

**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, JUNE 13, 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, Alicia Meredith, Bryan Slade, Brad Fair, Phil Aldridge, Linda Moeller, Larry Summers, Jessica Campbell, David Rake, David Hall, Krystina Jarboe 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. Theo Cristos with Ring Productions, LLC re: Filming on Friday, July 14<sup>th</sup> on Market Street between Pearl Street and Bank Street and possibly in the alleyway**

**Mr. Cristos** stated that this is in regards to filming in New Albany and explained that they are looking at requesting some road closures on East Market between Pearl and Bank streets. He explained that they are shooting a period piece film and will be parking period specific cars on the street. He added that the closure will be in the evening so it shouldn't impact any of the neighbors but they will work with them to make sure it doesn't.

**Mrs. Cotner-Bailey** asked if they are wanting to close the entire stretch of Market between Pearl and Bank on Friday because that would impact several businesses and residents.

**Mr. Cristos** stated that the closure wouldn't be until 10:00 p.m. for the start of the road closure. He added that they would be filming in front of The Grande so they need the night exteriors.

**Mrs. Cotner-Bailey** asked how long they would want to close the street.

**Mr. Cristos** stated that they would need it for a few hours but they would want to have cars parked there all day.

**Mr. Thompson** asked if he wants to park period cars there all day and then just close the street at 10:00 p.m.

**Mr. Cristos** stated that they would like to park some of the cars on the street earlier in the day around 4:00 or 5:00 p.m.

**Mrs. Cotner-Bailey** stated that there are several business and restaurants in the area that are busy on Friday evenings as well as a concert going on nearby on at Bicentennial Park, so parking is a premium and she would not be a fan of closing off the street at all.

**Mr. Thompson** stated that the other issue is that they have a lot of residents over the buildings in that stretch so filing something from 10:00 p.m. – 2:00 a.m. could be an issue.

**Mr. Thompson** asked if they have options for any other location besides this area on Market.

**Mr. Cristos** stated that they are in works with The Grand to do exterior filming.

**Mrs. Cotner-Bailey** stated that the request also mentioned something about turning off street lights as well.

**Mr. Cristos** explained that they would be looking into turning off some of the lights to prevent light spill.

**Police Chief Bailey** stated that what they are asking is a major undertaking on a major thoroughfare, and not only that but is a major emergency services thoroughfare. He added that he doesn't know how they would be able to park cars around that venue with the amount of traffic that comes through downtown New Albany on a Friday night. He stated that he is trying to wrap his head around how all of this would work because it is a big ask. He asked how they turn the lights off for a period of time.

**Mr. Cristos** stated that they work with the power company and would pay anyone for this work to be done if it was required.

**Mr. Thompson** asked what they would do about the other non-period vehicles that would be parked on the street.

**Mr. Cristos** stated that they would be looking to permit the spots that would be in the frame.

**Mr. Thompson** stated that residents and businesses wouldn't have access to the street or parking and that would be an issue.

**Mrs. Cotner-Bailey moved to deny the request of the closure of Market Street based on the information provided, Mr. Brewer second, motion carries.**

**2. Todd Rush re: ROW Encroachment Permit to cut alley behind 621 Thomas Street to re-tap sewer line that is damaged**

**Mr. Rush** requested an alleyway cut behind 621 Thomas Street in order to tap in to the sewer.

**Mr. Thompson** stated that he did a site visit this morning and explained that the sewer main is on the opposite side of the alley.

**Mrs. Cotner-Bailey** asked when he wanted to do the work.

**Mr. Rush** stated that he would like to do it later this week.

**Mr. Thompson** asked if there was a problem with the existing tap.

**Mr. Rush** stated that it was crushed or failed and added that they will be making a 9'X3' cut. He explained that it will all be done in the same day and then they will get it rocked and patched after the rocks settle.

**Mrs. Cotner-Bailey** asked if the whole alley would have to be closed.

**Mr. Thompson** stated that the end of the alley would need to be closed given that they are coming from the opposite side of the alleyway, but they would still have access from the opposite end.

**Police Chief Bailey** asked what day sanitation picks up.

**Mr. Rush** stated that he believes it is Tuesday but he doesn't think the sanitation truck comes down the alley.

**Mr. Thompson** stated that they will need to let emergency services know.

**Mrs. Cotner-Bailey** asked if it impacts any of the residents.

**Mr. Thompson** stated that he doesn't think so because the garage closest to that location in the alley faces Thomas Street and the rest can be accessed from the other side.

