

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
HELD A REGULAR COUNCIL MEETING IN THE COUNCIL CHAMBERS AT
NEW ALBANY CITY HALL ON MONDAY, DECEMBER 5, 2022 AT 7:00 P.M.**

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

ALSO PRESENT: Ms. Stein, Mr. Gibson, Mrs. Moeller, Mr. Hall, Mr. Wood and Mrs. Glotzbach.

CALL TO ORDER:

President Applegate called the meeting to order at 7:08 p.m.

MOMENT OF REFLECTION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Phipps moved to approve the Regular Meeting Minutes for November 7, 2022, Mrs. Collier second, all voted in favor.

Mrs. Collier moved to approve the Special Meeting Minutes for November 15, 2022, Mr. Phipps second, all voted in favor.

Mr. Phipps moved to approve the Regular Meeting Minutes for November 17, 2022, Mr. Dickey second, all voted in favor with the exception of Mr. Applegate who abstained.

COMMUNICATIONS – COUNCIL:

Dr. Knable stated that he delivered to the City Clerk, Vicki Glotzbach, his intention to resign at 2400 hour, December 31st from this position and he has already notified the Floyd County Clerk which is the legal remedy on that. He said that he has also notified the chair of the GOP and a caucus is underway for his replacement so if anyone is interested in a really wonderful job with wonderful people, they can consider putting their name in for that caucus. He then stated that there are a lot of people here tonight to talk and he thinks he knows what they want to talk about so when we are listening to them, let's keep in mind that we have a balance in our ARP fund of \$2.8M. He added that there may be some kind of creative way that we can find to assist them. He stated that if he is not mistaken, there was a meeting of the public safety committee since our last council meeting. He said he was curious as to whether or not any discussion of the letter that he submitted to everyone was undertaken with regards to pedestrian safety specific to Spring Street and 4th Street, and also speeding in general throughout downtown at pedestrian corridors.

Mr. Applegate stated that there was and he can go over it in the committee reports portion of the meeting.

Dr. Knable stated that is fine and he just wanted to know if it was discussed and whether any action was considered on that.

Mr. Aebersold stated that the committee talked about that and he knows that particular intersection but he has seen it at other intersections as well. He also stated that when we redid all of the asphalt on Spring Street, Market Street and Elm Street, the striping that was put down for parked cars is way too close to the intersections all the way up Elm Street. He said that cars are now bigger as well as pickup trucks and SUVs so when you are at cross streets, it is hard to look up and down street and you really have to pull out and dash across. He stated that could be the same thing for a person walking and people driving down the street probably cannot see very well the blinking caution lights that are not very big or bright, so you don't notice a person trying to cross the street.

Mr. Turner stated that he is going to be looking into proposing some updates to our website because if you look it, it has been updated but the date on it is old. He said that he has had some complaints from people not being able to access certain things, specifically the tree board and they are wanting to know if there is a way to get more access to them if they want to have a tree cut down or something like that. He also said that if any council members see anything they would like to see on the website, they can send it to him and maybe they can get something together to send up the chain. He then stated that he is starting to get more complaints about ambulances and time and said that is something that public safety needs to look at as well. He said that he agrees with Dr. Knable and Mr. Aebersold about some of these intersections and traffic calming is something they have brought up in the past and should probably be looked at again. He stated that in his district, there is so much speeding and cut-throughs in neighborhoods and he believes that the reason behind that is because we slowed down our main arterial roads, but we didn't change the speed limits in our neighborhoods which forces people to avoid Charlestown Road, etc. and take cut-throughs. He added that he thinks that everything needs to be looked at city-wide. He then stated that he has been very vocal on social media lately about small businesses. He said to piggy back off of what Dr. Knable said, we had \$16M of ARP money and we only have a little over \$2M of that left. He stated that construction is a necessary evil but our businesses downtown are seriously hurting over it. He said that he did write an email to the mayor and Mr. Gibson suggesting a solution and he doesn't know if the solution is practical or not, but it is something that they could take a look at to see if it would work because something needs to happen sooner rather than later. He stated that some of these business owners live in his district and some people that live in his district are silent partners of these businesses and it is tough right now.

