

THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON MONDAY, JULY 1, 2019 AT 7:00 P.M.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. McLaughlin, Mr. Nash, Mr. Aebersold, Mr. Barksdale, Dr. Knable and President Blair.

ALSO PRESENT: Ms. Stein, Police Officer Alexander, Police Chief Bailey, Linda Moeller, Mr. Hall, Mr. Thompson and Ms. Milburn

President Blair 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. Coffey moved to approve the Regular Meeting Minutes for June 20, 2019, Mr. Phipps second, all voted in favor.

COMMUNICATIONS – COUNCIL:

Mr. McLaughlin stated that hopefully they are at the end of the tunnel when it comes to their storm sirens. He reported that there was a test done and only three out of nine were working so they called Emergency Management and they got with a new contractor and they replaced 40+ batteries. He said that there was then an episode where a tornado was spotted in Harrison County and was headed to Floyd and all of the alarms went off except for the ones that were practically in his backyard so those were checked into and are back up. He encouraged everyone to check in their neighborhoods to make sure theirs went off and said that all are hopefully up and running now. He stated that Mr. Scott Wood couldn't make the meeting tonight but asked him to read a letter into the record regarding the wrestling tournament that took place on South Street and noted that the city's plan commission was not made aware in advance of that event taking place and that a violation was issued to the owner of the property last week. Said letter is on file in the city clerk's office.

Mr. Caesar reminded everyone that at the next council meeting they will have a presentation regarding the Greenway.

Mr. Coffey reported that the siren didn't work at the Pine View Center. He added that he thought the city gave them money to install the siren.

Mr. McLaughlin explained that there were two that were put in with Mr. Phipps bill were a little cheaper and don't completely communicate with Emergency Management which is in Pine View Government Center so they will have to be worked on to make sure that communication happens.

Mr. Coffey asked Mr. Phipps if the purpose of that bill was to give them the money to install those because they didn't have it but the council wanted all citizens of New Albany to be protected.

Mr. Phipps replied yes and stated that hearing that they wouldn't send a technician out for just one sire was very troubling because that would put more people at risk and potentially have a death before it is worth their time.

Mr. McLaughlin stated that was quoted in the paper. He added that Police Chief Bailey sent out a letter along with Fire Chief Juliot explaining that it needed to be expedited.

Mr. Coffey stated that they didn't have the money to do it so the city gave them the money and any time something goes wrong, it seems like it falls on the city which in this case is that not all of the city's sirens went off. He then asked if these are maintained on a regular basis because replacing 40+ batteries seems like an awful lot.

Mr. McLaughlin stated that he really doesn't know but he knows that they are in the process of getting a new contractor now.

Dr. Knable asked for clarification on the letter from Mr. Wood and if he wasn't made aware of it until after the wrestling event.

Mr. McLaughlin stated that to his knowledge that is correct.

Dr. Knable stated that they need some common sense way for people to report that because if they don't find out until someone shows up in the emergency room, there isn't a lot that they can do to step in. He added that they need people to speak up when something like this is going on because it doesn't seem like anyone had any prior knowledge.

Mr. McLaughlin agreed.

Mr. Barksdale stated that he had several constituents call and it was very troubling and fearful. He added that he did touch base with their attorney to update her on the situation.

Mr. Blair stated that she will have access to the recording of this meeting and they will confer with her after she is brought up to speed on the situation.

Mr. Aebersold stated that he wanted to readdress the abatement issue from the last meeting and work towards a resolution to address some of the more troubled companies that aren't meeting employment projections.

Mr. Coffey added that if they look through the history of tax abatements, most of the time it is the same companies that aren't meeting these projections. He added that you can't really do anything once you grant an abatement, but you don't have to give them any future abatements.

Dr. Knable stated that he has had a brief conversation with Mr. Staten and they spoke about these troubled companies. He also stated that he agrees with Mr. Coffey that it is difficult to revoke an abatement because we will likely end up in court and get a bad reputation for how we deal with businesses. He added that Mr. Staten is willing to set down with these companies quarterly and then coming back to report to the council.

Mr. Blair stated that in order to be competitive, we have to have the tools and same incentives that other communities have but we also have to look at the total picture and ask if as a whole, these abatements are successful. He also stated that there a couple of companies not meeting projections and those who are exceeding projections and we don't want to be viewed as antibusiness and discourage other companies from coming to our community because we don't grant abatements. He said that everything needs to be well

documented and researched if we are going to go that route because we may win the battle but lose the war so we need to be very careful in how we do that.

Mr. Caesar stated that there was really only one that it didn't work out for their company and three others that didn't meet their goals. He added that he is open to looking at it but he doesn't see it as a huge problem. He added that he thinks that they are really doing a good job with these.