**Mrs. Cotner-Bailey** asked when they want to mobilize.

**Mr. Rush** stated that they would start work in the morning potentially Thursday or Friday.

**Mrs. Cotner-Bailey** stated that they would request that no loud work begin before 9:00 a.m.

**Mr. Brewer** moved to approve, **Mrs. Cotner-Bailey** second contingent upon a permit being on file, motion carries.

**Mr. Thompson** stated that he would send him a copy of the permit and the standard drawings for restoration.

**COMMUNICATIONS – PUBLIC:**

**Mr. rian Hampton** requested some sidewalk repair and modification on West 1<sup>st</sup> Street just outside the Enchanted Forest. He passed out copies of what he is trying to demonstrate and explained that the sidewalk is fractured pretty significantly in one area. He stated that they recently had some issued with disgruntled customers that are ADA requirement and while the area in question is used primarily as an egress. ADA access for the lower level is only available at that location. He requested that the last section of the sidewalk be removed and replaced with an ADA curb ramp to allow easy and safer access into and out of the venue. He added that this might allow for safer evacuation in case of an emergency when they have large crowds as well.

**Mr. Brewer** asked if the road is on an incline.

**Mr. Hampton** replied yes and stated that it is very steep. He explained that without having a ramp a wheelchair would not only have to get onto the sidewalk but then go all the way up the hill to get to an ADA ramp.

**Mr. Brewer** stated that it looks like from what he is observing that they are dealing with a parking area that cannot be conformed to the Indiana Accessibility Codes based on the fact that they are only allowed to have one inch of fallen in four feet. He asked if there was any way to get to that in this area.

**Mr. Hampton** stated that if the pitch slowly changed on the section of the sidewalk that is fractured it could get back to a near level grade at the exit.

**Mrs. Cotner-Bailey** asked Mr. Hampton if he is going to do the work himself.

**Mr. Hampton** stated that he was hoping that the city would as he has made the inside of the venue ADA compliant.

**Mr. Summers** explained that he has reviewed this and thinks that the city would be able to put in some sort of extension of the sidewalk to tie down to the brick. He stated that they can evaluate the rest of the request, but to be able to lower the sidewalk to allow for ADA access for his facility is typically outside of the bounds of what they would provide. He explained that they work for ADA compliance within the city rights-of-way, but once it gets onto private property it is outside of the city's scope. He reiterated that he will look into it to see what they can make work there.

**Mr. Thompson** stated that we have a handicapped ramp at W. 1<sup>st</sup> Street and Main Street and asked if customers are able to proceed down the sidewalk to that back entrance.

**Mr. Hampton** stated that if you overshoot it, you will take a trip over the 7" curb. He added that they take carts and everything else down that sidewalk for events and it can get away from you because it is a steep hill, so to ask someone to take a wheelchair up it to get to a ramp seems like a lot. He stated that if a ramp at the lower level isn't possible, it would help him as a business owner to have something in writing that says it isn't physically possible because last week, he

spent his time doing TV interviews because someone complained that it wasn't made accessible for them to get into their venue.

**Mr. Summers** stated that the compliance issue is not the sidewalk itself, but rather the step from behind the gate or sidewalk into the venue.

**Mr. Hampton** stated that isn't the concern at all and they can scoot gravel up to that part.

**Mr. Thompson** stated that he doesn't think gravel is accepted by ADA unless it is compacted.

**Mr. Summers** stated that he can look into the situation

**Mr. Hampton** stated that he thinks it needs to be level terrain at the gate not on a slope.

**Mr. Summers** explained that when there are steep grades on a street such as this, the design guidance for construction in the right-of-way for ADA accessibility allows for the sidewalk to match the grade of the road. He added that in this particular instance, the sidewalk is matching the grade of the roadway and is in compliance. He added that it isn't necessarily the sidewalk that is out of compliance, it would be access from the sidewalk into the facility. He reiterated that he will look into the situation and see what can be modified to make it better for ADA access at the bottom, but in terms of the sidewalk itself, it is currently compliant.

**Mr. Brewer** asked if he can see anything else that can be done without making it handicap parking per se.

**Mr. Thompson** stated that he is requesting that it be made "no parking" in front of a ramp.

**Mr. Hampton** stated that the gate is sizable to allow for the proper egress of large crowds and gets impeded when someone pulls right up to the curb.

**Mr. Thompson** asked if his gates are opening out onto the sidewalk instead of into his business.

**Mr. Hampton** replied yes and stated that it was a fire code requirement.

**Mr. Summers** stated that it sounds like the gate being open would solve the concern of someone coming off the edge.

**Mr. Hampton** stated that he his also worried about someone leaning on that gate and hitting any car that is parked there. He added that he put a striped are on the drawing with "no parking" to address that.

