

**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, JUNE 15, 2023
AT 7:00 P.M.**

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

ALSO PRESENT: Ms. Stein, Mrs. Fischer, Mr. Gibson, Ms. Johnson, Mrs. Moeller and Mrs. Glotzbach.

CALL TO ORDER:

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

INVOCATION: Given by VFW District 8 Chaplain Darrell Neeley

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Applegate moved to approve the Regular Meeting Minutes for June 5, 2023, Mr. Phipps second, all voted in favor with the exception of Mr. Dickey who abstained and Mrs. McLaughlin who was not present.

COMMUNICATIONS – COUNCIL:

Mrs. Griffith stated that she received an email from a lady concerned about Spring Street because the Sherman Minton Bridge is closed and there is a lot of excess traffic. She believes that Police Chief Bailey has already reached out to her because she saw that there is speed limit radar sign that was put out, so she wanted to thank him for taking care of that. She said that another gentleman that lives downtown shared how happy he is that it is becoming walkable and it is always good to hear something positive. She also said that the Bicentennial Park Concert Series has been wonderful and we had great weather the last two weeks, so she encouraged everyone to go to a concert if they haven't been to one. She reminded everyone that the Culture Pass is going on and it is a free service from the library so you can get your pass there. She stated that you can visit with your kids all different places with the arts and things throughout southern Indiana and Louisville.

Mr. Aebersold stated that tomorrow night Bicentennial Park will have two groups and it starts at 6:30 p.m. and goes to 9:30 p.m. He then said that the Carnegie Center is having a jazz group in tomorrow at lunchtime for an hour and a half. He added that it is Jamie Aebersold. He stated that he also contacted the lady on Spring Street and he thinks that they put the warning speed limit sign right across from her house. He thinks it is probably doing a pretty good job for her.

Mr. Blair stated that the last meeting they terminated the animal shelter interlocal agreement and said that they will no longer provide service after this year. He said that he would like a copy of the letter that the city is sending to the county stating those terms. He said that if Ms. Stein or someone can email the letter to all of the council members, he would appreciate that.

Mr. Turner stated that it has been a little over two years since the Safe Haven Baby Box ordinance passed and it is installed at the firehouse and has been tested and has all of its stickers, but it has not been activated yet. He said that he has reached out several times to the mayor to get this activated because the firefighters believe wholeheartedly that it will be used. He stated that he hopes it happens sooner than later and he will keep pushing for

that. He said that the Floyd County Library has a summer lunch program going on right now through the 28th of July from 11:30 a.m. to 12:45 p.m. He stated that kids up to 18 years old can grab a lunch and the menu changes every week, and you can check the Floyd County Library Facebook page for more information on that. He did receive a concern today regarding the Main Street Project that he has never noticed. He said that if you look across the street, the parking lot where the Odd Shop is goes against the grain of traffic and he didn't know if there was a reason for that.

Mr. Gibson stated that there is and they will be backing into those spots. He said that they have been proven to be more safe and more efficient in reducing accidents.

Mr. Turner said that he hopes people back in.

Mr. Phipps stated that he wanted to remind everyone that Monday is Juneteenth so Happy Juneteenth. He then said that since our next council meeting is scheduled for July 3rd, which is probably going to be a long holiday weekend for people, he asked if we are going to transfer the meeting to Thursday of that week? He added that there are fireworks going on downtown that night as well.

Mrs. Collier stated that she will have moving that meeting in her comments and thanked Mr. Phipps for bringing that up.

Mr. Dickey apologized and stated that he was traveling last meeting and was not able to remotely attend. He said that he went over the record of the meeting and he wanted to publicly concur with the comments that were made regarding the police response to the shooting and the courage of our officers, including Police Officer Byrne. He does think that this underlines why it is so important to make sure that we continue to work to enhance the training, equipment and other means that those officers have. He also hopes that the action taken to move forward on the animal shelter will lead to a better situation, and was pleased with the conversation and the comments from the public as well as others on the DORA ordinance. He said that he and Mrs. Griffith were able to observe the committee meeting on Monday and he was very pleased that a number of the suggestions and comments were discussed and incorporated into amendments for tonight. He was able to be at the New Albany Housing Authority for a brief time today for their School is Out Bash. He said that it was very well attended by the residents and he is looking forward to more summer activities like that such as concerts, Juneteenth and all those things happening in our city.

Mrs. Collier stated that she wanted to officially announce that during Covid, we accepted public comments through email, but now we are meeting in person, so we are going to go back to how we used to operate. She said that if you have public comments, you do need to appear and sign in before the meeting to speak. She stated that if you want to email something, it will be distributed to all of the council members and entered into the record, but it will not be read. She said that the only other issue she has is their meeting scheduled for July 3rd, and with the festivities going on that evening, she wanted to see if they wanted to take a vote to either cancel the meeting or reschedule it for July 6th like they would on the Monday holiday schedule.