Mr. Phipps stated that he concurs with what Mr. Aebersold said and this is something that he has been harping about for five years because the crosswalks are not safe. He said that they have beefed them up a little here lately. He stated that he is a very cautious driver and he watches those crosswalks and he actually missed one of them about two weeks ago. He said that it lit up as he was approaching it but he rode past it and slowed down and waved back at the pedestrian and said that he was sorry. He stated that he is a cautious driver and he missed one so he knows that they is not on the radar of people that are on their cell phones driving and people who are speeding to the Sherman Minton Bridge. He said that he knows that we can't upgrade all of them but he thinks they need to identify about three that are important and beef those up, then take the other ones down because they give a false sense of security for people who live in progressive parts of the country where pedestrians are respected by motorists. He thinks it is an accident waiting to happen, it's possibly a death waiting to happen and subsequently a lawsuit, so he is going on the record tonight to say that if somebody sues the city on behalf of a wrongful death, he will be the first one to go on their defense and say "I warned them for five years to do something about the crosswalks". He said that he is going to harp on this every meeting until he gets some action done from the board of works. He then stated that the human rights commission is officially dead again. He said that he was the person that wrote that ordinance back in 2012, the first year he was on the council, and it was fairly active for a few years and then it fell into disarray and was not meeting. He stated that thanks to Dr. Knable, he was able to get that going again about three years ago and once again, it has fallen into disarray. He stated that there are a couple of vacancies on there and asked Mrs. Glotzbach to find out who is still on it and who appointed them. He said they can then figure out who they need to appoint as a council and hopefully the next president of the council can appoint those seats and have that committee full again and working because there has been a rise in hate crimes in the United States and a rise in intolerance. He then stated that he concurs also with what Mr. Turner said about the businesses suffering. He said that all of those businesses are in his district and he thinks that many people are here tonight to express their concerns about the Main Street construction and he wanted to go on record in support of the Main Street construction because it is going to be wonderful when it is done but it seems to be dragging along. He stated that they were promised that it would be taking place in phases and they have torn the whole street up and it is disruptive and he drives by it many times during the week and sees very little activity. He added that he doesn't know if they need to look at compensating the businesses in some way or look at opening up part of the road and doing the work block-by-block but he is in support of the business owners and looks forward to hearing what they have to say,

Mr. Dickey stated that they feel for those businesses on Main Street and they know it is often hard and disruptive to live through even the smallest project in your area. He explained that he has had conversations with the administration and they are looking at options and will continue to look at ways to provide some sort of relief.

Mrs. Collier concurred with her colleagues regarding what the businesses are going through on Main Street and looks forward to hearing what they have to say tonight.

Mr. Applegate thanked Dr. Knable for his service to New Albany and stated that working with him on the council has been a pleasure. He wished him luck in his new elected role. He stated that as a small business owner in New Albany, his heart goes out to all the are affected by this project and he hopes that they will be able to work together to figure out something to make this process easier on them. He added that he knows that the administration is also looking at options as well. He stated that it is always tough when movement forward takes place in a city because the growing pains are often tough on either side. He explained that it is a longer process and while he can't speak to the speed of the project, he knows that progress is being made and this body will look at any options they can to help out the businesses.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that Mayor Gahan wanted to thank those that participated in the Light Up New Albany event at the end of November and reported that it was a successful event. He stated that the parks department will be hosting Jingle Fest this Saturday from noon to 8:00 p.m. at Silver Street Park, which is a free family event that will include an ice-skating rink. He reported that the parks department also just released their winter brochure that details events and programs that the community can sign up for to keep them active during the winter months.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mr. Applegate stated that they did receive financial reports for September and thanked Mrs. Moeller for providing those.

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

Mr. Applegate explained that they had the committee meeting regarding the new police headquarters which lead to the committee meeting with the council as a whole earlier this evening to received cursory numbers regarding the financing and to talk about the sewer utility and PILOT process. He added they briefly talked about public safety and stated that Mr. Phipps has been a champion of crosswalks and four-way stops and brought up a fair question regarding whether or not those flashing crosswalk lights encourage a false sense of security. He stated that he believes there is an education side that they need to look at to get information out to the community because they are tools that are supposed to help with public safety, but if drivers aren't observing them correctly or even understanding what they mean, they aren't doing their job. He added that they might need to look at monitoring these sites as well provide education.

