

**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 THURSDAY, DECEMBER 15,  
2022 AT 7:00 P.M.**

**MEMBERS PRESENT:** Council Members: Mrs. Collier, Mr. Dickey, Mr. Phipps, Mr. Turner, Mr. Blair, Mr. Aebersold, Dr. Knable and President Applegate. Mrs. McLaughlin was not present.

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

**CALL TO ORDER:**

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

**INVOCATION:** Given by **Chaplain Joe Bradley**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

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

**Mr. Phipps** moved to approve the **Committee Meeting Minutes for December 5, 2022**, Mrs. Collier second, all voted in favor with the exception of Mrs. McLaughlin who was not present.

**Mr. Dickey** moved to approve the **Regular Meeting Minutes for December 5, 2022**, Mr. Phipps second, all voted in favor with the exception of Mrs. McLaughlin who was not present.

**COMMUNICATIONS – COUNCIL:**

**Mr. Dickey** stated that he attended the Jingle Fest that was put on by the parks department and was held at Silver Street Park. He said that it was a fantastic event and he really appreciates the time and care that it took to put that on. He stated that he thinks that type of event makes our city a special place and makes our parks department that much more special for our community. He then stated that he attended the health board meeting where they discussed the governor's proposal that is ultimately going to the legislature. He said that it will provide an incredible cash infusion eventually to our local health department and considering that Indiana is 45<sup>th</sup> in public health expenditures and 70% of what is funded comes from local government, he thinks that is a tremendous asset for us. He said that there will be some continuing commitments if this is approved but we obviously want to continue to follow that, and he would encourage everyone to reach out to Dr. Harris to discuss some of those aspects more. He stated that the tree board did have a meeting yesterday and they have obviously done a couple of things over the past couple of months including some mobile meetings at community institutions. He said that the one thing that he did want to make all council members aware of is that they are working on the 2023 tree planting plan. He said that if you have some suggestions of where you would like to see some additional tree plantings or other enhancements, please refer those over to him or to Mr. Krisjans Streips in planning and zoning and they will try and incorporate those into the discussions.

**Mr. Phipps** stated that he just wanted to remind everyone to shop local during the holiday season, especially the Main Street businesses that have been hurt by the ongoing construction. He then said that as we are approaching the holiday season, he would like to wish everyone a Happy Winter Solstice, a Happy Hanukah, a Merry Christmas, a Happy Kwanza and a Happy Civil New Year.

**Mr. Turner** stated that he received an email from the attorney general's office that the Purdue Pharma settlement money is coming to the city and we are getting roughly \$45,000.00 in our first installment. He said that he would like for their committee to get back together and discuss what they should do with that first round of funding. He then stated that this Saturday at noon at the New Albany National Cemetery is Reach Across America and it is something that they do every year. He said that they put wreaths on all of the headstones of all of the Veterans in the national cemetery and is a very good event so if anyone can make it out there, it would be much appreciated.

**Mr. Blair** stated that he wanted to wish everyone Happy Holidays and Merry Christmas because it is a time to be thankful for what we have and this community. He thanked Dr. Knable for his service since this is his last meeting and said that he looks forward to working with him on the other side with the county. He then told Mr. Dickey to please make sure that the tree board is conscientious about where they plant trees. He stated that they had a fiasco last time when they planted trees on Lynnwood and Millerwood and the residents got into an uproar because there were some people that had just replaced their sewer pipes because of tree roots, and then we turned around and planted a tree right on top of where the sewer line got replaced. He said that it was very unsettling to them and so forth so we need to make sure that we communicate with residents. He also said that you don't tell a resident well, that's the city's easement so we have every right to do that when they have been taking care and mowing that property for 50 years because that was insulting to them.

**Mr. Dickey** stated that they have changed the protocol for how that is handled. He said that they added additional redundancies in there so that type of situation doesn't happen. He stated that it was also a little bit of an unusual situation because unlike most of the streets where we have defined sidewalk and planting area, that area did not have that and that is something that should have been considered more in terms of communication with the residents as it was put in place.

**Mr. Blair** said just don't make the same mistake twice.

**Mr. Aebersold** stated that Dr. Knable has done a fine job in the last few years. He then stated that he did see Mr. Phipps comments on Facebook about the businesses needing help downtown because of the construction and he listed about 15 or 20 of the businesses. He said that he is beginning to work with Facebook so he posted it on his page and doesn't know if anyone sees it but he was trying to help out on this issue and the council is going to try to help do something tonight maybe.

**Mr. Phipps** stated that post has been shared 84 times just for the record.

**Dr. Knable** stated that he wanted to remind everyone that Miss Elizabeth Hallal is Miss Indiana and she is running for Miss America tonight which will be on TV. He said that she is a local and he thinks she has a good shot at it. He then stated that he ran for office seven years ago with the idea of the simple motivation with trying to help as many people in the city of New Albany that he could and to the degree that he has been able to do that, he does not know but he does owe a few people some thanks. He thanked his fellow council members, Ms. Stein, Mr. Lorch, Mrs. Moeller, Police Chief Bailey, Mr. Gibson, Mr. Barksdale, Mrs. Glotzbach and Mr. Coffey. He said that he loves this city so much and he wishes it well so much so he has to convey good luck and best wishes to everyone on this council regardless of party affiliation and to our mayor as well. He stated that if you all succeed, the city succeeds. He said that he is moving on to the county but he is going to continue from there as best as he can. He stated that until such time that he might serve a capacity in city hall again, he wants to leave it in saying that it's been a true joy to serve the people of New Albany and he will continue to go to bat for them. He said that for the next ten days he will continue to represent in the city but will then move that representation to the county.

**Mr. Applegate** congratulated Dr. Knable on his new position.

**COMMUNICATIONS – MAYOR:**

**Mr. Hall** stated that the mayor wanted to wish everyone Merry Christmas, Happy Holidays and a safe New Year and wanted to thank everyone for their hard work this past year and he looks forward to another great year in New Albany.

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

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

**Mr. Applegate** stated that the council did meet as a whole for the finance and budget committee at 6:00 p.m. prior to this meeting to discuss the police station.

**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**

<b>Z-22-03</b>	<b>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.)</b>	<b>Turner/ Phipps 3</b>
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**Mr. Turner** introduced Bill Z-22-03 and moved to approve the third reading, **Mr. Phipps** second, all voted in favor with the exception of **Mrs. McLaughlin** who was not present. **Bill Z-22-03** becomes **Ordinance Z-22-10**.

