

.A MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WAS HELD IN ROOM 100 AT NEW ALBANY CITY HALL ON TUESDAY, FEBRUARY 21, 2023 AT 10:00 A.M.

PRESENT: Cheryl Cotner-Bailey, member, David Brewer, member and Mickey Thompson, president.

OTHERS PRESENT: Police Chief Bailey, Fire Chief Juliot, Larry Summers, Shane Gibson, Phil Aldridge, Sidney Main, Jessica Campbell, Alicia Meredith, Linda Moeller, David Hall, Claire Johnson and Vicki Glotzbach

CALL TO ORDER:

Mr. Thompson called the meeting to order at 10:04 a.m.

PLEDGE OF ALLEGIANCE:

BIDS:

NEW BUSINESS:

1. Shane Gibson re: Encroachment of Millerwood Park

Mr. Gibson presented the board with an encroachment agreement and explained that this board has done these in the past when a private property may be encroached upon. He added that they recently approved one on Vincennes and this request involves Millerwood Park. He stated that the agreement is between Willard and Diana Thorn and added that they own 1758 Millerwood Drive. He explained that back in 1955 there was a shed built in the back and they built it on what they thought was their property after having a survey done, but a recent survey indicated that it was ~ ten feet over onto Millerwood Park. He stated that this is a wooded area so it isn't utilized a lot by the neighborhood and would not be a big deal to allow them to encroach on to that property. He explained that the agreement allows them to use the property, if they insure the City for any damages, for as long as that structure is there. He added that if the structure was to be destroyed the agreement will end at that point and doesn't allow for a new structure to be built. He requested permission from the board to have the authority to sign the document and have it executed.

Mr. Thompson asked if they checked to see if there are any utility issues.

Mr. Gibson stated that there are none and added that it is a small wooded area.

Mr. Brewer moved to approve, Mrs. Cotner-Bailey second, motion carries.

2. Steven May, Spectrum re: ROW permit request to install fiber at 4224 Mel Smith Rd.

Mr. Thompson explained that this is in the county but the work that they are doing is aerial on Grant Line Road so this request is to add the overhead optic line.

Mrs. Cotner-Bailey moved to approve, Mr. Brewer second, motion carries.

3. Jamieson Westra-Scott re: Hot dog cart at corner of spring & Vincennes (Beyond Vision Barber Shop)

Mr. Westra-Scott explained that he owns Beyond Vision Barber Shop and would like to set up the Dozer Dogs hotdog cart in front of his business on Thursdays, Fridays and Saturdays. He added that he has already been inspected by the health department.

Mrs. Cotner-Bailey asked if he has always owned this cart business.

Mr. Westra-Scott explained that Tony Miller previously owned this business but recently passed away so he wanted to keep the name in honor of him.

Mrs. Cotner-Bailey asked if there is any opportunity for this to be done on private property.

Mr. Westra-Scott stated that they do have a parking lot which is for the Calumet Club but it would be behind all of the bushes and not visible. He added that he did measure the sidewalk which is 14 feet and his cart is only 3.5 feet. He stated that he did speak with the other businesses in the row and no one had any issues with his request, but if a problem did arise he would move the cart.

Mr. Thompson asked if he has talked with Mark Bliss about this request yet.

Mr. Westra-Scott stated that he hasn't because he wanted to speak with the board first.

Mrs. Cotner-Bailey stated that the board typically prefers for this type of business to be set up on private property if possible, especially with competing restaurants in the area. She added that he should probably have a conversation with Mr. Bliss before the board takes any action to make sure he doesn't have any concerns.

Mr. Thompson stated that when Mr. Miller had the cart permitted before it was at the City-County building in an area that was off of the sidewalk so this is a bit of a different request.

Mrs. Cotner-Bailey asked Mr. Summers if the dimensions listed were enough to be ADA compliant.

Mr. Summers stated that it is more than enough.

Mr. Brewer asked what times he would have the cart open.

Mr. Westra-Scott stated that it would be from 11:00 a.m.- 3:00 p.m. He explained that he used to run a mentoring program at Hazelwood and he would like to give one of his kids a summer job running the cart.

Mr. Brewer stated that he would also prefer to have something from Mr. Bliss before they take any action.

Mr. Westra-Scott stated that he could bring them anything they need from Mr. Bliss.