Dr. Knable stated that they have had pedestrian tragedies already and they aren't doing all they can do to prevent another one. He explained that he thinks education is a great tool but he definitely wouldn't be in favor of pulling the barriers out. He stated that he would double-down on them and put something in the middle of the road to slow traffic even further as well as hitting punishment/enforcement harder. He added that he doesn't think people will slow down until it hurts their pocketbook and after they have hurt someone, it is too late. He stated that if they bring all of these elements together then the education element becomes more of a stick than a carrot, but at least the word gets out.

Mr. Turner stated that they have worked on this in the past and the last resolution they brought to the council failed. He explained that none of them are experienced at the level this needs and he would recommend they bring someone in to look at the issue. He added that he

likes to look at more passive ways to slow down traffic so it would be nice to have an expert advise on how to best move forward.

Mr. Blair reminded them that this is not just a downtown issue. He added that there is an issue with speeding all throughout the city and he believes there are some infrastructure items that they could look at to address some of the issues, particularly areas without sidewalks. He added that education is great but they need to look at what they can do from a structural standpoint.

Mr. Applegate stated that they will take all areas into consideration when meeting and they have talked about areas outside of downtown in the past.

Mr. Blair stated that his disappointment with downtown is that it hasn't been that long since they had an entirely new traffic design where they went from one-way to two-way streets and it seems like some of this could have been addressed at that time. He explained that there are some streets in his district that haven't been touched in 50 years and it just seems like all the attention is focused on downtown.

Mr. Applegate stated that he understands what Mr. Blair is saying completely and he believes that some of those changes made are what brought so many people to the downtown area, so they are still addressing items from the growing community that resulted. He explained that what is going on with Main Street is designed to slow traffic down so it is an ongoing process that has a lot of growing pains. He stated that the committee was responding to a specific letter but they are concerned about the entirety of New Albany and they will look at all the streets that were put into the queue.

Mr. Phipps stated that he has been advocating for the systems like the ones on Eastern Boulevard where the pedestrian light flashes yellow and then turns red after the button is pushed. He added that the red light is key and he was told that these cost ~\$200,000.00 - \$225,000.00 per intersection. He stated that while they are talking about spending \$9M for a new police station for public safety, which he supports 100%, they should look at bonding an extra \$1M to make some real upgrades at some of these intersections.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

COMMUNICATIONS PUBLIC: Z-22-03 Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV Chapter 156

COMMUNICATIONS PETITIONER: Z-22-03 Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV Chapter 156

Z-22-03	Ordinance Amending the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156 to Amend the Zoning Ordinance (Ord. Z-19-01) That Would Permit Chain Link Fencing By-Right with Certain Development Standards in Residential Zoning Districts, Excluding Locally-Designated Historic Districts.)	Phipps/ Turner 1&2
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Mr. Turner introduced Z-22-03 and moved to approve the first and second readings, **Mr. Phipps** second, all voted in favor.

Mr. Turner explained that he has been working on this since 2020 when he came into office as it is a big concern with the citizens of New Albany, and they have finally found a good solution that works for everyone. He stated that Mr. Phipps was the motivation behind him revisiting this after he started to change his mind a little and added that this did receive a favorable recommendation from the plan commission after a lot of discussion.

Mr. Wood confirmed that the plan commission did give this a 6-3 favorable recommendation. He informed them that he did make one change in the use of the work "backyard" and changed it to "rear yard" to match how it reads in the zoning ordinance.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

Mr. Applegate stated that Mr. Cannon’s term has or will expire with the Human Rights Commission and since they are close to having a new council president, they will take care of that appointment.

