

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,  
WILL HELD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR  
ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON THURSDAY, JULY  
18, 2019 AT 7:00 P.M.**

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

**ALSO PRESENT:** Amy Stein Police Mr. Thompson Mr. Hall, Mr. Wood and Ms. Milburn

**President Blair** called the meeting to order at 7:00 p.m.

**MOMENT OF REFLECTION:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**Mr. Blair** stated that Mr. McLaughlin was caught in traffic coming back from vacation and that is why he isn't here tonight.

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Caesar** move to approve the Regular Meeting Minutes for July 1, 2019 as amended, **Mr. Barksdale** second, all voted in favor with the exception of **Mr. McLaughlin** who was absent.

**COMMUNICATIONS – COUNCIL:**

**Mr. Barksdale** stated that over the past week he has had numerous complaints from constituents regarding the fireworks. He explained that he told them that he would bring it up during the council meeting to have a dialogue to see if there is anything that can be done to help ease the stress during the 4<sup>th</sup> of July season.

**Dr. Knable** stated that he has also received numerous contact regarding fireworks and while he doesn't think anyone is opposed to fireworks on the 4<sup>th</sup>, it is becoming an issue before and after. He added that he though the council had addressed it through the noise ordinance but there is an exclusionary clause. He asked Mrs. Stein if she would be able to address what the current law is at the next meeting and they can go from there.

**Mrs. Stein** explained that there is a state statue that says you can't legislate fireworks around the 4<sup>th</sup> of July so they will have to work something out within the confines of state statute.

**Mr. Caesar** asked if it is the late at night fireworks that are the issues.

**Mr. Barksdale** stated that it isn't just late at night but the way the season has drawn out. He added that it is perpetuated by the firework stores that have big sales after the 4<sup>th</sup>.

**Dr. Knable** stated that there are a time and a place for these but stretching out the entire month of July is becoming a problem.

**Mr. Barksdale** stated that in their conversations they talked about the animals but there are also sleeping children as well as veterans that may suffer from PTSD to be concerned about.

**Mr. Blair** stated that he researched it as well because he received calls too and the way state statute reads is that fireworks can be set off up until 11:00 p.m. (midnight on holidays) and start back the next morning. He added that the issue in July is that it doesn't get dark until 9:00 p.m. so he is sure that why it was extended and believes it will supersede anything they pass. He encourages them to look at what other communities are doing as well in order to address this.

**Mr. Barksdale** stated that Ms. Stein sent him a copy from a city in Indiana that has adopted something and he appreciates her due diligence.

**Mr. Coffey** stated that at one time the city did have ordinances in place with designated areas and there were limits on the days before and after.

**Dr. Knable** stated that he was out of the country last week and the news came in that a brother/sister city council in Michigan that wasn't doing the Pledge of Allegiance and he is proud to be in a room full of people that are proud to do so before the meeting.

**Mr. Barksdale** stated that he met with Mr. Caesar and Dr. Knable regarding the issue with wrestling and asked Dr. Knable if he wanted to share some notes.

**Dr. Knable** explained that they met with Dr. Tom Harris, his assistant and Scott Wood to discuss the extreme death matches that were going on which caused Dr. Harris some concern over blood and bodily fluids. He stated that at this point in time they are working with Ms. Stein on an ordinance to begin the conversation and Dr. Harris is going to use the Kentucky standard for sanctioning bodies as a guide. He explained that as of right now it will be a very simple ordinance that requires any such unsanctioned event, that anticipates blood or bodily fluid on participant prior/during contact, has to be approved of by the county health department 30 days prior. He added that any event that doesn't adhere to this ordinance will be subject to a citation that starts at \$2,500.00. He stated that this does not supersede any current zoning law so all events will have to comply with those as well.

**Mr. Coffey** stated that they don't have to go to Kentucky to get the rules because Indiana has a professional boxing/wrestling/martial arts division. He explained that these types of events require licensing, permits, surety bonds and contract so these unsanctioned events are totally running afoul of the law.

**Mr. Caesar** stated that they have to keep in mind that these unsanctioned events are totally under the radar.

**Mr. Coffey** stated that either way there isn't any enforcement. He added that now that they know they are here and will be putting the same thing on at the Rustic Frog, they should contact the State to send someone down to deal with it. He suggested that just like the fireworks they defer to the state, and he would be happy to contact them. He stated that it is useless to create more ordinances that don't get enforced.

**Dr. Knable** stated that these events aren't calling themselves a boxing match or a karate match and that is why they are skirting the law. He added that Dr. Harris asked for their help to try and protect the public and they are doing the best that they can in the short run. He encourages Mr. Coffey to bring forward any long term solutions that he may have.