**Mr. Thompson** asked Mr. Hampton if he has consulted with anyone to make his facility more compliant or if he created the drawings himself.

**Mr. Hampton** stated that he did create the drawings and he hasn't consulted with an engineer to look at his facility.

**Mrs. Cotner-Bailey** asked if he has considered consulting with an engineer to see about making the facility more ADA compliant.

**Mr. Hampton** stated that his facility is ADA compliant, it is the public sidewalk that he is trying to amend.

**Mr. Summers** stated that the sidewalk is compliant, it is the access from the sidewalk into the facility that isn't.

**Mr. Hampton** stated that he would like something in writing that he can give to the public and news channels.

**Mr. Brewer** asked to clarify if he is trying to create an ADA access point into the outdoor area.

**Mr. Thompson** stated that it is an egress point that he is trying to turn into an access point.

**Mr. Hampton** stated that it is the only way possible for an ADA entrance, but it is primarily used for egress.

**Mr. Thompson** asked if there is access to the back from any other parts of his property that are ADA accessible.

**Mr. Hampton** replied no and stated that from top to bottom it is ~20-foot drop. He explained that they had to excavate and create tiers to make the land usable but by making the tiers there have huge drop points.

**Mr. Thomson** asked if all the different locations are his property.

**Mr. Hampton** replied yes.

**Mr. Brewer** asked if the parking at that egress point prohibits the clear unobstructed pathway requirement.

**Mr. Hampton** stated that it is an issue when cars pull right up in front of the gate and that prohibits people in wheelchairs from getting in.

**Mr. Thompson** stated that people are not parking in front of the gates, they are pulling up and parking on the street next to the curb in a parking space.

**Mr. Hampton** stated that there are a lot of things that could be done including painting a section with striped lines to prohibit parking in front of the gate, painting the curb yellow, and having a ramp.

**Mr. Brewer** asked how they are getting in the space now if they want to go to the outdoor area.

**Mr. Hampton** stated that his staff lifts them over the curb which scares him.

**Mr. Summers** stated after reviewing this during conversation, the only thing that really makes sense is for a curb cut application by the business to request to cut the curb to install something that accesses the facility. He added that the curb cut would have parking blocked in front of it and the business would be responsible for the curb cut work. He explained that the city doesn't typically install ramps in the middle of a sidewalk so this isn't something that would be normal ask.

**Mr. Thompson** stated that they are essentially asking to install a driveway to their property as it is in the middle of the block and not the corner where handicap ramps would be installed.

**Mr. Hampton** stated that even if the sidewalk was cut out before they got to it so it was at level ground would help.

**Mr. Thompson** stated that he would need to fill out a curb cut for that entrance location so that he can install what will essentially be a driveway in front of the gate, and when there is a driveway, it can't be blocked. He added that this won't address the issue of the entrance from the sidewalk into the property.

**Mr. Summers** stated that with a curb cut he could lower it down to that level.

**Mr. Brewer** asked if he is wanting to turn this location into an entrance or just use it as a point to get people in and out of.

**Mr. Hampton** stated that it isn't their primary entrance and not manned so when someone comes to the main gate that is ADA compliant, they check them in and a couple of people go

down with them to get them over the curb. He added that what he would like to be able to do is just send them down with the wrist bands and gain entry on their own.

**Mr. Brewer** stated that he asks because the last thing they want to happen at a required egress point is to have a curb cut where a vehicle parks, blocking the entrance.

**Mr. Hampton** asked what about the section of the fractured sidewalk. He explained that the city dump trucks were helping to get debris out when they were excavating the area and one of them backed over the curb and fractured it.

**Mr. Summers** stated that in an effort to help his business the sidewalk was broken.

**Mr. Thompson** suggested that Mr. Hampton fill out the curb cut request and the city will look to see what else they can do in conjunction to this. He added that he will get him the paperwork.

### **UNFINISHED BUSINESS:**

#### **1. Russell Porras re: Sign request at Casa Isabella**

**Mr. Porras** apologized for not being at the meeting last week but he was unable to get someone to cover his shift to be here. He explained that this will be a sign on Pearl Street for their business.

**Mrs. Cotner-Bailey** asked if this is at 219 Pearl Street.

**Mr. Porras** replied yes.

**Mrs. Cotner-Bailey** asked what the distance would be from the bottom of the sign to the sidewalk and how the sign would be adhered to the building.

**Mr. Porras** stated that he believes the height of the sign would be 15 feet and he thinks the proximal part of the sign has a flat surface that will be screwed into the wall. He explained that there was a sign there before and it is similar to what they had but it is flat and will not be as heavy.