**Mr. Turner** stated that this is basically the amendment that would permit chain link fencing.

**Mr. Applegate** thanked the planning department who had multiple meetings on this as well.

**INTRODUCTION OF RESOLUTIONS:**

**COMMUNICATIONS PUBLIC: R-22-13 “Main Street Revival – Survival Fund”**

**Mr. Paul Foster, Fostered Up Art**, stated that he is one of the owners and they have a shop in the Underground Station and have been there since August 2021. He said that neither he nor any of the Main Street merchants are opposed to the Main Street renewal project and they all believe that when the project is completed, it will be a huge asset to the city, especially downtown. He stated that they are opposed to how the project was planned, the lack of communication from the city and a lack of consistent work being done on the project by the contractors. He added that there have just been so many wonderful days with no one out there. He said that he doesn’t know how the other Main Street merchants feel, but to him it seems that the survival of approximately 30 individual merchants does not rate that high with the city of New Albany. He stated that they are for the most part small, eclectic shops and the loss of even one is a loss to our downtown community. He said that they are not cookie cutter shops that you would find in a mall; they are unique shops that people hopefully search out or find by accident. He stated that interrupting foot traffic for over a year is devastating to most of the Main Street

merchants because they rely on regular foot traffic to grow their businesses. He stated that he is not here tonight looking for a handout, but he is asking for some assistance so that he can take care of his rent and utilities. He said that he is not even looking at the profit; he will manage that on his own. He also said that he wants to be open when the project is finished so that he will be able to rebuild his consumer base and he hopes to remain a part of the thriving downtown New Albany.

**Ms. Kimberly Rowe**, stated that there is a stark contrast between standing and looking down Market Street than standing looking down Main Street and it is an exercise she would recommend. She said that she took some time and got some self-reported anonymous data from each of the businesses that she would be glad to leave the data with the council members if they would like to look at it. Said data is on file in the city clerk's office. She stated that it shows the actual impact and there were certain things that stood out. She said that per transactions spent for the businesses were at or above what it has been, but the number of transactions is down and the number of new customers is down and these are the things that lend themselves to foot traffic issues. She stated that transactions are down versus 2021, total business revenues are down and the profit loss reported is just over \$500,000.00 and there are other businesses that are not included in the figure. She added that if they have any questions, she will leave her contact information.

**Dr. Jessica Gradel** stated that she spoke last week about walking conditions and she did see some action being taken by the city which she appreciates. She said that they do still need better lighting and better control across those intersections specifically Bank Street coming across to her office. She had the pleasure of eating at Agave & Rye tonight and she noticed that they actually have tamped down a stone pathway coming from the parking lot and it would be great to see that step taken at the Bank Street intersection as well. She stated that she doesn't know how feasible that is because there is more cross traffic that goes through there since that intersection is still open. She said that area is the only flat, non-hill surface that some of her patients really do appreciate because they can walk across it so if they could take that step also, it would be great. She stated that the impact to her patients is still prevalent and she doesn't know what other steps can be taken, but they could specifically level out the stone pathway a little more. She said that after a rain and other weather conditions, it becomes a little rough and you are going to find soft spots as well as loose stones which will cause issues. She stated that a loose stone can bind up a wheel really easily and can cause a trip hazard so it needs to be monitored and watched for the full stretch of that area, and not just from the ADA compliant walkway. She said that she knows that she talked and ranted at the last meeting and she is not going to do that tonight but she appreciates the city listening and taking those steps.

**Mr. Jason Fryman** stated that earlier it was bad to get across the street from the parking lot so he talked to the construction contractor and fortunately they helped them out, but there for a period of time today, you couldn't even get into their building from the parking lot across the street. He said that it is not even their parking lot but they allow them to use it, and when it is rainy and muddy like today, the dumpster service can't even get in to empty their dumpster, so when guests walk up to their restaurant, they see a full dumpster. He also said that he guarantees that if they came and did an inspection on them, they would get knocked for that and it trickles down, not only to the businesses, but also their employees. He stated that last year at this time they were employing 48 people and right now they employ 18 people. He said that they have spent \$5,000.00 per month in the past three months for ads to get people to employ with zero avail. He stated that prospective employees will come and see what they have to deal with while coming to work and they don't want to deal with it. He said that money is down for their employees because they are tip-based and without the traffic from the community, they don't get paid. He added that they are getting paid \$2.13 per hour which is something that has not been raised in years and he had three people put in their notice today because they aren't making enough to pay their regular bills let alone enough to get their kids, family members, etc. stuff for Christmas. He stated that he just wanted to really encourage the council to think about the way they are going about doing it and to be thoughtful with

pedestrian traffic that even comes across the street. He said that he knows it is going to be wonderful when it is finished and he is excited about it but he is just not very pleased with what it is doing to local businesses. He said that they are not a local company but they still set up shop in the community with hopes to have the community back them and with this, it doesn't look as good as they initially thought.

**COMMUNICATIONS PETITIONER: R-22-13 “Main Street Revival - Survival Fund”**

<b>R-22-13</b>	<b>Resolution Petitioning for the Designation of \$500,000.00 of American Rescue Plan Act (ARP) Funds for Certain Downtown New Albany Businesses Negatively Impacted by the Main Street renewal Project (i.e. Establishing a “Main Street Revival-Survival Fund”</b>	<b>Knable/ Phipps</b>
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**Dr. Knable introduced R-22-13 and moved to approve, Mr. Phipps second,**

**Mr. Phipps withdrew his second.**

**Dr. Knable moved to put this resolution into committee, Mr. Phipps second, all voted in favor with the exception of Mrs. McLaughlin who was not present and Mr. Turner who voted no.**

**Mr. Applegate** stated that this will be put into committee and the council members do have information that was given to them by legal and they did not think that this could be a use of the ARP funds so that will be looked at within the committee. He said that they are looking at options for making the streets better even though communications with the city from the beginning have not been the best. He also said that in the last two weeks the city has made a lot of progress such as putting out a website that will show what has been done, what will be done and upcoming information. He stated that he has taken notes on some of the road issues to make this bad situation, be the best bad situation it can be. He said that he just wants everyone to know what will be discussed in committee and doesn't want to give hope if we are getting advice that it may not be possible.

**Dr. Knable** stated that he moved fast on this because he knew that it likely would go to committee and he is a business owner as well. He said that this is purely driven for the petitioners that were here at our last meeting and trying to extrapolate from them to what it would mean to buy a business and then be off by up to 35%-45%. He stated that he gets it so he wanted to move relatively fast on this because he thinks time is of the essence. He said that we had a quick turnaround between meetings which is why he put this together faster than he normally would have and the need is urgent and his time here is short. He stated that he wanted to kind of dictate the conversation a little even after he leaves which maybe selfish on his part but really unselfish because he wanted to make sure that the conversation continued. He said that he is in receipt of the materials with regards to an initial interpretation not allowing ARP funds to be used for this as well as some of the items that have been employed by the city to mitigate. He stated that he would like to see this go to committee and be worked and if this resolution is not good as it is to cover it, then he would like to see it reworked so it might fit some the constraints of the ARP funding. He said that he knows some of the things on the list were implemented during the peak of Covid but in talking with the construction folks, not only on the executive side but also on the shovel side of things, it seems to him like a lot of these delays are Covid related such as on the manpower and supply side of things. He added that he hoped that they might be able to get a different interpretation of that. He said if not with this resolution, let's continue to look for ways to help, such as maybe an ordinance to allocate some rainy day funds or something like that.