**Mr. Blair** stated that they had a meeting on Monday and he personally called every council member to make them aware of the meeting and three chose to go. He explained that this is where they had the discussion regarding these unsanctioned events because they wanted to get an initial jump on this and he would expect that if Mr. Coffey had something to add he would have attended the meeting.

Mr. Coffey stated that he is trying to add to the conversation but if they can't supersede the state on fireworks they won't be able to on this matter and they are more stringent.

**Mrs. Stein** stated that she would be happy to talk to the state if they would like.

**Mr. Blair** stated that they had their exit meeting with the auditors yesterday and in attendance were Mr. Warren Nash, Mr. Aebersold, Mr. Barksdale Mrs. Moeller and himself. He explained that at this point they are in the silence period so they can't discuss this with the public, but if any other members want the information they can get it to them. He added that once the auditor's report gets published then it will be open for discussion. He asked if everyone saw that the budget meetings in August start at 5:00 p.m. and that was in order to give them a break before their regular meeting. He stated that he will also ask for an extra date in August to hold for any follow up items.

**Mr. Caesar** informed the council that he wouldn't be here on August 5<sup>th</sup>

**Mr. Blair** stated that if they want any specific line items regarding expenditures with the department and account number and he will send those requests to Mrs. Moeller. He reported that he is in the process of scheduling the annual sewer and storm water reports and he is thinking that he may push those back to October since budgets will be coming up in August/September. He stated that he is working on a couple of projects that he wanted to make the council aware of and explained that they are going to put together a petition/request from INDOT to at least do a noise study regarding the need for sound barriers during the work that is to be done on the Sherman Minton bridge. He stated that he is going to make a request for portable radar speed signs in a couple of areas in the city because he thinks it may encourage people to slow down. He added that he would like to do a study or look at data to see if it is effective before they invest.

**Mr. Phipps** asked if the speed signs would be a Board of Works decision.

**Mr. Blair** stated that this body would have to appropriate money but the Board of Works or Traffic Department would decide where to place them. He reported that he met with Susan and Sharon Cochran that live on Mt. Tabor Road and part of their yard that used to have a natural barriers was removed during some work that the city did. He stated that it drops straight down and is a big safety issue and he would like to get some type of barrier up to prevent anyone from falling off. He added that he sent Mr. Rosenbarger an email today and is waiting to hear back.

#### **COMMUNICATIONS – MAYOR:**

**Michael Hall** reported that Wes Christmas from Clark Dietz is here to give them an update on the Summer Paving Program. He stated that as they are aware the temperatures have been really hot this weekend and the Salvation Army has opened cooling stations from 9:00 a.m.-6:00 p.m. He reported that the Theatre Works group will be at the river front Thursday-Saturday performing two shows that 7:30 each night. He added that there will be a lot of community kids involved so it will be a good event to come out and support if they can. He stated that due to the heat the Bicentennial Park Concert on Friday will be pushed back one hour to allow the temperature to drop.

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

**Wes Christmas, Clark Dietz, 2019 Paving Project Update** – he stated that he would like to give them an update tonight on the current paving program but would also like to give them a brief overview of how the program has developed each year and progress that has been made. He explained that the 2019 Paving Program is currently underway and they had the highest amount budgeted over the last four years at just over \$4M. He stated that with that they are scheduled to mill, overlay, patch and do other various improvements to over 22 centerline miles of roadways. He reported that while they have had a very wet start to the summer MAC Construction is on schedule to complete all of the paving by the end of October.

### **History of Paving Program**

He stated that in 2016 Clark Dietz completed an inventory of the entire road network which is the basis for how roads are identified for paving each year. He explained that the inventory consisted of physical examinations of every mile or roadway in the city, which equals out to about 175 centerline miles. He stated that they were all physically inspected and assessed in accordance with the PASER Rating System, which defines the process of how roadways are inspected and classified on a scale from 1-10. He explained that they did this for every roadway segment (intersection to intersection) in the City and as a result they have a long spreadsheet of every segment rated accordingly. He added that the PASER Scale is something that the state has essentially adopted as the method to rate and inventory road assets. He stated that they have been fortunate enough to receive some grants and this system rolls right into those types of applications and is how they want to see the data. He stated that once they had the spreadsheet they compiled that data into a pavement management plan to identify some initial goals of how they want to manage and tackle investment in the roadways. He reported that the two main goals that were identified were to achieve a fair rating (5 or higher) of 75% of the road miles in the City as well as 100% 5 or higher rating for the arterials. He added that within that plan they also did some projections regarding investments and recommendations for what is needed and at the time (2016) they identified that the city would need to invest approximately \$2M annual to simply maintain status quo. He stated that the intent of the program isn't to maintain but to improve so it will be a substantial investment annually to do that. He explained that annually they take the spreadsheet and sort it based on condition rating of 1-10 and then filtering the data by looking at the poorest rated roads and functional classifications. He stated that the higher volume roads received higher priority and beyond that they give consideration to the overall road network to make sure they are investing widely throughout New Albany. He added that they also give consideration to surrounding roadways if they are going into a neighborhood with poorly rated roads and they have been able to do that more recently than they have in the past. He stated that the process is very objective and data driven for the most part with a little bit of filtering.