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Mr. Greg Roberts stated that their crosswalks, especially the ones in midtown, are unsafe and give a false sense of safety when attempting to cross the streets. He explained that crosswalks should be designed to give as much comfort and protection to pedestrians as possible and these don’t because there is not traffic light to enforce these flashing pedestrian crossings. He stated that the pedestrians have to wait until a vehicle stops to allow them to cross which doesn’t often happen as drivers ignore state law and are never cited. He reported that they have been to the board of works who has taken their concerns under consideration, but nothing has been done and several of these crossings are at major cross streets that are a fatal accident waiting to happen. He suggested they look at Clarksville and Louisville to see the ones that actually work and are safe and called for the council as a bi-partisan group to come up with a resolution before someone gets hurt.

Mr. Alan Butts, owner of Coffee Crossing, addressed the council regarding construction on Main Street and the impact it is having on his business. He stated that their business is down 35-40% and he hears the same from other business owners. He explained that he spoke with Mayor Gahan and told him that they will be here when the construction is over, but unfortunately, he isn’t sure all of the other businesses will be. He added that he would like to advocate for his employees because he is going to have to cut their hours as of January 1 and for many of them, this is their livelihood and how they pay their bills. He stated that he talked with the foreman on the job and were told April/May at best just for this one lane, which would translate to over a year for them to endure that type of business loss. He asked for this council to consider some type of compensation to help keep all of the affected businesses afloat.

Mr. Dan Hardesty, owner of Eureka on Main Street, stated that he knows that they all have the same end goal of having a vibrant downtown, but the issue is how are they going to provide that. He explained that the irony might be that they have this beautiful newly constructed roadway and sidewalk lined with empty shops, and that is what they are trying to avoid. He stated that he chose New Albany, invested in New Albany and put his faith in New Albany, and his only hope is that New Albany reinvests in all of them. He added that people don’t come downtown to look at sidewalks and roads, they come for the people and the shops that they provide that no other city has. He stated that their goal is to provide unique businesses that people want to see and it is the city’s job to help them achieve that as their businesses are not designed to bear this kind of burden for that long. He added that his business is down at least 40% and he is asking for their help to allow them to provide a thriving downtown for New Albany.

Mr. Andrew Carter owner of Underground Station and other buildings on Main Street, stated that the impact of the road construction is not just a solitary event and for the businesses here in this corridor, it started with the construction of City Hall. He explained that this led into construction on Bank Street followed by Main Street which resulted in multiple years of enduring construction. He stated that he has at least 15 tenants that have been hit by the fallout of the construction and it is getting harder and harder for them to pay their rent and that is a huge number. He asked them to try to do whatever they can to prevent this flow of businesses out of the city that could result if they do nothing.

Ms. Stevie Carper, owner of the New Albany Sugar Shop on Pearl Street, stated that before she started her dream of owning a shop, she was a consumer of downtown and remembers seeing the wish list for downtown and seeing a candy shop on that list and decided to take on the risk during the pandemic. She stated that she invested her retirement and her entire life savings to open up the Sugar Shop and it was a success. She explained that as they came through the height of the pandemic, she made plans for the construction on the Sherman

Minton Bridge and held off on expanding because she knew it would have an impact on her business, but much to her surprise come spring the construction started on Main Street. She explained that the construction has wreaked havoc on her business from power outages and flooding that forced her to shut her doors on five different occasions and that isn't taking into account the added difficulty of limited access to her shop. She stated that this has been her nightmare and she has seen a 44% downturn in her business and has lost thousands of dollars in expired product. She added that she loves historic downtown and she loves her location, but she has her life savings tied up in this shop and she needs relief. She stated that without some type of grant she doesn't think that she will be able to hang on until September and the only reason she says September is because no one has ever really told her when they expect the construction to be complete.

Ms. Michele Finn, owner of Michelle's Apothecary in the Underground Station, stated that she recently transitioned from the farmer's market to a storefront and loves New Albany. She explained that the community in New Albany is very strong and that is why she chose to open her shop here. She stated that when she first opened, business was great with lots of foot traffic and now, she mostly receives calls from people that can't find or get to her shop. She explained that she owns an apothecary that provides pain relief to people that aren't stable enough to walk across loose pebbles to get to her. She stated that in addition to this, they are now cut off from events and even though Develop New Albany tries to include them, no one wants to cross that street if they don't have to. She understands the end goal but right now their life blood is being taken from them and they are asking from help from the city to stay alive.