**Mr. Blair** stated that he agrees with Dr. Knable and thinks this is a good gesture and we need to do something to support our business community. He said that they have several different ways to provide funding but they should also look at the Caesars Foundation

because one of their missions is economic development. He stated that they also need to look at the construction contract because there should have been timeframes in there and he doesn't know why completion timeframes were not, but they need to get something in there. He added that they may even need to add incentives to it to get it done quicker. He said that he thinks there are things that they can do and he would encourage the committee to look at those items.

**Mr. Dickey** suggested to Mr. Applegate, for the benefit of the public as well as for all of them since they got that information late, that Mr. Gibson provide a little more feedback on what they learned from the outside counsel.

**Mr. Applegate** added that Mr. Gibson may explain the ARP process and how they have done every expenditure.

**Mr. Gibson** stated that a lot of the heavy lifting was delegated to NARC to implement this stuff so as part of that process is that every expenditure for the ARP funds is examined by outside counsel who has expertise in the American Rescue Plan to make sure that they meet criteria. He said that was done in this situation too and he thinks that the conclusion was that as it is drafted in its current form, it doesn't meet those dictates or parameters. He stated that doesn't mean that there aren't other things that the city can do with the council's help and the committee's help to help facilitate things to increase that. He said that they have done some things and are trying to work with them, but they do understand that they need more help in that fashion and they are not diminishing that whatsoever. He stated that more input may be helpful in that committee process and Dr. Knable is right that it was in a short timeframe and in normal situations, he would have reached out to him but there just wasn't enough time to get that done. He said that he doesn't want anyone to have false hopes that this funding is available at all but they do want to see what else is available and maybe can be fleshed out in the committee meeting. He stated that they do have the web page up and running on [cityofnewalbanyhall.com](http://cityofnewalbanyhall.com) where you can go find the project itself and it basically has what was going on last week, what is going on this week and what is planned to go on in the next week. He said that will be updated on a weekly basis so that kind of information is available if anyone wants to get it. He stated that he knows that they have reached out with DNA and have had meetings with a tourism individual today with potential ways that they can assist with collaboration with the city and city council. He said that the city is willing to do what it can do as long as it is allowable expenses under federal rules, state rules and any auditing parameters that we have to deal with.

**Mr. Dickey** stated that covers what he wanted to hit on because obviously Mr. Gibson has had conversations with both Mrs. Collier and himself on this from the standpoint of members of the redevelopment commission as well as members of this council, and he thinks that it goes without saying that all of their hearts are in the right place to try and work out solutions for our downtown businesses. He said that he thinks the biggest struggle has been trying to figure out what are the best mechanisms and how we can make those happen as quickly as possible. He stated that he appreciates the sentiment behind this effort and wishes that they would have received a little better news than what they got from counsel, but we have to remember that if we move on something, we are on the hook to have to pay those funds back if they are not allowable. He said that he wants to be careful in how they put this together and that it checks all of the boxes and safeguards not just the businesses but the city as well.

**Mr. Turner** asked Mr. Dickey when they discussed this?

**Mr. Dickey** stated that he has been speaking with Mr. Gibson all week on this.

**Mr. Gibson** stated that he talked with Mr. Phipps and Dr. Knable also today about this. He said that they were tasked with this duty from a NARC standpoint so it is taken seriously and they do examine each and every expense.

**Mr. Turner** stated that the time stamp of the information that they received today is 4:25 p.m. today and you all have had discussions for a week so why didn't we call a special meeting on this so we could have discussed rainy day funds, riverboat funds or some kind of mechanism that would have helped these people out that are here tonight?

**Mr. Dickey** stated that he wanted to clarify something. He explained that his conversations with Mr. Gibson have been looking at an array of different options and finding out what is allowable. He stated that Mr. Gibson has given him this information tonight as well, so he thinks that he and the administration are moving as quickly as they can to get feedback from counsel and other parties to investigate things. He said that this was not a situation where they have known something for weeks and haven't acted on it because they are all trying to work as diligently as possible to meet the needs of all of these businesses.

**Mrs. Collier** stated that she wanted to point out with it being the end of the year, there is a timeframe for appropriations so that tied their hands and they couldn't get it done this year.

**Dr. Knable** stated that he knows it is a fluid situation and we just received some data regarding the business owners tonight and he believes that someone else talked to him about having some other data, so he would encourage any data that we have available to be given to our city clerk to get to the committee as well as the council members. He said that he is taking encouragement in Mr. Gibson saying "as the resolution is drafted in its current form" and he has been here long enough to know that these things have to be worked through in order to get it. He stated that he is going to be working from the county side here in ten days and he will be working on this as well on the county side and he hopes that something will shake loose. He said that he realizes the parameters set forth by this and he wants to see it done by the letter of the law as well.

**Mr. Applegate** recommended that this goes to the ARP ad hoc committee that they already have which consists of Mr. Aebersold, Mr. Dickey and himself.

**Mr. Gibson** stated that they would welcome any additional information that they may receive too. He said that he has given the members a list of steps that have been taken, not just by the city but by local businesses as well, and 14-point Main Street mitigation items that have been done and that can hopefully be expanded with other items to assist in this matter.

**Mr. Aebersold** asked if there is any way that they could easily pave some areas temporarily until they come back to do the final work on Main Street or move construction stuff back and make it wider so that the businesses are more visible?

**Mr. Gibson** stated that MAC Construction is the contractor and that would require discussions with them of those options that are available and what those additional costs may be. He said that is something that could be legitimately compensated to get done so it could be possible but he doesn't know what their constraints are. He stated that the city has put larger signs out to encourage people to use the parking behind the building and they are open to other suggestions and that is one that the committee can discuss.

**Mr. Turner** stated that on November 30<sup>th</sup> he emailed Mr. Gibson and the mayor and at that time he said that they needed to do something for these businesses and gave the suggestion that this is potentially deferred maintenance from Covid and it is impacting our businesses by doing the construction now. He said that he didn't receive a response and asked if his request to use ARP funds was ignored at that time because it is now December 15<sup>th</sup>? He asked if the legality was ever looked at because it was over two weeks ago that he sent that email?

**Mr. Gibson** stated that his opinion from day one was that this kind of expense is not even remotely close to what is covered in the American Rescue Plan Act and that was confirmed once a resolution was put forward. He said that he didn't rely upon his

opinion and relied on an expert who is focused in the American Rescue Plan Act to examine that.

**Mr. Turner** stated that this could have all been squared away before this because it was two weeks ago that he brought it up.

**Mr. Gibson** stated that he knows Dr. Knable meant no ill will, but there was no discussion with him before this resolution was put in front of the council and that is when he got a formal determination and had it looked at.

**Mr. Turner** stated that he sent him an email on the 30<sup>th</sup> of November which was before the resolution.

**Mr. Gibson** stated that was not the same thing that they are dealing with tonight.

**Mr. Turner** asked Mr. Gibson if he just waited for a resolution to come up before he looked into it?

**Mr. Gibson** replied no and stated that they looked at solutions to help as much as they could since the project started. He said that the city administration is willing to work and come up with reasonable solutions that can fit into the parameters that they have to live with.