### **Results**

He stated that since 2015 they have invested \$13.5 million into the paving program. He reported that in 2016 38% of the principal arterials had a 5 or higher rating and at the end of 2018 they were at 64%. He added that this number doesn't include the 2019 paving so the numbers will continue to go up. He stated that they are seeing significant improvement for the dollars that are being invested. He explained that overall road minutes in 2016 had a 44% 5 or higher rating and at the end of 2018 they are sitting at 67%. He added that they did the full caveat in 2016 and they haven't gone back to do a full re-inventory which is likely due at this time because roads do continue to deteriorate.

### **Summary**

He stated that a substantial investment has taken place and they are seeing improvements. He explained that they are doing 22 Miles this year and to put that into perspective, in the previous four years combined they did 32 miles. He added that the Mayor asked him to extend his appreciation to the council for recognizing the need to invest in roadway infrastructure and is looking forward to a continued investment to continue to improve the road network.

**Mr. Aebersold** asked about the quality of the material that is used and if it is better to scrape off 2” of the old pavement and have it last three years or is it better to scrape off 3-4” to last longer. He asked if there are different grades of pavement that could be used.

**Mr. Christmas** explained that there are different types of asphalt materials but what it specified for the project isn’t subpar by any means. He added that it is an INDOT approved mix and is a requirement for anyone that bids to be state certified.

**Mr. Aebersold** stated that it seems like there are a lot of areas that are paved and then a year later have issues.

**Mr. Christmas** stated that there are many factors that contribute to this. He explained that when they are working on the paving project they are milling and then paving, and obviously the more of the road section that they are replacing the better but it is also a balancing act. He stated that in conjunction with the milling and overlay process they go through and identify areas with obvious failures and dig it entirely out, then put back 12” of a combination of stone and asphalt. He stated that it doesn’t mean that there aren’t other areas that have something happen because the Midwest is one of the worst places for asphalt due to the seasons. He added that they also don’t have a lot of subgrade soil in this area that is good for roadways and that leads to a lot of problems.

**Mr. Barksdale** asked if \$1M is designated for industrial roads.

**Mr. Christmas** stated that fund that came from the Redevelopment Commission were to be used in the Industrial Park, but they were TIF dollars.

**Mr. Barksdale** asked if they took into consideration of the 1-2 way street grid when they did the survey in 2016.

**Mr. Christmas** replied no and stated that it wouldn’t change the rating system.

**Dr. Knable** stated that they have seen some dramatic sink holes in the area and asked if there is any reliable and cost efficient way to see those during the survey process.

**Mr. Christmas** replied that there isn’t. The inventory and process that he just explained it is purely visual. He added that many failures are due to infrastructure under the roadway but they have made an effort to improved communications with IN-AWC to coordinate with them so that they can look at roadways that will paved.

**Mr. Caesar** stated that in the past they have had serious concerns with manhole covers not being the proper height.

**Mr. Christmas** stated that in general they have tried to push the contractor into doing these in advance of the paving but there is reluctance because it is easier to hit the final surface if they do them after. He added that they have been addressing this with the contractors and every year they tighten their specifications on how they are supposed to be handled.

**Mr. Blair** asked about roads that aren't being repaved and if they are doing any maintenance like crack sealing

**Mr. Christmas** stated that they get pricing for it every year but they end up spending it all on paving because they have had some catching up to do. He added that they haven't done a lot but they have done some sealing which gets mixed results. He stated that as they continue to make headway with the actual paving he would anticipate more funds being available for preventative maintenance.

**Mr. Blair** stated that it is a cheaper way to prolong the life of the pavement. He explained that they are getting ready to go into the budget sessions next month and stated that he is assuming the advice would be to give as much money as they reasonably can for road paving for 2020.

**Mr. Christmas** stated that it is very easy to say yes to that because just to maintain the road was \$2M, and that is in 2016 dollars.

**Mr. Blair** stated that there is a need out there to throw as much money as they can at it.

**Mr. Nash** asked if there is a number that is too high.

**Mr. Christmas** explained that this year is the most they have budgeted and they are still only using one contractor who is on track with the work. He stated that the only limitation would be contractor availability.