Mr. Thompson stated that he would also like to do a site visit to confirm that there are no safety concerns and confirm dimensions.

Mrs. Cotner-Bailey asked Mr. Westra-Scott asked if he could request something from Mr. Bliss in writing to present the board for them to take official action.

Mrs. Cotner-Bailey moved to take this request under advisement until Mr. Westra-Scott can provide a letter from Mr. Bliss and to allow the right-of-way coordinator to do a site visit, Mr. Brewer second, motion carries.

COMMUNICATIONS – PUBLIC:

Marcia Booker explained that she owns property at 259 Ealy Street and they have noticed the code enforcer frequently in the area lately. She stated that she has complained for five years about junk in yards, heavy industrial trucks parked in yards and resident putting down black top on part of his property to park these trucks. She asked what the protocol is or if they have information that she can take back to the neighborhood to let them know, before they are cited. She explained that some people have had cars towed off of their property because of the enforcement and they didn't understand why so it was disturbing to them to have their cars removed from their property. She asked the board if they have anything she could take back to the neighborhood.

Mr. Thompson stated that this board wouldn't have that but code enforcement would and there is an ordinance in place that deals vehicles parked on the grass. He explained that there is a process where it has to be cited and given so much time to rectify before it gets to the point of being towed. He added that he doesn't know for sure if that is what is taking place in the

instances she is referring to so it would be best to put her in touch with the code enforcement department so that they can give her the full process details. He stated that he knows that the guy that is running the paving company on the corner was cited before for running a business out of residence, and they can get her updates on where each department is with these issues, but as far as giving her something to take back to the neighborhood it would be best to get that from code enforcement.

Ms. Booker stated that the residents see all of this junk in one area for years and then hear things like “keep New Albany Clean and Green”, but not every area is treated the same and they just want their area to be treated as such. She added that she has been complaining about those trucks for five years and it continues, so they would like to see that be addressed. She stated that there is a nuisance two doors down and Chief Bailey could check to see how many times there have been runs in that area.

Chief Bailey asked which direction from her property.

Ms. Booker stated headed east, two doors down.

Mr. Thompson asked if this is the same property where they made them remove the motor home from the alley.

Ms. Booker replied yes. She stated that they moved the trailer one time but they have another one back there again so now they have one in the front and in the back.

Chief Bailey stated that he will take a look at this address.

Mrs. Cotner-Bailey stated that if Ms. Booker had time while she was in the building, she could visit the code enforcement office on the second floor.

Ms. Booker stated that she will do that but wanted to come in and let them know that she has complained a number of times and even spoke with Scott Wood who visited the location as well. She added that these people moved in and have taken over, doing what they want in the area without the code violations being enforced. She stated that she doesn't know what the time frame is that they allow people to address their violations but it shouldn't linger four-five years.

Mr. Thompson stated that Mr. Wood likely visited the paving business regarding a zoning violation and that is separate from code enforcement and the individual was notified by planning and zoning of that violation. He added that the two offices are right next to one another on the second floor if she would like to inquire about where they are with these issues.

Teresa Robinson, ArchAngel Global Media, explained that they have a film ministry and while their ministry comes first, they have been working on films for quite a while. She added that have worked with the city before on a huge event at the riverfront and this board allowed them to bring in their NFL friends to run a sports camp for the underserved children in the community. She stated that their residence is Jeff but they call themselves New Albanians because their families are here, they shop here and their hearts are in New Albany. She explained that they have a short film coming up and a music video, and everything they do is in order to have a positive impact/message. She stated that the New Albany Fire Department worked with them before and there is a music video that has gone international, and she sent that link for them to review to Ms. Mindy who was very supportive and helpful. She stated that the NAFD helped them to create the rain scenes in the film as well as the music video and they would like to request permission to film in New Albany again. She explained that they would need 2.5 hours in downtown on March 19 with call times starting at 10:00 a.m. She stated that they will be filming a powerful redemptive scene and added that they take on some tough subjects, including drug use and death. She stated that they have experienced this in their ministry and it is time they do something better and that is what this film is about. She asked if they can come back to their own community with others that are coming from Pennsylvania, Wisconsin and Detroit. She stated that one of the individuals has lost two children to this epidemic so these are heartfelt people. She stated that they do not have a budget for this so they are doing this themselves and these are people that just want to make a difference. She added that they will be bringing an ambulance in which is something that they are still trying to locate and they would like to film in the alley between The Grand and Italian Restaurant. She stated that they would be blocking the lane

during the shoot but it will be on a Sunday morning starting at 10:00 a.m. until ~ noon and once they film the ambulance coming in, it will be tucked into the alley.