**Mr. Turner** stated that if he would have told him on December 1<sup>st</sup> that was not legal, he could have worked with Dr. Knable to use riverboat funds or any other funding mechanism, but now we have to send this off to committee and delay it even longer. He asked if his request was just ignored?

**Mr. Gibson** stated that there is not one mechanism in the current statute that he is aware of that would allow this type of reimbursable expense.

**Mr. Turner** asked if appropriating riverboat funds for some kind of grant would not be possible?

**Mr. Gibson** stated that he doesn't believe so, no.

**Mr. Turner** stated that this is something that he should've looked into prior to tonight.

**Mr. Gibson** stated that it is something that can be addressed by the committee.

**Mr. Turner** stated that now they are delayed even more and they could have had this settled tonight.

**Mr. Gibson** asked in what way? He said that he just told him that there is no mechanism in state statute that he has been able to locate, nor has their hired outside counsel been able to locate, that would permit anything of this nature whatsoever. He stated that INDOT's own rules and regulations say, unfortunately, that lost profits are not compensable. He stated that is their policy and is in their manual and this is an INDOT project.

**Mr. Turner** stated that it is a shame that they are just hearing about it tonight.

**Mr. Phipps** stated that he wanted to concur with what Mr. Aebersold said because he thinks there are probably ways that they could mitigate some of this problem. He asked why we have to have four blocks closed at once and if they could just close one block at a time? He said to let the other blocks stay open when the work is not being done on them or something along the lines of opening up the visibility of the businesses. He stated that they've got large sections of Main Street blocked off for construction, so maybe that could be minimized and then you could just close it off and make that parking for the businesses only. He said that most of these projects are done for the convenience of



contractor as opposed to the convenience of the merchants and the citizens that shop there. He stated that is something that he thinks as a city, we probably need to look into on future projects so that we can make them more business-friendly. He stated that if it costs us a little more in the process, so be it, because we can't afford to lose these businesses.

**Mr. Turner** stated that he is voting no on putting this in committee because these people are down \$1.75M in sales and \$.5M in net revenues. He said that they have marketed their businesses for so long and signs are just signs. He stated that he wants this resolved tonight so he is voting no.

**Mr. Aebersold** stated that if this passes, he would like for the committee to meet very soon and not drag this out. He said that they need to meet to start working on this next week.

### **COMMUNICATIONS PUBLIC: R-22-14 Increased Traffic Calming Measures**

**Mr. Greg Roberts, 1105 E. Spring Street, President of the E. Spring Street Neighborhood Association,** stated that he spoke to the council at the last meeting and he thought that all of the council members received the letters that he sent to Mrs. Glotzbach regarding signals and he is going to give her more letters from residents in the neighborhood to pass on to them. He said that when you look at a city and ask what makes a city, it is the buildings, but most of all, it is the businesses that make that city as well as the people in that city. He stated that we have worked hard to make our neighborhoods very valuable, very walkable to attract people to live in their neighborhoods and build homes or refurbish them and so forth. He said that if you look at the signs coming down Spring Street, there is a big flashing sign that says "Pedestrian Crosswalk" and he is glad that the city has admitted that they are wrong with those yellow flashing signals. He stated that if you had a big billboard saying that there is a crosswalk coming up, then you know that you were wrong with those but it is only that one. He said that the ordinance that you have before you tonight only mentions one intersection and that needs to be amended to include the intersections at 8<sup>th</sup> and Spring streets, 10<sup>th</sup> and Spring streets and also at 13<sup>th</sup> and Spring streets. He stated that the 13<sup>th</sup> and Spring intersection is at a retirement home and the elderly uses it to go to the park and 10<sup>th</sup> and Spring is right up the curve and then 8<sup>th</sup> and Spring is used by a ton of people at the church so he would like for those to be put in the ordinance. He then said that the website was not updated until this week and yes, there is a new video on there but if you look at the comments there, people agree with them that those signs do not work in his neighborhood. He stated that if you drive out in the suburbs, there is a stop sign at every single corner in the neighborhoods. He said that his neighborhood is just as important and just as valuable as anyone else's. He thanked Dr. Knable and said that he has worked with him on other projects and that he will be truly missed.

**Reverend Allan Wallace, Rector at St. Paul Episcopal Church,** stated that he just moved to New Albany about seven months ago which is a beautiful city and he thanked the council for their work and their service. He said that he did want to speak to this resolution because it is a big problem that he has noticed from walking through the city himself. He stated that even with the big flashing signal, it took him about ten minutes to get across Spring Street to get here tonight because of traffic and people not stopping at the crosswalk. He said that he is present to speak on behalf of other people primarily because it gives a very false sense of security. He stated that when a child goes up and hits a button and sees flashing lights, they are used to crosswalks and when there is a light that changes, that gives them the security that it is safe to cross and it is not safe to cross. He said that when he first moved here, he hit the button and almost had the same situation because not only were people not stopping, they weren't even slowing down. He wanted to just urge the council to really consider safety measures that will be there to protect the kids and those who may not think when they are trying to cross an intersection. He stated whether it is more police enforcement to stop those people who don't stop at those intersections or something to make people realize that it is a requirement that pedestrians are first in order. Something needs to be done to keep people safe. He said that too many



**Mr. Turner** stated that traffic calming stuff started in 2019 when Mr. Blair was president. He said that when he won his election, Mr. Blair asked the current council members as well as the new council members to give their number one priority, and the number one priority was traffic calming pretty much across the board. He stated that for the next two years, he and Councilman Blair brought up traffic calming over 20 meetings until eventually in March of this year, they wrote a resolution for traffic calming which was very simple and probably the way we should be doing it. He said that they just wanted to give the board of works six months to come up with some kind of a plan which could have been as simple as saying that they aren't doing anything. He stated that now here they are nine months later and they are talking about traffic calming. He said that we can nit pick certain items but he doesn't believe they can do certain intersections; he believes that it has to be citywide because it is a citywide problem. He stated that he believes that the best bet is to do something along those lines to give board of works control of it and appropriate funding for potentially a citywide traffic calming study to see what is needed. He added that if you are enforcing a road because of speeding all of the time then your road is designed wrong. He said that they could talk all night about specific intersections, but he thinks they should turn it over to the pros and hold them accountable. He also said that three months ago they could have given them some kind of guidance but this council voted no to their resolution at that time.

**Mr. Gibson** stated again that they have the list. He said that speed limits have been examined and reduced, implementation of two-way streets was another slowing mechanism and the road diet was a slowing mechanism. He stated that they are more than happy to look at what item 19 will be on this list, but that will require the council's assistance in this matter too, instead of just kick it to board of works all of the time, and make them make the decisions. He said they don't mind doing some of the work but they do know that these things that have been mentioned specifically in here require some funding in order to implement.