Mr. Blair stated that he has a scheduled trip on July 6th and asked if there is any way that they can do the meeting on July 5th?

Ms. Stein stated that you are voting to suspend the rules by moving the meeting anyway so she doesn't think that it would matter if it were moved to Wednesday versus Thursday.

Mr. Dickey said that we just need to make sure that we send out public notice.

Ms. Stein added that she would not be available on that Wednesday.

Mr. Applegate asked if anyone else from the firm would be?

Ms. Stein stated that she could probably get the other Amy to attend because she is going to be around then.

Mrs. Collier asked Ms. Stein if she is certain that Amy could attend?

Ms. Stein stated that she is not certain.

Mr. Applegate stated that he doesn't think technically they have to have legal counsel present.

Mr. Blair motioned to move the Monday, July 3rd meeting to Wednesday, July 5th, **Mr. Dickey** second, all voted in favor with the exception of Mrs. McLaughlin who was not present.

COMMUNICATIONS – MAYOR:

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 DORA committee did meet and he can go over all of the amendments and different things now, but if we could do that during the meeting and vote on those as we go, he would prefer that.

Mrs. Collier stated that she is fine with that and asked if anyone was opposed?

No one was opposed.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

COMMUNICATIONS PUBLIC: G-23-04 Designated “Outdoor” Refreshment Area

Mr. Andrew Nicholson, 128 E. Main Street, stated that there were three major concerns that he had about DORA that didn't really get answers. He said that on a typical Friday or Saturday night there is a lot of litter that already happens, so he wanted to know if there is a plan for that. He asked what is to stop him from getting a cup and pouring his own liquor into it and walking around with it and spending less money at our local businesses? He said that when he first started in marketing, he worked on 4th Street Live and when things got rowdy or things happened, they had walking patrol police officers and sometimes even officers on horses. He stated that he is not asking for downtown New Albany to get officers on horses, but he would like to see walking patrol police officers during the peak hours of this. He said that with the devastating incident that happened just a few blocks from where the DORA is going to happen, he thinks that showing increased police force with our new \$17.5M police station right around the block would really make citizens like himself feel safe.

Ms. Cathy Higgins, 1106 Korb Avenue, asked if we are not going to take time to talk to the downtown business owners or any other places that are in the scope of DORA? She also asked why we have to start with it so large? She stated that we are talking about being pioneers in this, so she would think that we would want to start with something a little smaller and actually do it right, and not be like the crash test dummies. She asked about the ABC and what their rules for these establishments are and do the establishments have to participate? She said that she doesn't know why this is such a rush and why we can't do a little more due diligence.

Mr. Darrell Neeley, 1712 E. Oak Street, stated that this DORA will be good for our downtown area if all discussions were answered. He said that in other cities that he has

lived in, it worked out very well. He named several cities that have DORAs that have worked out well for them. He stated that with all of the business owners and restaurant owners here in town, he is surprised to know that no one asked their opinions. He said that we have got to reach out to people like that. He stated that in talking with some of the officials and business owners in the towns that he already mentioned, it took them a little while to include discussions with police, fire department, shop owners and restaurant owners for it to be successful. He said that there is always the concern about trash but everyone will have to be respectful and responsible for it to be successful. He stated that he has some concerns and questions that he would like to have looked at. He asked what the cost to the taxpayers is for the painting, the signs, the extra trash cans and extra trash pickup? He asked if we can have recycling receptacles because those plastic cups are recyclable? He said that if we just throw them in the trash, we are not helping ourselves and we are just damaging the environment. He asked what thought process went into drawing the boundaries? He said that Wild Eggs is included but they close at 2:00 p.m. so he doesn't know why they are even in it. He added that even if they reopen the other restaurant further down, that is a very far walk. He stated that leads him to something that he is really puzzled by. He asked why is the VFW on E. 5th Street and E. Market Street is being excluded? He asked why we are excluding veterans? He asked how the logos are going to be put on the cups and if they would be taped? He said that if they are taped, he could see people taking them off and putting them on their own cup. He stated that there is no safety plan in this ordinance; he said that it just states that the city currently conducts regular monitoring of the area and the police headquarters is located in the DORA. He said that is not a plan. He stated that a plan would state what the police presence is. He stated that the cities that he has talked to have increased police presence especially at night. He said that they should have walking patrols as well as bicycle patrols. He asked if anyone asked for police input in this plan especially when they are under staffed and already spending thousands in overtime hours? He mentioned underage drinking and asked how that will be monitored? He said if someone exits the establishment with two beverages, who is the other one going to? He stated that he has a bartending license and establishments in Indiana are responsible for not serving underage people and not serving those that are intoxicated. He said that you can be fined and held responsible for DUIs. He then mentioned second drinks and that the bartender needs to see where that second drink is going. He asked how are they going to do that here? He stated that it was said that the ordinance would be amended to allow only one drink per person. He then asked if there is a plan to keep pedestrians safer in the crosswalks? He said that this is a great idea that has worked in other places and can work here. He also said that it would be nice to be the first in Indiana to do this and set a precedent, but you don't want to rush this through and set a precedent of what not to do.