Mr. Barksdale stated that going forward they can utilize Mr. Staten because he is really cognizant of what is going on and he truly believes he will work with these companies.

Mr. Blair stated that he wants to remind everyone that State Board of Accounts is having their exit interviews and he sent out an email with the details. He explained that the exit conference is going to be on July 17th at noon and will be for council members only so he encouraged all members to attend and ask any questions they may have. He said that the administration will have a separate exit conference.

COMMUNICATIONS – MAYOR:

Michael Hall stated that Mayor Gahan wanted to invite everyone to the Independence Day Celebration on July 3rd.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Linda Moeller stated that she has reserved the assembly room for the council's exit conference with State Board of Accounts so that they would have more room. She added that she received the letter from Ms. Stein regarding the public records request on behalf of the City Council and they will be receiving an answer shortly.

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

REDEVELOPMENT COMMISSION – Mr. Barksdale

Mr. Barksdale reported that they had two meetings in June and everyone should've received a letter on TIF funds and felt that the letter was very self-explanatory. He explained that they approved another emergency repair application on Green Street and wanted to keep the council up-to-date on those because there is need out there they do like helping constituents with needs when they can. He stated that there has been a lot of work being done at the Griffin Recreation Center and they have approved the awarding of the architectural services for design specification and construction observation for phase 3 of that property. He said that he understands that it will mainly be façade work this time instead of interior because they have already done quite a bit inside of that building. He then reported that at their last meeting, they had their annual TIF presentation that was given to the commission by Mr. Staten and he believes that Mr. Staten will also be coming before the council at one of the August meetings to give them same presentation.

Mr. Coffey asked who was awarded that bid to do the work at Griffin Street.

Mr. Barksdale replied

Mr. Blair asked if they are going to anything with the outside fields or surrounding grounds.

Mr. Barksdale stated that he does not know.

Mr. Nash reported that they have blacktopped recently as well as sealed and painted the basketball court.

Mr. Blair stated that he knows that court gets a lot of use. He added that if the field was graded it would probably get more use because there are some low spots so he just wanted to know if there were any plans to do that.

Mr. Barksdale stated that not that he knows of.

ECONOMIC DEVELOPMENT – Dr. Knable

Dr. Knable reported that they met last week and has documents that he will get to Mr. Blair to copy/disseminate to everyone else. He stated that they also received an update on River Ridge which is booming.

Mr. Blair stated that he thinks that our membership with 1SI is important and people living in our community are commuting to River Ridge for work so it helps us here as well with housing, entertainment, shopping, etc.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

Historic Preservation Commission – Colt Sanders

Mr. Barksdale presented a memo and resume from Mayor Gahan regarding filling the unexpired term for the Historic Preservation Commission. He stated that Mr. Colt Sanders will be fulfilling Jason Roseberry’s term. He added that Mr. Sanders moved from Old Louisville and is young, energetic and wants to become involved. He said that he interviewed with the mayor and he thinks he is a great candidate so he wanted to recommend that the council approve Mr. Sander’s appointment.

Mr. Phipps asked if Mr. Rosenberry just didn’t want to server any longer.

Mr. Barksdale stated that he thinks Mr. Rosenberry is just too busy with TheaterWorks which he and his wife do so he wanted to resign his position.

Mr. Coffey stated that he has actually spoken with Mr. Sanders and felt he was very impressive.

Mr. Barksdale moved to approve the appointment of Mr. Colt Sanders, Mr. Coffey second, all voted in favor.

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Dr. Thomas Maynard Harris, Floyd County Health Officer, 1917 Bono Road, spoke as a member of the community and in a professional capacity as the local health officer. He explained that the health department received complaints about an Extreme Death Match Wrestling Event that occurred inside the city and that Mr. Wood indicated to him that there were some zoning issues. He said that with the health department, it raised some disease transmission issues and this is the first episode that they have been advised of but have now heard that this is not the first event of this type that has been held in our

region that they had no visibility on. He wanted to be that this is not an attempt to stop or regulate any legitimate contact sporting event and that this event differs widely from those. He explained that these events are designed to have blood loss with broken glass, lightbulbs, etc. He said that they have been told in the media that these participants have all been screened for infectious disease but they have no proof of that. He then proposed to the council that they set up an ordinance that would limit this type of activity. He said that this would not trample anyone's civil rights because there is Supreme Court precedence to create ordinances to limit the exposure to infectious disease. He then stated that he is aware of planned future events one of which is scheduled for August 3-4 at the Rustic Frog.