**Mr. Blair** stated that he does think that it is the council's responsibility to do the funding, but as far as the expertise, they know there is problem, but they are not traffic experts and they do have experts on staff and the ability to hire traffic experts. He said that when they come up with a problem, they don't necessarily know what the best solution is, so that's why we have to rely on the board of works or our city engineer or people on staff that can help them with this. He added that each member is probably going to have their favorite solution, but knowing which ones are most appropriate, is where they are going to need the assistance of the board of works. He stated that was the gist of the resolution that they did back in March, and the wisdom of the council voted it down and now we turn around and bring the same thing up again.

**Mr. Gibson** stated that they are bringing up specific areas that have been of concern which is a big difference.

**Mr. Blair** stated just read the title.

**Mr. Gibson** stated that there are specifics in it.

**Mr. Blair** stated that there are specifics and he gets that, but even if they give a specific intersection, they need ideas of what can be done because it requires experts in the city or experts that they can retain, and the council just doesn't have those resources.

**Mr. Gibson** stated that they will gladly use those resources but they are talking about specifics here. He also stated that they implemented that traffic phone line and they have received none recently or at least very, very few calls, if any, on unidentifiable areas. He said that when they do get them, Police Chief Bailey dispatches someone to investigate it and they are not getting a lot of that stuff. He stated that what they are asking for is specifics that will allow them to nail down and focus on those concerns.

**Dr. Knable** applauded Mr. Turner and Mr. Blair on their efforts in March and stated that he did vote with them on their resolution. He then stated that he did see the videos that

the city put out earlier this week and he does hate that we are at the point where we have to explain what yellow flashing lights mean but it seems that we do need to do that. He said that the impetus for writing this resolution was that he finally got a single concerning letter from a citizen that brought this to his attention so he brought it before the council. He feels that if they can focus in one area and find something that works at one intersection, maybe that could be implemented at intersection after intersection taking kind of a 10 ft. look at it before they go to 30,000 ft. His recommendation would be that before they spend \$200,000.00 on a red light or something like that, they should try a \$100.00 human figure like they have in a lot of pedestrian areas in other towns with a light on it in the crosswalk all of the time with a sign that says “If you cross this when a pedestrian is present it is in violation of state law” and then hone down enforcement on that for a time. He said that if that works then they can do that at the other intersections. He also said that if that doesn’t work, four-way stops are a lot less expensive than \$200,000.00 red lights, and then when you get one section of town conquered, then you can go street to street and intersection to intersection and see what they need to do with it. He stated that the second example tonight of why it is so important that citizens speak to representatives is because they are here tonight because someone stopped him at a restaurant downtown and brought her concerns to him and he forwarded them to all of the other members. He said that his recommendation is to go low-tech first before they do a \$250,000.00 allocation for it.

**Mr. Phipps** stated that he has several things to respond to about the comments that were made here tonight. He said first of all, in terms of Mr. Turner’s comments, the broad resolution before them in March was not giving any specific directions to the board of works and Mr. Turner mentioned that he has been on this since 2019, but I have been on this subject since 2012. He added that these issues downtown like this is one of the reasons that he ran for council. He then stated that in the past, no offense to anyone on the board of works personally, but collectively they have not been very responsive but he felt that if they could tweak this to be little more specific then it’s a more concrete solution. He said secondly, in response to Mr. Blair, he agrees that speeding and safety issues throughout our community need to be addressed, but in all due respect, problems that you see in Sherwood Subdivision do not come close to what you see on Spring Street and Elm Street. He stated that those streets in the suburbs have curves in them and they have four-way stops at about every other intersection and they don’t have people flying through there at a constant pace the way they do on the urban grid downtown. He said that he does still support the fact that they need to make sure that people are not speeding in the suburbs as well. He stated that thirdly, they don’t need to do a study downtown because they had the Speck Study that he thinks they spent about \$100,000.00 on, which was the model for the two-way conversion. He said that they only implemented portions of that and there is a lot more in that report that’s already there about what to do for pedestrian safety on specific intersections and so forth. He stated that he would not approve another \$50,000.00-\$100,000.00 to do a study unless it would be citywide, but he is more than happy to appropriate whatever we need to put boots on the ground, a plan in place, concrete being poured and lights being installed. He encouraged everyone to go back and look at the Speck Study because it is quite clear about how to improve pedestrian safety on the urban grid downtown.

**Mr. Dickey** stated that he thinks that gets to the bigger point that he believes they should be focusing on, which is what they want to do as projects and then appropriate the extra dollars. He said that he thinks they have to have some leadership of themselves to bring forward and help the administration and fund those improvements. He stated that if through this process they can get to that point where they are talking about specific improvements, he thinks that’s an advantage because they can try new ideas and see if they are applicable to other areas of the city. He said that he has speeding in the 2<sup>nd</sup> district down Green Valley Road and speeding going up to Silver Hills and other places, but it is different than the problems that Mr. Phipps encounters in his downtown area or that Mrs. Collier encounters in her section of the downtown. He stated that he thinks it is important for them to focus on tangible elements.

**Mr. Phipps** stated that they could possibly even fund some of these through Caesars grants if they are open to doing projects for public safety.

**Mr. Gibson** stated that small bites of the apple are easier at times from this standpoint because no matter what, when we are dealing with stop signs or stop lights, we do have to have those analyzed. He said that when they reduce speed limits in the city, it is a requirement that we analyze those, so having a small bite of the apple that can be analyzed is easier to focus on versus than the entire city. He added that a citywide survey is pretty expensive.

**Mr. Applegate** stated that we are doing the road diet on E. Main Street so let's make sure that we look at the crosswalks and how we are doing things now because if something is not working on Spring Street right now, he does not want to build that new street and have the same thing implemented on Main Street. He said that if they can pick one intersection that they want to study a little bit and if there is an appropriation to implement something, let's put that on right now because that might give them the ability to say "hey, this worked". He stated that would give engineering and construction maybe time on the other side to change the plan on Main Street and implement what worked there.

**Mr. Gibson** stated that road diets and bump outs are definitely a mechanism that works but it does not fix the mindset of the people with flashing lights but your distance of travel is substantially less in those types of things. He said that the administration has been trying to implement the crosswalks because that is what was advised. He stated that is good but we have a lot of people that it is just not a recognizable thing, so finding solutions to assist is difficult. He added that in some situations, the solution may be removing one and pedestrians may have to walk an extra two blocks to a stop light or something. He said that is a lot less expensive.

**Dr. Knable** stated that he doesn't want to turn a deaf ear to Mr. Robert's recommendations for adding amendments for other intersections tonight, but he would want to leave the focus on this intersection as it is for all of the reasons just spoken in favor of just looking at one intersection.

**Mr. Turner** stated that being in the 5<sup>th</sup> district, he cannot in good faith, go with one particular area when his constituents have been asking him for years to look at their streets and he provided streets that have issues and has never gotten any updates on those streets. He said that his streets in his district are just as important as everyone else's districts and they all pay taxes, so that doesn't fly. He then stated that he wanted to propose an amendment to request a quote on a citywide traffic calming study from the board of works.