**Mr. Brewer** asked who will be installing the sign.

**Mr. Porras** stated that Coast to Coast is making the sign and he will be installing it.

**Mr. Brewer** stated that the board will need a drawing showing how it is being installed and anchored to the building.

**Mr. Brewer moved to approve subject to receiving a drawing on how the sign will be installed, Mrs. Cotner-Bailey second, motion carries.**

### **TABLED ITEMS:**

### **COMMUNICATIONS – CITY OFFICIALS:**

#### **1. Vicki Glotzbach re: Renewal of Vendor Permit for Cool Treats Ice Cream Truck**

**Ms. Sherry Pool** stated that they are here to get their vendors permit to sell ice cream in New Albany.

**Mrs. Cotner-Bailey** asked how many trucks they have.

**Ms. Pool** stated that they have a few trucks but only one will be running in the city.

**Mr. Thompson** stated that this is a renewal and asked if anything has changed from last year.

Ms. Pool replied no.

Mrs. Cotner-Bailey asked if they have regulated the hours in the past.

Ms. Pool stated that they usually run till dusk.

Mr. Thomson stated that they can check to see if they had any previous stipulations.

Mrs. Cotner-Bailey asked if they have still been operating even though this is expired.

Ms. Pool replied yes.

Mrs. Cotner-Bailey stated that they would just ask that next year they come before the expiration date.

Police Chief Bailey asked Ms. Pool to make an appointment through the parking enforcement office to have whatever vehicle they plan to utilize inspected as well the license of whoever plans to operate the vehicle.

**Mrs. Cotner-Bailey moved to approve subject to an inspection of the truck by the police department and checking hours of operation in the ordinance, Mr. Brewer second, motion carries.**

**2. Mickey Thompson re: Dumpster permit at 2202 McLean Avenue**

Mr. Thompson stated that this request came in Tuesday after the board of works meeting. He explained that he did a site visit and the dumpster has already placed and removed so he just needs this board's official approval.

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

**3. Mickey Thompson for CenterPoint re: ROW Encroachment permits at 1208 E. 8th St., 1216 E. 8th St., 1612 Beeler St., 1744 Ekin Ave., 2104 Beeler St., and 2101 Logan St.**

Mr. Thompson stated that this is work that the gas company is doing such as cleaning up and retiring services.

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

**4. Mickey Thompson for Spectrum re: ROW Encroachment permits at 4917 Grant Line Rd. and 136 E. Cottom Ave.**

Mr. Thompson explained that 4917 Grant Line Road is aerial but it also includes boring across the road.

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

Mr. Thompson stated that 136 E. Cottom Avenue and is also a combination of aerial and bore.

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

**5. Larry Summers re: Main Street Project Update**

Mr. Summers reported that Main Street is being paved on the north side and continuing to prep the sidewalks on that side for flat concrete work starting next week.

**6. Larry Summers re: 2023 Paving Program.**

Mr. Summers reported that they have been notified that MAC Construction is looking to potentially do some paving activity on East Market from Silver to the levy at the end of this

week and potentially going into next week. He stated that there is work happening on Beechwood (intersection), Vincennes (Main to Troy), and Slate Run (Beharrell to phase 1) on the week of the 19<sup>th</sup>.

**7. Linda Moeller re: City Vehicle**

**Mrs. Moeller** explained that one of the city's vehicles was involved in a traffic accident and the insurance company has deemed it to be totaled. She asked the board to declare that vehicle to be worthless per Indiana Code

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

**8. Mickey Thompson re: Sinkhole on Bank Street**

**Mr. Thompson** reported that there is a sink hole on Bank Street at Main Street that is reoccurring. He explained that they have filled in in a couple of times and wastewater will be on site Thursday to excavate the area to assess what the issue could be. He stated that the sewer line is new so they aren't sure where the material is going. He added that it is in the center of the road on Bank Street but it is before the entrance of the underground station, so they want to close the south section of Bank Street. He stated that traffic would still be able to get around and access Underground station and he doesn't expect the work to take more than 3-4 hours.

**Mrs. Cotner-Bailey** asked if all of the businesses are being notified.

**Mr. Thompson** replied yes.

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

**APPOINTMENTS:**

**CLAIMS:**

**APPROVAL OF MINUTES:**

**Mr. Brewer moved to approve the Regular Meeting Minutes for June 6, 2023, Mrs. Cotner-Bailey second, motion carries.**

**ADJOURN:**

**There being no further business before the board, the meeting adjourned at 10:53 a.m.**

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Mickey Thompson, President

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Vicki Glotzbach, City Clerk