**Mr. Blair** stated that they have to do at least \$1M to qualify for the Community Crossings Grant.

**Mr. Christmas** stated that to get their full aware amount, yes. He added that there wasn't a rating done on the alleys and obviously there is a significant amount in the city in poor condition as well.

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

##### **PLAN COMMISSION – Mr. Phipps**

**Mr. Phipps** stated that they met Tuesday night and had five items on their agenda. He reported that they created the preliminary and secondary plat for Rally's on State Street, they approved a slight addition to the Silver Heights campground, they approved a storage facility on Cannon Street, an addition to the parking lot at Montessori School because they are using part of the lot to build an addition onto the school and they approved a minor revision on the Andres Spring Station on Grant Line Road.

**Dr. Knable** asked if the reconfiguration on the Rally's will answer the questions regarding the storage area.

**Mr. Phipps** stated that it was not mentioned during the meeting.

##### **NEW ALBANY GREENWAY PROJECT – Mr. Jim Rice, HWC Engineering**

**Mr. Caesar** stated that Mr. Rice was unable to be at the meeting tonight but he hopes to reschedule the presentation at some point.

#### **APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES:**

**READING**

**INTRODUCTION OF RESOLUTIONS:**

**BOARD APPOINTMENTS:**

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

**Tim Jacobi, 1740 Ekin Avenue**, he stated that he has lived in the neighborhood for 23 years. He explained that they don't have barking dogs, or children running and playing in the front, they don't have loud motorcycles and they don't have subwoofers in their cars. He stated that what they do have is a fireworks show and a 4<sup>th</sup> of July party every year that they have hosted since they moved in. He explained that they invite their friends and neighbors over for 2-3 hours and light fireworks for about 20 minutes. He stated that they are usually done about 10:00-10:30 p.m. and the neighbors have always enjoyed it. He added that they try to hold it on 4<sup>th</sup> of July if it is on a weekend and if not they will hold it on the Friday or Saturday closest, but they have had to roll it a week if they have bad weather. He stated that he isn't going to be the popular voice tonight but the fact is that they live in tight neighborhoods and there will be things that happen that make noises some might not like. He explained that this happens roughly 1-2 weeks before and after July 4<sup>th</sup> and then it fades away, they are following state law and they clean up after their parties. He stated that if they want to pass an ordinance that restricts the time and types of fireworks they won't be stopping the people that are setting them off at 3:00 a.m. because these folks are already violating a state law, which makes it unlikely that they will care if they are violate a City ordinance. He stated that what they will do is curb the enjoyment that a lot of them get out of it. He added that he knows it is a little noisy but they live in an area where the homes are close together so there has to be some respect for diversity in the way others live their lives.

**Joyce Riley, 3218 Hickory Grove**, stated that she felt like 4<sup>th</sup> of July was a lot of fun and she watched the neighbor's shows from her back yard, but Saturday it was different and she felt like they were being bombed. She added that she kept thinking "how long is this going to go on" and at one point she saw a long bottle rocket facing the mulch in her bushes. She explained that she looked out in the middle of the street and could see 8 launchers lined up the street and the individuals that were setting them off, never really moved the setup while people were driving up and down the street. She stated that the individuals were very nice and quit at 10:30 p.m. and tried to sweep up as much as they could, but had there been an emergency that night they would have had to call the police because the driveways were being blocked. She explained that the next morning she saw two bottle rockets on her roof and that scared her because it could have caused a fire. She stated that the fireworks need to be kept out of the street and some type of noise test should be done but she doesn't want to see anything banned.

**Lisa Beanblossom, 1805 Charlestown Road**, she stated that the issues isn't just the type of noise but the sudden amount of noise because they are a lot more disruptive than your typical outside noises. She explained that not only does it disturb those that have to get up for work the next day but they also have to worry about scared pets and children as well as people that suffer from PTSD and other noise sensitivity issues. She stated that she thinks there is some type of compromise to be had so that those that want to enjoy the fireworks can but that it isn't so disruptive, because there are people that never get tired of setting them off.

**Marilyn Wellons, 614 Beharrell**, she stated that yes the fireworks got to them and their neighbors, but more specifically a friend that was visiting was terrified when it was time for her to go home through Charlestown Road. She explained that people were setting them off on both sides of the road which was causing flashes and booms all through the

street and that presented a safety hazard for anyone trying to drive in the area. She added that on the general question of fireworks, she doesn't envy them at all because it is a state law and there are also issues of enforcement. She added that she has enjoyed them all her life but it is a problem in various respect and she doesn't know what the answer is.

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 8:17 p.m.

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Scott Blair, President

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Mindy Milburn, Deputy City Clerk