redevelopment. He said that Mr. Cauldwell was actually surprised when he mentioned what we were considering that and said he had never heard of that and he doesn't think that was the intent. He stated that he thinks we are a little premature in doing this because he knows that the treasury department is coming out with further guidance but it also goes back to who is accountable for managing these funds. He said that it is the nine people who were elected and he doesn't think that any of them should turn their responsibility over to a board that the majority is appointed and a board with a limited scope on limited things. He stated that as far as resources, if they have to hire someone that is fine but he feels that they are probably using the same resources as redevelopment is using as far as our controller and city attorney. He added that it is nothing against redevelopment because he thinks they do a great job and he hopes that redevelopment would provide projects that they want to get funded. He said that he looked to the committee to put together a comprehensive plan of what needs to be funded and discuss it as a council and come back and agree on it. He stated that he guarantees that you will have a better outcome with the nine of us having an open discussion with public input than we will through a board that is fairly obscure and doesn't have accountability to the citizens. He also stated that this is a recovery act and so far, we haven't had a need for immediate funding come up and if we do, we have a rainyday fund for that so he doesn't see what the urgency is to get this done. He said that he thinks this needs to be thought through and we need to have a comprehensive plan on how to do that and that's best to be done by the city council.

Mrs. Collier stated that the urgency is that the money that we get this year and what we get in the next installment next year has to be expended by 2024, so to come up with a plan to do that is going to take a lot of time. She said that a lot of this is in redevelopment's real house and they are the most experienced and accountable to deal with this kind of thing.

Mr. Applegate stated that the lost revenue that will be sent to us will be the same lost revenue that will be sent to redevelopment and if we are making sure that those things are getting funded, then we will be able to cure those lost revenues through redevelopment. He also stated that in those meetings that they had on the commission they had talked about just making sure that the city is whole. He said if there are projects involved, our city plans out years and years in advance. He stated that he is seeing a trust factor that some members of the council don't believe that we are going to have some influence or have items heard and pushed through redevelopment. He said that Mr. Blair said he was offended that this is being asked, but he is a little offended that Mr. Blair believes that we have zero say in anything that is involved in redevelopment when we do. He stated that the council has two appointed people that can try to push things through to get New Albany growing and back on its feet.

Dr. Knable said that you can't push through what you want to push through with two of five votes every time so it is mathematically impossible. He also said that there is not a person on this council who is not willing to put in the extra time, effort and hours to get this done in the almost three years we have to get it done by 2024.

Mr. Blair stated that this is set up for the legislative body and he thinks they are going to see that throughout the state, and the one that has already been set up in Angola, is going through their city council. He said that when he spoke with Mr. Cauldwell, that was his expectation. He stated that when you talk about the trust factor, he doesn't see them trusting the council to handle this. He said that we have nine very bright people and he bets that they can come up with a very good comprehensive plan. He stated that the council is not being trusted to handle these funds even though they were elected to do that.

Mrs. Collier stated that we have the opportunity to recover our city with the recovery act and if we do what is best for the city and turn it over to the people that are the most appropriate to deal with it, we can make our city better for generations to come.

Mr. Aebersold stated that the council is going to have some input in this and the public will have as well. He said that they can come up with some ideas that they all agree on and they will be able to provide to redevelopment through their representatives. He stated that the representatives will be able to express their ideas as well as the ideas that they have gotten from their constituents. He said that this did come about quickly, but we may be getting part of the money in the next few weeks or so and we want to have all of our ducks in a row as a city and be able to roll with it. He stated that we need to have the account set up as well as the committee and be ready to go. He also stated that the reason that redevelopment came about is that they have CDBG money and they know how to handle this kind of stuff and have throughout the years. He stated that it seems we are not 100% trusting one another with what we are doing and that's really disturbing when, hopefully, everyone is doing the right thing. He said that he is trusting in government and trusting in all of the council and he was on the committee when this started and this is what they came up with to move on. He also said that he was with it 100% and still is.

Mr. Turner stated that he doesn't trust redevelopment. He said that he has had to do two public records requests that had to do with redevelopment since he has been in office. He stated that you can have a partisan board which has voted unanimously since January 2020 or you can have a bipartisan board made up of people that represent the people of the city. He said that the bipartisan board is best for the city because if we have views and opinions that are important to us, we should discuss it and vote on it here. He stated that they should not hand it off to a board because it is their responsibility.

President Phipps asked Vice President Applegate if he would take over the meeting for a few short minutes.

Vice President Applegate took over the meeting.

Dr. Knable asked Mr. Gibson to clarify the no transference of money from one unit to another on page 2, paragraph 4.

Mr. Applegate stated that once money is put into an account, you can't move that money to another account. He said all receipts and checks have to be written out of that series of account numbers.

Mr. Gibson stated that Mr. Applegate is correct that once it is put into a fund, you can't move it to another fund. He said that it is for the accounting purposes of the feds and the CDBG process so they can account for it.

Dr. Knable stated that this roughly \$17M will go into an ARP fund and the authority is what is being ceded over as far as who will have check writing abilities.