Mrs. Cotner-Bailey asked why they chose that particular location and if it will be noticeable that it is New Albany and The Grand Theater.

Mrs. Robinson stated that it will not be noticeable. She added that there isn't any reason that they chose that location other than it looks good and they have filmed there before. She added that when you do film you look for a location that is believable. She added that they would love to give the City of New Albany credit and there are certainly ways they can do that if the city is interested.

Mrs. Cotner-Bailey asked if they have checked with The Grand to see if they have any events on that date.

Mrs. Robinson stated that they haven't done that because they wanted to come to the board first. She explained that they also want to shoot a scene with a gentleman bringing the garbage out who sees the unresponsive actor and it is a very powerful scene. She added that they would also like to film a bench scene down on the river that would take ~30 minutes but they figured that with it being a Sunday it will be pretty quiet but they were going to go by and talk to The Grand.

Police Chief Bailey stated that one thing that struck him was her saying that it is a realistic location. He explained that he has been on the police force for 30 years and has never found anyone in an alley in downtown New Albany that has overdosed.

Mrs. Cotner-Bailey stated that they do appreciate the message that they are trying to convey but she has concerns that a scene like that would be depicting New Albany in a certain way and they don't want that to be the picture of New Albany.

Mrs. Robinson stated that it is a redemptive scene and the individual does not die. She stated that she has held babies in a hospital while another person was passing and it is time for a redemptive story, which is part of why they came to New Albany. She added that she and her husband grew up here. She stated that she does understand their concerns but they have been working with and ministering to these people and in this scene he chooses something better so it is a redemptive scene. She added that it is intending to spread a positive message to the youth and everything they do has a positive message even though not everything in life ends perfect, a lot of powerful things can come from that and that is what this film is about. She added that it has a military competent as well as a young man that made bad choices but, in the end, found his purpose.

Police Chief Bailey asked if the impact could be the same if it was filmed indoors, like inside of a house or hospital.

Mrs. Robinson stated that it would not. She explained that when you do film the whole thing is a vision and when you write it comes from that vision. She explained that the gentleman that will be driving the ambulance is the man that lost two children to the streets and he thanked them for taking this on. She added that he is coming from Detroit on his own funding just to be part of this and they were so impressed with his story that they are writing his part in. She stated that his goal is to try to help prevent any family from going what he has gone through

Mr. Brewer asked what the name of the company is that will be doing this.

Mrs. Robinson stated that it is ArchAngel Global Media

Mrs. Cotner-Bailey stated that she has a lot of concerns regarding the request. She explained that with the addition of an ambulance anyone passing by might not realize or see the cameras and understand that it is for a film and it is all about the interpretation and optics. She stated that she is not a fan of something like this taking place in New Albany.

Mrs. Robinson stated that she knows it is a tough subject but at the end of the day they will have many people there that can talk to anyone that has concerns are questions and they will be surprised with the support they will gain from this.

Mr. Thompson stated that he understands that this alley is their first choice, but asked if they have scouted any other locations.

Mrs. Robinson stated that they can go elsewhere but they thought of New Albany first. She added that her mother has run a successful business here, they were taxpayers here for as long as she can remember. She added that everything they have done in their life has been for the positive and they would never do anything to harm New Albany and will only do what they can do to elevate it.

Police Chief Bailey stated that she doesn't want her to think his comment was negative, but he is looking out for the integrity of the community as well. He added that he has been in this job a long time and has dealt with a lot of related situations so he is sensitive to it and completely supports their message. He added that he would agree though that a person passing by may not understand what is going but there is also the issue of those that live downtown whose peace could be interrupted by lights and sirens.

Mrs. Robison stated that they will not be using sirens.

Mrs. Cotner-Bailey stated that there are also restaurants open on Sunday morning in that stretch and that time frame is a popular time to be downtown.