**Mr. Blair** stated that he hears what everyone is saying about specific streets and intersections and he has done that over time, but the problem is that you get to the squeaky wheel syndrome. He said it is the people that complain the most and he tells people no all the time to things that aren't reasonable and it may be that their intersection is moderate but another one is worse. He stated that is why they need the professionals to identify those that are truly bad and those that aren't. He said that he doesn't like to spend money just because someone has a request; they need to make sure that it is applicable, needed and necessary.

**Mr. Phipps** stated that he will be voting against Mr. Turner's amendment simply because he was elected to represent the people in the 3<sup>rd</sup> district, and again, he thinks the problem is much more severe there. He also thinks that would be a waste of money on a study that could actually be used to implement some low stake solutions like the little sign in the middle of the road that Dr. Knable recommended that would maybe be \$100.00 or less per intersection. He added that he thinks when you have these broad things, it minimizes the problem that is at hand here. He stated that this started with one email that was received and he has received many, many complaints himself in the 3<sup>rd</sup> district so he will vote no on the amendment.

**Mr. Turner** stated that he understands what Mr. Phipps is saying but his amendment covers all of them and Mr. Phipp's interpretation excludes all of them and they are a council.

**Mr. Blair** stated that if they all selfishly look at our own districts, they are not going to get anything accomplished.

**Mr. Phipps** stated that they are not going to guilt him into changing his mind.

**Mr. Blair** stated that is okay but he would like to invite him out to the 6<sup>th</sup> district and watch cars go speeding by.

**Mr. Phipps** stated that he would gladly go out to the 6<sup>th</sup> district and he would like for Mr. Blair to come sit on his front porch and watch E. Spring Street.

**Mr. Blair** said he didn't make the statement that one was worse than the other.

**Mr. Phipps** stated that he knows for a fact that it is.

**Mr. Applegate** said that Mr. Turner's amendment is to add the request for an RFQ, not to replace anything.

**Mr. Phipps** stated that he misunderstood it so he will be voting for it since it doesn't replace the specific area. He said to make Mr. Turner know that he is not dissing his district, if he were king of the world, he would impose a 25-mph speed limit within the entire city limits of New Albany. He added again that the speed limit itself wouldn't take care of the problem unless we had the resources to enforce it.

**Dr. Knable** stated that he thinks that they are losing sight of the fact that people live in one district but they visit all of the districts at one time or another.

**Mr. Blair** stated that he wanted to propose an amendment to strike out "Our Downtown" in the title so it would just say "employed through New Albany". He said that he is fine with the specific intersection if there is a problem there, because if it is a dangerous intersection then they need to keep that in there.

#### **COMMUNICATIONS PUBLIC: R-22-15 Northwest Ordinance Distilling**

#### **COMMUNICATIONS PETITIONER: R-22-15 Northwest Ordinance Distilling**

**R-22-15            A Resolution Concerning Statement of Benefits for            Dickey  
                         Real Property and Personal Property for Northwest  
                         Ordinance Distilling**

**Mr. Dickey introduced R-22-15 and moved to approve, Mrs. Collier second, all voted in favor with the exception of Mrs. McLaughlin who was not present and Mr. Turner who voted no.**

**Mr. Dickey** stated that this is a terrific opportunity for us in that Northwest Ordinance Distilling is willing to reinvest in our community and add additional capacity to their site. He said that they have already exceeded with their current employment what was previously promised and is once again looking to add 50 more employees.

**Ms. Johnson** stated that this is a 10-year real property tax abatement and a 5-year personal property tax abatement for Northwest Ordinance Distilling also known as Sazerac. She said that they are really excited about this because it is an expansion project that we are looking at continued growth and success from a New Albany business. She stated that they are proposing over \$25M of investment in real property and \$53M investment in new machinery and equipment as well as hiring 50 new Hoosiers earning

an average wage of \$25.00 per hour. She said that the Plant Manager, Mr. James Hartman is here tonight and is happy to answer any questions that you may have and if you want to get into any numbers on the abatement, that can certainly be talked about as well. She stated that this is an opportunity for a New Albany business to show their commitment to staying in the city and investing in New Albany.

**Mr. Turner** asked if that is 50 employees in addition to the 259 employees that they currently have?

**Ms. Johnson** stated that they currently have about 355 employees. She said that 259 are Indiana residents and the 50 employees are in addition to that current number.

**Mr. Applegate** stated that he talked with a representative from Sazerac and they have been willing to work with some of the things that have been around their area and what they have put back into the land to clean water and to make sure that anything that is on their property is captured and treated. He said that he appreciates that we have companies that do come to New Albany to thrive and to use our facilities. He stated that they rehabbed a facility that was not much before they got here and they are still continuing to do that.

**Dr. Knable** stated that he wouldn't argue about the employees, nor the product, nor the rehabilitation of the property, but the last time this came before the council there were some noise disturbances that the neighbors were complaining about. He said that he wondered if that has been resolved. He then asked if the new machinery is going to be loud? He stated that if those things have already been resolved, that is fantastic.

**Mr. Blair** stated that Mr. Hartman is getting ready to address the group and they have been in communication and he put a plan together and has been in contact with the neighbors so he appreciates all of that. He said that there are still concerns but we have a factory right next to a neighborhood and we all know from a planning standpoint that's no good but it is what it is. He stated that Pillsbury shut down for quite a few years so the neighbors got used to the peace and quiet and then all of a sudden, operations are up and running again and noise is just going to be part of it. He said that he did invite the neighbors to come tonight and obviously no one showed up so that says something as far as where they are. He stated that Mr. Hartman has been in contact with the HOA and the neighbors and there was concern that they were contaminating the creek, and come to find out, it was just natural iron in the soil that was dyeing the creek red, so he alleviated their worries about that. He said that the concern is with expansion that means more operations, more people, more vehicles, etc. so if they could continue to do something with the noise level, that would be great. He also said that he heard about a more natural buffering because right now they just have the fence there and maybe some vegetation such as trees or bushes would help at least visually, but he doesn't know if it would help with noise.