Mr. Gibson stated that it is who is going to review the claims that are put forth and the processes therein.

Dr. Knable stated that paragraph 15, letter C, talks about the most recent fiscal year prior to the emergency and asked if that is going to be 2018 or 2019.

Mr. Gibson stated that everything he has seen has been 2019.

Dr. Knable asked about definitions for “essential worker”, “premium pay”, “eligible workers”, “eligible employers”, “necessary investments in water, sewer or broadband” and if they are going to be defined within the act itself.

Mr. Gibson stated that those are definitions that have already been defined in the act.

Dr. Knable said so the City of New Albany is not going to be defining “essential workers”.

Mr. Gibson said not any more than what we have right there as provided by what was passed by congress.

Dr. Knable asked if we know that those terms have been defined within the act or does it just say “essential workers”.

Mr. Gibson stated that language was pulled directly from the act itself and what was approved by congress and signed by President Biden. He said that is the exact language that was done and no other definitions or anything were provided.

Dr. Knable said so he guesses that we have some latitude in defining that.

Mr. Gibson stated that he thinks the entire purpose of the entire relief package was to give a lot of latitude to get the money out to the services as quickly as possible, so yes, he thinks Dr. Knable is correct on that.

Dr. Knable said that makes sense. He then asked if elected officials could be considered essential workers and if so, he would like for the body to consider excluding them, themselves included.

Mr. Gibson stated that he doesn't know how to answer that and he usually stays away from anything that involves city council pay. He said that he had his hands smacked one time for doing something so he would leave that out of his element. He added that he didn't know if Ms. Stein could add anything.

Dr. Knable stated that on page 3, last paragraph, letter F, he thinks that MVH and LRS should be spelled out for anyone who picks this up to read it.

Mr. Gibson agreed with that.

Vice President Applegate gave the floor back to President Phipps.

Dr. Knable stated that he would like to have a discussion again in reference to “essential” and “eligible” workers since we do have some latitude. He said that he would at least like to exclude elected officials from that.

Mr. Blair stated that is only going to be 11 people to exclude from “essential”.

Dr. Knable stated that in the Cares Act money, it was specified that we could not use any of that money for executive pay or bonus so he is trying to kind of kick off that spirit of that Cares Act money because he looks at this as an extension of that. He said that he is not hearing concerns over that so he is not going to propose that.

Mr. Phipps stated that Dr. Knable mentioned accountability and he thinks it would be political suicide if any elected official used any of that money for that.

Mr. Blair stated that you have non-elected officials making these decisions and they may decide to award elected officials. He said that he has done a lot with the PPP Program and they did eliminate the owners, the presidents and decision makers from receiving excessive wages from that.

Mrs. Collier stated that she just wanted to point out that the nine members in question are all salary so any other type of pay should not be an issue unless a bonus would come into play.

Dr. Knable stated that rather than making the amendment, he will just go on record saying that he would not take any of it.

All of the other members agreed.

Mr. Blair stated that there are two other positions that could be impacted or affected.

Mrs. Collier said that they are salary so unless there is a bonus approved for them, she doesn't think it is going to be an issue.

Mr. Turner stated that he doesn't see anything in this regarding firefighters, police department, mental health, drug awareness or homelessness and asked if those are things that can be covered. He said that he is thinking that the fire department is in need of three trucks and that would be a great way to use this money. He stated that obviously we have some mental health issues that stem from COVID-19 and overdoses daily just in the region. He asked if money can be set aside for those issues.

Mr. Applegate stated that he doesn't think that buying a fire truck would be included with what we have as of right now. He said that the reimbursement of COVID-19 related expenses as in loss of revenue and things like that would of course be included for the fire department so there are some limitations on some items. He stated that mental health and those items are included in what these funds can be used for.

Mr. Gibson stated that letter A on page 2 of the ordinance says it can be used to respond to the public health emergencies due to the negative impacts of COVID-19 which is pretty broad. He said that the reason it is broad is because of the things that Mr. Turner mentioned such as drug awareness, mental health, homelessness, etc.

Mr. Turner asked Mr. Gibson about the fire trucks.

Mr. Gibson stated that fire trucks are not in this but hopefully the infrastructure bill comes through and that is something else that is in it.

Mr. Turner stated that he would like to see a priority list of where we want to spend money and asked if the committee could set that up before the final vote so that they have an idea of what the money is going to be spent for.

Mr. Gibson suggested that he speak with the three committee members to convey that.

Mr. Turner asked the members of the committee if they could do that.

Mr. Applegate asked if he is talking about getting money right away to x.y and z or if he is talking about priority in dollar amounts.

Mr. Turner said like the first item to take care of is medical reimbursements for what we have lost in revenue and then down the line.

Mr. Applegate stated that he is willing to if the other committee members are.

Mr. Phipps stated that he thinks that would be a good idea and to also do it after the public hearing to get input from the public.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 9:53 p.m.



Greg Phipps, President

Vicki Glotzbach, City Clerk