Mrs. Robinson stated that there are cities wanting to call films to their locations and understand the importance of the message. She stated that her comments to anyone with questions would be "isn't it awesome that they are willing to take on the sticky stuff and the ugly stuff". She stated that she wishes she could say that they are called to do the simple things but they aren't. She added that she buried her nephew at 27 years old, there is fentanyl coming across their borders, and this is personal. She stated that she won't be back here and will quit her business in this community because it is personal. She explained that she is still dealing with her son losing his dad at 61, his cousin at 27, his best friend at 15, and they are asking them to get sticky with them and they will make it work, they can be a beacon because it is a redemptive story and they would never harm New Albany.

Mr. Brewer stated that they understand her hurt and pain because it is something that touches all of them, and he doesn't think there is anyone in here immune from that. He explained that he thinks that the issue is that they will be portraying a drug addict fighting for his life in New Albany, and even though it is redemptive, it is still promoting that type of story and he struggles with that. He stated that they can all agree that there is an epidemic going on in this world and it isn't a good but they have all been touched by it. He added that it is detrimental for everyone's psyche as they move forward in life and it is a sticky situation. He asked if she understands that side of it where there is a negativity of someone displayed like that on a alley in New Albany, even though we have the chief who has worked for the NAPD for 30 years saying that he has never had to deal with that. He stated that it sends the wrong message to start even though it ends great. He added that this conversation isn't the end of it but the way it begins, and he doesn't think anyone would want the city promoting an individual overdosing on the streets, even if they do know that anything is possible anywhere in the world. He asked if there are any other options that they can help with because he just struggles with this.

Police Chief Bailey stated that he doesn't disagree with the message, it is important, and he understand that. He explained that for him personally the reality is inside of a house and not an alleyway.

Mrs. Cotner-Bailey added that she understands the thought process behind it being on a Sunday just for a couple of hours, but they have to understand that there are two breakfast/brunch businesses in that stretch of Market Street, and event center that may or may not be having an event, a restaurant next door that is open for lunch, and people that live downtown who will be walking the streets. She stated that there is going to be activity in that area, and as they know, New Albany now isn't the same New Albany that it was several years ago. She added that there is a lot going on and they are very proud of this fact, so isn't a simple Sunday morning with no issues involved. She stated that aside from the topic at hand there are a lot of factors to consider when shutting down an alley and lane of traffic.

Mrs. Robinson stated that she wasn't going to say this today but she will. She explained that Jesus shows up in the ambulance as they are working on him and lifts him up, tells him that he wrote a story for his life and this wasn't it. She stated that in the script his girlfriend is pregnant and considering termination and Jesus says he has a decision to make, and his unborn daughter shows up to talk about her beautiful future. She added that it is a redemptive story and the man that is playing the character has been wanting to play it forever. She stated that with film not everything is perfect or real but they gather in unity and if anyone sees this man in that alley way they will be changed. She added that if they say no, she will understand but that isn't what she is supposed to do. She stated that it is tied to a music video only because of their vision but it has turned into something they can't explain. She added that there is no money but people are donating their time.

Mr. Brewer asked if they took a scripture like Jeremiah 29:11 and wrote a script from that.

Mrs. Robinson stated that they pray, seek and write. She added that they have given up ten years and this film had to come first. She added that they have an arsenal of films, they do a veteran's event with over 150 veterans with gifts and dinner, and that is what they do in their ministry. They take care of what is hurting and feel that people don't care.

Mr. Brewer stated that he wants her to understand how thankful they all are for that but the issue at hand is the display of emergency personnel and an overdose in the city alley. He added that he hopes that she can see their side of this because he does understand that she has a greater cause at play with the redemptive side, and they are all sensitive to that, but the issue is getting to that redemptive message and what the display is in the process because basically at that point New Albany becomes a sacrificial lamb. He explained that as a board member he is not prepared to do that even though their message is well worth it from the standpoint of what the end result would be. He stated that he thinks there has to be a better place for them to come up to film this other than one of the more prominent alleyways in the city. He added that he thinks the city just recently spent \$100,000.00 on that alley to renovate it and make it more prominent.

Mr. Thompson stated that what he is hearing from the others is that it is the perception that is the issue. He explained that people are going to see this and may not understand what is going on without asking questions and may think it actually is an overdose going on in the alley in business district of downtown. He added that it isn't the message that the board has a problem with it is the perception, and unfortunately with social media being what it is one person can share this and it could spread all over. He stated that he hopes she can understand their position.