**Mr. Hartman** stated that they are absolutely looking at noise and something they are doing right now is putting bumpers on their dock doors because if you don't have those bumpers, the trucks sound ten times louder. He said that the equipment that you were talking about is not the problem, it's the truck traffic at night so they have actually limited the hours and just load one truck a night. He stated that obviously as they grow and expand, it is going to get louder and there are going to be more trucks, however, they already did one noise study just to make sure they are not breaking any noise ordinance rules and that came back that they were not. He added that they are going to do another study because some of the vegetation has fallen off going into fall and winter. He said that something they are looking at is acoustic fencing and how they can dampen that noise with them. He stated that they are also looking at putting in more vegetation, looking at berms and also getting a quote to see what they can do from a sound barrier wall standpoint. He said that they have a privacy fence there right now and have been fixing it but they want to look at all of these different options and move as quickly as possible. He stated that as far as the creek goes, they still have a third party that they work with every week that audits them on anything that could potentially harm the environment

around them. He said that they have taken actual CC TVs through every storm drain to make sure that they are not contaminating anything in the creek. He also said that they have a limited \$500,000.00 wastewater plant going in now just to make sure that they stay compliant. He stated that there are multiple things that they are doing to reinvest and it is not just about the expansion; it's all of these other things they are doing as well just to make sure they are good stewards. He said that he has great relationships with the neighbors and they have done some amazing things so far in the community. He said that a prime example is that they donated \$2,500.00 to the Humane Society, they donated 90 hams to the food bank and they are doing a sock drive and teaming up with homeless shelters in the area. He stated that they are doing a lot of things and will continue to do more things in the community. He added that they did a neighborhood cleanup and are actually doing that once a month now along the fence line.

**Dr. Knable** stated that the other issue that he didn't know if they were able to take any control of was the rail.

**Mr. Hartman** stated that they are working with CSX and they are now making sure that when rail cars come in to unload, they are either doing it late in the evening or early, early morning. He said that way they won't back up traffic on Grant Line Road in the evening when people are going home or in the mornings when people are going to work. He stated that they are continuing to work through that and it is getting a lot better. He added that he has been stuck in that traffic too so he knows how frustrating that is. He also stated that from a traffic perspective, they are opening up the second gate which is behind the building in the back and that is what they are going to use to enter the building so truckers, bulk deliveries, etc. will come in the back and out the front. He said that should eliminate a lot of that traffic right there in the front.

**Mr. Blair** told Mr. Hartman that he really appreciates everything he is doing and for giving him his cell phone number for direct contact.

**Mr. Dickey** stated that the council has heard how they are working to address the community relations aspect of this and making improvements to the better point of this specific proposal. He said that they are bringing in 50 new jobs and those will all be Indiana residents and he wanted to be clear to the public about that, because they are growing our community. He stated that looking at every metric of this, he thinks we are getting a quality investment in our community and are able to put forward a good proposal that goes hand in hand to incentivize their business and help grow our community and our city.

**Mr. Applegate** stated that it does give a good example for other businesses that may not be as friendly with other neighborhoods. He said that it shows how a good relationship with your neighbors and investing a little bit back into the community, goes a long way and he appreciates everything they do as a company for New Albany.

**Mr. Turner** stated that from a personal standpoint, he thinks that tax abatements are great for drawing businesses in and he thanks them for being here and what he is about to say is no knock on them. He said that he cannot vote in favor of this because he feels that it is natural growth based on demand and he doesn't feel that he can vote in favor of this and subsidize it on the backs of the taxpayers.

**COMMUNICATIONS PUBLIC: R-22-16 New Albany Building Corporation**

**COMMUNICATIONS PETITIONER: R-22-16 New Albany Building Corporation**

**R-22-16                      Resolution of the Common Council of the City of                      Dickey**  
**New Albany Approving the Incorporation of the**  
**New Albany Building Corporation and Related**  
**Matters Thereto**

**Mr. Dickey introduced R-22-16 and moved to approve, Mrs. Collier second,**



**Mrs. Collier withdrew her second.**

**Mr. Dickey introduced R-22-16 as amended, Dr. Knable second, all voted in favor with the exception of Mrs. McLaughlin who was not present and Mr. Turner and Mr. Blair who voted no.**

**Dr. Knable moved to amend the resolution to include a residency requirement of the New Albany Township and they would have to reside in the township for the duration of their appointment and change him or her to their, Mr. Dickey second, all voted in favor with the exception of Mrs. McLaughlin who was not present.**

**Mr. Turner moved to table this item, Mr. Blair second, Mrs. Collier, Mr. Dickey, Mr. Phipps, Mr. Aebersold, Dr. Knable and Mr. Applegate voted no, and Mr. Turner and Mr. Blair voted yes. Mrs. McLaughlin was not present.**

**Mr. Blair** stated that he just thinks it is way too soon on this because in his mind, they haven't decided what to do regarding the police station and how they are going to finance that.

**Mr. Turner** stated that he agrees with Mr. Blair and feels this is a vote that goes hand in hand with the police station and he is not sure where he is at with the police station yet, so he doesn't feel comfortable voting on this and that's why he would like to see it tabled.

**Mr. Applegate** stated that they have had committee meetings on this so that's why it won't go into committee and can be voted on tonight.

**Mr. Dickey** stated that they heard from Mr. Zoeller earlier in the meeting talking about the process that goes on with this and what they wanted to do was simply keep the process moving. He said that obviously there is a finance piece that they would still have to approve but doing this resolution only allows them to go forward with that legal piece with the EIN number. He stated that his attitude toward it is if they want to continue the conversation and keep the project on track for a successful completion with whatever finance plan that they ultimately adopt, he thinks that it is imperative for them to go ahead and move forward with this resolution so that it allows them to set those pieces up and they don't have delays later.

**Mr. Turner** asked when is the timeline for the police station to be voted on?

**Mr. Gibson** stated that they anticipate having finalized documents to them at the beginning of January.

**Mr. Blair** said that is fast.

**Dr. Knable** stated that Mr. Zoeller talked about how long it would take from the time that the application for this went in to the IRS and asked him to reiterate that.

**Mr. Zoeller** stated that it varies and it can sometimes take up to multiple months. He said that it took them a while to get Clark County's formed. He stated that just because you are forming a building corporation doesn't mean you are issuing bonds or anything.

**Dr. Knable** asked if it were on the short end of the range what it would be?

**Mr. Zoeller** stated a few weeks.

**Dr. Knable** stated that putting this together does not obligate any funds toward it and it could sit there for the next ten years without being used and asked Mr. Zoeller if that is correct?

**Mr. Zoeller** said that is correct.

**Mr. Aebersold** stated that he thought this was a stepping stone to get it going because this has to be formed no matter when they decide to take further steps.

**Mr. Zoeller** said that is correct.

**Mr. Aebersold** stated that if we get lucky and someone donates millions for this and it pays for the whole thing then the next meeting they could just dissolve all of this.

**Mr. Blair** stated that it is a stepping stone to financing but if we can fund it other ways or lease, we don't need this corporation.

**Mr. Aebersold** stated that it doesn't hurt anything if they pass it.

**Mr. Blair** stated that it does because they are moving forward with that plan.

**Mr. Aebersold** stated that is what they want to do.

**Mr. Blair** stated that he does agree that they need a new police station but where he differs is what the cost is to build it and how do we pay for it. He said that he doesn't believe that they should finance it because he thinks it is going to be way too expensive and there are ways to do this a lot cheaper than almost \$13M. He stated that they could do a build to suit and he thinks there are ways cheaper to do it than \$825,000.00 a year coming out of our sewer utility.