Shawn Bostock, Harrison County on Country Club Road, stated that he is a retired fire fighter and has many had run-ins over his 20+ year career with Death Match Wrestling ranging from Charlestown, Clarksville, Harrison County, etc. He said that they basically pop up then get in trouble and move. He attested that the press release that said that all participants had been tested prior to the match is false because he can attest that his son did not have his test until this Friday, which was five days after the match. He then explained that the State Fire Marshal's office requires an entertainment permit on file and once that reaches the state, it is forwarded to local building commissioners and fire authorities for inspections and they neglected to file for this entertainment permit. He stated that the Rustic Frog does have one in effect until September 2019 but as of yet, they haven't filed their floor plans for the event that is required as part of that. He then went on to explain that his son entered it of his own decision and was injured and received 40 staples and five stitches at the hospital. He said he wished he could've changed his mind but couldn't. He said that he received little to no care while he was at the event and was served alcohol prior to the event. He also said that the doctor talked about blood borne pathogens not only regarding the participants but also for the spectators because spectators could also be cut on the glass because there was no buffer. He stated that their website said that they are training their fighters but have since taken it down. He then explained that he believes businesses should be able to operate but with the safety of the town and public in mind and so far it has not been proven to him that they've done that. He then pointed out that the statutes that are in place have been violated both zoning and the state fire marshal's as well as the blatant public lies about the testing. He asked for the council to set down with some of the operators as well as the health department and create its own commission using the Kentucky Sports Commission guidelines.

Heather Peters, Attorney, 224 Court Avenue, Jeffersonville, IN, stated that she was present to speak on behalf of her mother who lives at 1457 South Street, who was fortunately not at home during this event. She explained that Mr. Wood said that a variance should have been attained and she wholeheartedly agrees but also thinks that an ordinance should be in place so that this doesn't happen anymore. She pointed out that Mr. Bostock's son was paid \$80.00 for this and said that she watched the video and she thinks they could all agree that it was hard to watch Mr. Bostock's son pushed head first into glass. She stated that she thinks that is something that wouldn't even be subject to a variance of any zoning because the variance ordinance says that if something is injurious to public health, safety or general morals of the welfare of the community, they don't have to be granted one. She also stated that her main concern is to let everyone know what is going on in that community and that is that the neighborhood has history of drugs, thefts for drug money, etc. and it has gotten so bad that her mother stays 80% of the time at her home in Greenville, IN. She stated that at 1721 Grant Line there is a couple that are known for heroin and meth and they were subject a raid in 2018 for maintaining a common nuisance. She said that her mother sent a picture to her of a fire truck outside that residence and there was a drug overdose. She also said that the residence is a courier service for drugs so she has contacted the drug task force. She

stated that she asked her mom if anyone in the neighborhood ever calls the police and she said they don't because they are told when they come out that they can't do anything because there are too many needles and they don't make a report so therefore it makes it harder as a lawyer to bring a public nuisance case against them. She then asked this body to set down with the residents, Mayor Gahan, Police Chief Bailey to discuss what can be done to make them feel safer.

John Williams, 1614 Green Tree BLV, stated that he has done business in New Albany doing Extreme Wrestling since October 21, 1997 when he ran his first event at the National Guard Armory. He said that he doesn't totally disagree on everything being said but there are precautions that are taken and he used the example of the panes of glass in which they used the wrong kind. He said that these events are like human stunt shows and they got the wrong kind of glass and unfortunately things happen in this industry and guys get injured. He stated that he always had liability insurance and does agree that there is more that could be done but is hoping that they can work with the city and community to make it as safe as it can possibly be but not taken away from those people that love doing it.

Dr. Knable asked to clarify that this was not Mr. Williams show.

Mr. Williams stated that it was not.

Helen McCormick, 1416 South Street, she stated that she did witness the ruckus outside but was afraid to call the police. She apologized for not doing so but she lives alone and was scared of retaliation. She stated that she doesn't think that they need this kind of event in a residential neighborhood. She agreed with Ms. Peters that there is a drug issue in the neighborhood and if they call the police, they say they have to catch them in the act. She said that there was a drug bust in her next door neighbor's driveway and there were small children at her residence and she asked the police what was going on and they told her to get back in her house and that it was none of her business. She said that building has been in disrepair since she was four years old that something needs to be done.

Allison Smith, 530 Georgianna Drive, stated that she is a patron to wrestling in this area and her children have grown up in this area in the back of these shows and asking for restrictions not to ban it. She said that she has seen people coming from out of state to see these shows and they are a family. She stated that she was at the show on Sunday and some of it was stupid. She also said she was so sorry that Mr. Bostock's child was injured but they aren't heathens. She stated that some people come through this area that have gone on to WWE making this a stepping stone. She said that she knows that they didn't get permits and such but maybe with placing restrictions on it and working with the health board as well as the administration and council it could be made better.

ADJOURN:

There being no further business before the board, the meeting adjourned at 7:51 p.m.

Scott Blair, President

Mindy Milburn, Deputy City Clerk