Mrs. Robinson stated that she does understand but they do have people waiting on this film and their perception could be quite different. She added that this could launch in New Albany for saying yes. She stated that she knows she is taking up a lot time but it is important.

Mr. Robinson stated that they can do this somewhere else.

Mr. Brewer stated that they are all sensitive to what is going on and that is why they have allowed her to stay to hear it because they are with her about the message. He added that there is not one person here that hasn't been affected by someone overdosing.

Mr. Brewer moved to deny the request, Mrs. Cotner-Bailey second, motion carries.

Mr. Brewer thanked them for all the work they are doing.

Mrs. Robinson stated that this will happen regardless and she will send it to them.

Daniel Broadstone, 328 Woodrow Avenue, stated that last week he received a permit for a dumpster and it has already been filled up so he needs to get another one to empty the basement. He stated that they dumpster was approved for ten days but since it already needs to be refilled, he figured it was better to come get permission in case the new one goes past the ten days.

Mr. Thompson stated that they board appreciates that. He asked how long he would like to have this new one.

Mr. Broadstone stated that the basement is full so he would think at least ten days.

Mrs. Cotner-Bailey asked what dumpster company he is using.

Mr. Broadstone stated Best Deal Dumpsters.

Mrs. Cotner-Bailey moved to approve the dumpster permit through March 7, **Mr. Brewer** second, motion carries.

UNFINISHED BUSINESS:

1. Dumpster permit request by Melissa Zink at 1318 E. Elm Street

Ms. Zink stated that she would like to set a dumpster as soon as possible at 1318 E. Elm Street and added that there is not space on the property to place the dumpster

Mr. Brewer asked for the dates they would like to place the dumpster.

Ms. Zink stated that they would like to set it as soon as possible and they have a Gotta Go dumpster on standby waiting for approval.

Mrs. Cotner-Bailey stated that the dumpster the board approved on Indiana Avenue was there for days after the timeframe.

Ms. Zink stated that she believes it was one day over. She explained that they called the dumpster company to remove the dumpster but they didn't pick it up until Monday and unfortunately, she didn't know that they hadn't picked it up until later in the afternoon on Friday.

Mr. Brewer asked if that was Gotta Go as well.

Ms. Zink replied yes.

Mrs. Cotner-Bailey asked if she tells the dumpster company up front what the pickup date is.

Ms. Zink stated that she doesn't do that because she has a lot of dumpsters in and out within those ten days as they fill up. She explained that they do very extensive renovations and the homes they are working on are very dilapidated and don't meet any kind of codes. She stated that they are very often rewiring and replumbing the entire home in addition to basic reconstruction. She added that it is very difficult to get all of their tradesmen in within that ten-day time frame. She stated that they take a lot of pride in the work that they do in New Albany and they have purchased 40 properties in the last three years to rehab.

Mrs. Cotner-Bailey stated that she thinks this board is willing to work with them on this within reason.

Mr. Thompson stated that the board appreciates the end product but it has become an ongoing issue of them not following the guidelines set forth by the permitting process.

Ms. Zink stated that it was a learning curve for them because they were new to the area and didn't realize that there was a process to go through.

Mr. Thompson stated that dumpsters in the public right-of-way can be a safety hazard and the board is making an exception for any of the requests to place them on the street. He added that they want to work with her company that is providing a service to the community, but the process has to be followed which includes removing it when the permit is expired or coming back to the board before it expires to request an extension.

Ms. Zink stated that she thought she was trying to the right thing and she didn't realize the dumpster on Indiana hadn't been moved until later afternoon and they couldn't pick it up over the weekend.

Mr. Brewer asked the name of her company.

Ms. Zink replied Flippin812 LLC.

Mrs. Cotner-Bailey asked that she or one of her managers just keep a better pulse on the status of any of their dumpsters that are on the city right-of-way.

Ms. Zink stated that it is still a learning curve because sometimes she can send an email with the request and sometimes they request that she comes to the board, so she wasn't sure what was going on.

Mrs. Cotner-Bailey stated that they requested that she come in-person because they were out of compliance with the last request and given the history with other issues they wanted to have a conversation with her in-person.