Ms. Kimberly Rowe, owner of the Crazy Disc Store on Main Street, stated that they are formulate in that they have three other locations that can help share the cost burden put on their store due to the construction, but it has inhibited their plans to continue to grow to the point where they had to seek funding, something they have never had to do before. She added that their year-to-date sales loss is ~30% and that does not include the 67% increase in the supply chain that they have all seen in the last 24 months. She explained that all of their markets are growing, even those that are heaviest hit by the recession and even their loyal customers tell her that it is just too hard to get to the shop to bother. She added that their spend per visit is staying the same but their transaction accounts have fallen off. She appreciates that they understand what is going on but the duration of the construction is the issue and they have had to cut hours and have lost an employee because of this, which is heartbreaking as a business owner. She stated that they would really like to see some relief to get them through the duration of the construction.

Dr. Jessica Gradel, StoneWater Acupuncture & Chiropractic, stated that she is going on five years in her practice in New Albany and has endured several construction projects in the area. She stated that this is the one that has affected her clientele the most adding that they were previously able to utilize drop-off zones, but this has been a nightmare. She explained that she has patients in wheelchairs, those that are on walkers and those that walk with canes that can't make it up that hill or navigate the pebble walkway. She stated that she has had complaints about the ADA ramp and because it doesn't have continued foot traffic, they don't feel safe using the ramp because there would be no one to call if they fell. She added that this is in addition to the random closures, the inability to get to her office, having to reroute clientele and having to come out of her office and meet them to cross the construction because it feels safer than coming up the hill. She stated that she has also witnessed vehicles coming off of Bank Street and going down Main Street in the wrong direction because of the lack of signage which is an additional safety issue for her clients. She added that she has had to advise some of her long-term patients to reschedule which is heartbreaking for her and she hopes there is some kind of resolution that comes for their conversations tonight.

Ms. Cisa Kubley, owner of Sew Fitting on Main Street, stated that she has been in business in New Albany for 15 years and would really hate to see this construction be the thing that does them in. She explained that she has multiple employees and they love being in this community but this is something that will have a long rang impact if they don't all get some assistance from the city. She stated that they have all tried their best but they are still recovering from the pandemic and they are spending much of their time helping people navigate "today's route" and they are seeing more and more no-shows. She added that they are consistently watching people ignore the four-way stop and turn the wrong direction

disregarding pedestrians all together. She stated that it feels like they are risking their lives every day just to cross the street on what is part of the heart of their community. She added that they really want to stay here but if their business aren't given some type of assistance, they will not be here to enjoy the end goal.

Mr. Mike Sajaja owner of Aladdin's Restaurant in Underground Station, stated that they have been at this location for almost six years and after surviving the pandemic, which was very hard, they have had to navigate inflation on top of this construction. He stated that they have lost ~40-45% of their business because of it and they are currently surviving on their savings to make ends meet. He added that they are just trying to make it and are hoping that the city can help them with some type of grant because he doesn't know how they are going to make it without some assistance.

Ms. Christian Johnson, owner of the Odd Shop on Main Street, stated that they have been in New Albany for four years and this has been the worst year of sales that they have ever seen. She explained that they have put their whole life into their business and would hate to see it fail because of something that is out of their control. She stated that they gained a following online and consistently sees customers from out of town and she has seen several bad reviews because she has been forced to limit and change her hours and people have such a hard time finding her store. She added that she does want to stay in New Albany and does think that the end result of the construction will be nice, she just hopes she is still here to see it.

Ms. Amy Jo Romig, owner of the Odd Shop on Main Street, stated that there isn't much more that she can say that hasn't already been said other than their spirits are broken at this point. She added that she lives at Main and Bank as well and she sees the hazards from the speeding cars, ignoring the stop sign and the safety issues that come from being confused about the traffic in the construction area.

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:19 p.m.

Jason Applegate, President

Vicki Glotzbach, City Clerk