**Mr. Aebersold** stated that Mr. Blair is back to leasing instead of building and that is a whole different situation.

**Mr. Blair** said exactly. He stated that his problem is that we can't build this unless we use the sewer works and he doesn't agree with using the sewer works to do this. He added that we have the resources and the funding in our operating accounts in our general budget to lease. He said right now we are paying \$125,000.00 per year for rent and we may have to add to that, but he thinks that is a more reasonable way to go so he is not interested in the plan that they have.

**Mr. Dickey** stated that he appreciates Mr. Blair's philosophical difference with regards to ownership over leasing but he wants to be clear. He explained that the Payment In Lieu Of Tax Program goes into the general fund regardless of what we do with the police station; that's how that will work.

**Mr. Blair** said so the sewer department isn't making payment into the general fund?

**Mr. Dickey** stated that they will make a payment in lieu of tax to the general fund regardless.

**Mr. Blair** said so we are burdening the sewer works with \$825,000.00?

**Mr. Dickey** said no, we are making sure that they are providing a compensation back to the city for not otherwise having to pay for any tax.

**Mr. Blair** stated that is an expense that they are not paying now that they are going to have to pay going forward for 15 years.

**Mr. Turner** agreed and said it is not free.

**Mr. Dickey** said no, it is not free but if we sold the utility today, we would recoup \$3M-\$4M.

**Dr. Knable** stated that it would be multiples of that.

**Mr. Blair** said so let's sell the utility and use the funds to pay for the police department.

**Mr. Dickey** stated that he is not in favor of that because he thinks there is a benefit to the citizens of New Albany to own their wastewater utility. He said that he thinks it is still reasonable, as part of that, for us to use a payment in lieu of tax. He stated that the federal government uses this for things such as the Hoosier National Forest; they give a payment in lieu of tax to the local government and the state government to provide for the services that ultimately are done there. He said that what we are doing here is putting together a financial plan which allows us to leverage the funds that are in the general fund to provide a better service. He stated that he would go one step further about lease versus ownership and he would pose this to the chief of police. He asked Police Chief Bailey if he is right now trying to recruit officers?

**Police Chief Bailey** replied yes.

**Mr. Dickey** asked him what he thinks will be more effective, a new building that provides all of the appropriate modern-day technologies and facilities to run the department or taking an existing building somewhere in New Albany and retrofitting it?

**Police Chief Bailey** stated that he thinks the new build is obviously a better recruiting tool and that it has worked for other agencies.

**Mr. Turner** asked how many officers they are short right now?

**Police Chief Bailey** stated that here in a few days they are going to be eight short.

**Mr. Turner** asked if he is hiring now?

**Police Chief Bailey** replied yes.

**Mr. Blair** stated that he is not saying that they have to use an existing building and retrofit that. He said that they could do a build-to-suit and get someone to come in and build it for us and then we lease it from them and that would lower the cost but we haven't looked at that.

**Mr. Dickey** stated that then we are back in the same situation in 20 years and we don't own the building.

**Mr. Blair** stated that you may not want to own the building in 20 years because technology and such may have changed so much by then.

**Mr. Applegate** stated that then you have an asset to sell.

**Mr. Blair** said it would be a special use asset to sell.

**Mr. Applegate** stated that it is a lot and a building in downtown New Albany that will be worth money, so take that off of the cost of it and you have that asset and it is not going away. He said in Mr. Blair's scenario, we are going to have to spend quite a few millions of dollars to just build it out and then we are going to pay a lease on top of that forever.

**Mr. Blair** stated that we are paying \$125,000.00 to lease right now and we are going to pay \$825,000.00 for this. He said that is going to be some savings in cash flow because when you look at the time value of money, that's worth something and we are not even considering that. He stated that we are just going down the road to own and not considering what our cash flow is or even considering if we can afford this. He said that if we can afford this through our regular operations, he would understand that or if we got a gift from someone, that would be great because he likes the project, but we can not afford this through our normal operations. He stated that the only way we can do it is to leverage off our sewer utilities, and it is running very smoothly and is sustainable, but now we would put it at risk and have to do an increase.

**Mr. Dickey** stated that Mr. Gibson ran the financial plan.

**Mr. Blair** stated that he projected out for five years. He asked if they have done a study on what capital improvements are needed? He stated that EPA may come back and say that our processing plant is obsolete and we need to do some capital improvements in the future so there are a lot of things that could happen.

**Mr. Applegate** stated that Mr. Blair is just trying to pull this resolution off the table. He said that he is not saying "let's explore all options", he is saying that he doesn't like it so he's trying to not have it on the table.

**Mr. Blair** stated that he doesn't think that it is in the best interest of the city.

**Mr. Applegate** told Mr. Blair that he is not looking at this as everyone's option to put this into play; he's saying that he doesn't want them to have the option because this doesn't do anything but put it on the table and is able to speed it up if they decide this route as a body.

**Mr. Blair** stated that this always could be brought back and it doesn't have to be decided tonight.

**Mr. Dickey** stated that would delay the project if they can't get the EIN number and the other information.

**Dr. Knable** stated that he is not so naïve as to think that there is not a project in place and a timeline in place and that this is part of it. He said that creating the corporation does not obligate it to be used and he gets that it is a step in that direction. He said that in the other part, he's sure that we have some funds wrapped up in the creation of this thing, and if it is mothballed, then we are going to have to pay again to get it out of mothballs, and waiting for the IRS to do something may create a jigger in interest rates or something. He added that he understands Mr. Blair's sentiments on the other part of it, but he's not sure that his mind would be made up one way or the other, but he won't have a vote on that in 2023. He stated if the corporation is in place, it stays in place in perpetuity so it can be used for other things in 2043 and 2053 without having to be recreated. He said that his opinion is to create the corporation and fight this battle another day. He then stated that he has two amendments that he would like to propose to this. He said number one is a residency requirement with regards to the members, and number two is in Article 3, Section 6. He said that they should change "him/her" to "his", "her" or "their" or they could just go with "their" and he would be happy with that.

**Mr. Dickey** asked if counsel is okay with those amendments?

**Mr. Zoeller** stated that he has no problems with those but did ask Dr. Knable where he would like for the residency requirement to be memorialized in the document?

**Dr. Knable** told Mr. Zoeller wherever he sees fit. He then said that it would be fine to put it in the section that addresses the appointments.

**Mr. Zoeller** stated that he would probably put it in Section 3 of the Articles of Incorporation under qualifications.

**Mr. Applegate** asked Dr. Knable if he is okay with that?

**Dr. Knable** stated that he is.

**Mr. Turner** stated that there are just too many unknowns at this point in time for him, too many variables and not enough options. He said that this is a \$12M project and it feels rushed. He added that he is not against it but he doesn't know where he is at on it yet. He then said that with inflation at 7.11%, a little delay could be beneficial so he will be voting no.

**Dr. Knable** stated that since this does not obligate any money towards the project, he will be voting yes.

**BOARD APPOINTMENTS:**

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

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 9:26 p.m.

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Jason Applegate, President

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Vicki Glotzbach, City Clerk