Mr. Brewer stated that they appreciate all the work that they are doing and are supportive of it, but this board also had a job to do and keeping track of items that are on the public right-of-way is one of those jobs.

Mrs. Cotner-Bailey moved to approve the dumpster request from February 22-March 8
Mr. Brewer second, motion carries.

TABLED ITEMS:

COMMUNICATIONS – CITY OFFICIALS:

1. Mickey Thompson re: Encroachment permit requests for replacement of poles at 431 Pearl Street, 1697 Colonial Village Drive and 3739 Charlestown Rd. (Slate Run Cemetery)

Mr. Thompson stated that these are all pole replacements and added that the Pearl Street address will actually be on the Elm Street side.

Mrs. Cotner-Bailey moved to approve, Mr. Brewer second, motion carries.

2. Mickey Thompson for CenterPoint re: Encroachment permits at 605 Ohio St. and 494 Long Ct., 1613 E. Main St., 117 E. Oak St. and 1605 E. Market St. for service retirements

Mr. Thompson stated that these are all service retirements. He added that 494 Long Court has been removed from the list because it doesn't necessarily have to be done right now given that it would involve cutting into the new road. He stated that he did reach out the them about 1613 Main Street to let them know that this was part of Phase I of the Main Street Beautification Project with decorative sidewalks so they will have to restore it to match if they have to get into it.

Mrs. Cotner-Bailey asked if they are still required to take before and after photos.

Mr. Thompson stated that he takes before and after shots.

Mrs. Cotner-Bailey moved to approve all except for 494 Long Court which no longer needs to be done right now, Mr. Brewer second, motion carries.

3. Larry Summers re: Main Street Project Update

Mr. Summers reported that MAC is going to finishing up the benches between Pearl and Bank streets, forming up and pouring the sidewalks between Pearl and Coffee Crossing, possibly installing handicap ramps from State Street to Pearl Street. He added that this will allow them to fill in the gaps between the most critical portions. He stated that they will finish up the sewer relocation for Agave & Rye, digging out subgrade treatment between 3rd and 4th streets, and starting prep work for the sidewalk in front of City Hall/adjacent businesses. he reported that he knows that they adjacent businesses are going to be poured on Monday with the potential for the areas in front of City Hall to be poured sooner. He stated that as soon as he has a date and time, he will relay that to Sherri Baker so that a city-wide email can go out.

Mrs. Cotner-Bailey asked about the other businesses and if notice is going out to them.

Mr. Summers stated that the Coffee Crossing approach has already been poured so there won't

be any work directly in front of their business, but the sidewalk leading to it will be poured. He added that there is a constant line of communication with the businesses which is why certain pours are happening on certain days. He reported that the intersection at Bank Street, in advance of the paving work, they will need to dig out the gravel. He stated that during that window there will likely be a closure and once he has the dates he will bring it back to the board. He added that he notified them that any limitation of that nature would have to be as short as possible.

Mr. Thompson asked if they could put something on the curb line and have back access.

Mr. Summers stated that he will have a conversation with them about it. He added that depending on the condition of the existing subgrade they may do more extensive work.

Mrs. Cotner-Bailey stated that if there is any way to maintain access, they would prefer that option.

APPOINTMENTS:

CLAIMS:

Mrs. Moeller presented the following claims for the period of 02/07/23 to 02/20/23 in the amount of \$1,772,063.50:

General Claims (Bank 1):	48,733.89
Fire Department:	49,550.25
Police Department:	30,463.45
Street Department:	64,006.72
Parks Department:	27,771.10
Medical/Drug Fund (Bank L):	488,370.43
Payroll Claims(Bank 2):	878,952.75
Sanitation Fund:	-
Thursday Utility Claims:	184,214.91
	Grand Total: 1,772,063.50

Mr. Brewer moved to approve the above claims, **Mrs. Cotner-Bailey** second, motion carries.

APPROVAL OF MINUTES:

Mrs. Cotner-Bailey moved to approve the Regular meeting minutes for February 14, 2023 as corrected, **Mr. Brewer** second, motion carries.

ADJOURN:

There being no further business before the board, the meeting adjourned at 11:12 a.m.

Mickey Thompson, President

Vicki Glotzbach, City Clerk