COMMUNICATION PETITIONER: G-23-04 Designated “Outdoor” Refreshment Area

G-23-04	Ordinance Authorizing the Creation of a Designated “Outdoor” Refreshment Area (“DORA”)	Applegate/ 3 Phipps/ Dickey
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Mr. Applegate introduced G-23-04 and moved to approve the third reading, Mr. Phipps second,

Mr. Phipps withdrew his second.

Mr. Applegate reintroduced G-23-04 as amended 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 G-23-04 becomes Ordinance G-23-08.

Mr. Applegate moved to amend the DORA map area to Option E, Mr. Turner second, all voted in favor with the exception of Mrs. McLaughlin who was not present.

Mr. Dickey moved to incorporate “may” in Amendment 2, to amend in Amendment #1 the time to 10:00 a.m. to 10:00 p.m. and to strike the line saying that the police headquarters is in the DORA area in Amendment 5, Mr. Applegate second, all voted in favor with the exception of Mrs. McLaughlin who was not present.

Mr. Dickey moved to incorporate as amended the amendments proposed by the committee to be incorporated into the legislation and to add an Amendment 8 which limits the number of drinks to one, Amendment 9 which is the addition of a bipartisan DORA review committee under 30.50 with language that they would conduct a review six months after the start of DORA and then again 12 months after the start of DORA and then as needed thereafter, Mr. Turner second, all voted in favor with the exception of Mrs. McLaughlin who was not present.

Mr. Applegate stated that this came about earlier this year when state legislature passed the bill to allow this to happen. He said that after researching this and working tightly with the administration, police, fire and the other sponsors Mr. Phipps and Mr. Dickey, they thought it was a good idea to bring this forward for our community. He stated that they did have a committee meeting between the last meeting and this meeting. He said that he was present as well as Mr. Phipps and Mr. Aebersold, a representative of Develop New Albany, the police chief, Ms. Stein, Mr. Gibson and Ms. Johnson. He stated that they took emails ahead of time and addressed a lot of those. He said that they took a lot of feedback from all of the comments that were made and broke them down into some chunks. He stated that they looked at the time and the time that was proposed was 11:00 a.m. to 1:00 a.m. He said that an amendment that they favorable put forward was to change the hours to 11:00 a.m. to 10:00 p.m.

Mrs. Griffith asked if there is any way to start at 9:00 a.m. on Saturdays so that people can have mimosas and go to the Farmer’s Market?

Mr. Phipps stated that the issue with that is they wanted to have standard times because the signs get more complicated if we have different times on different days. He said that he like Mrs. Griffith’s idea though.

Mr. Applegate stated that the next chunk they looked at was the signs posted by the retailers and permittees and that we will provide the decals, stickers or signage that will either say they are in the DORA or not.

Mr. Turner asked if we have any idea how much that will cost and how it will be funded?

Mr. Applegate stated that it will depend on how big the zone as far as signs, etc. and if this cost becomes larger than what they have in the budget, they may come to the council for an appropriation.

Mr. Turner asked where the budget is now and what budget will it come out of on July 1st?

Mr. Gibson stated that the decals they plan to incorporate into their budget and they should be able to absorb that kind of cost. He said that they thought that may be the best way just for consistency.

Mr. Turner asked when he talks about signs, is he talking about where the zone ends?

Mr. Gibson stated that one may be a little more costly because that is actually hard signage. He thinks they should be able to absorb most of the costs into their budget this year but the signage may require a little assistance.

Mr. Griffith asked if you have to have a sign in your business?

Mr. Gibson replied no, it is just what the business owners prefer. He said that if a business doesn't want to participate, they can have a sign that says no.

Mrs. Griffith stated that she doesn't want to see a lot of no signage. She said she would like to keep it positive.

Mr. Turner asked if they should make an amendment to take out every permittee or participating retailer "will" have a sign posted and change that to "shall"?

Mr. Gibson said that it is the council's call and they can change it to "may".

Mr. Applegate stated that they also cleared up the cup conversation because it was a little confusing. He said that it originally read that the city was going to be the cup sales people and that is just not the case. He stated that ultimately, we will provide the official logo to the individual participating businesses and they will be able to put that logo on their designer cups if they want to make them nicer. He said that if they want to add their own advertising on them, they are more than welcome to as long as it does fit a certain criterion such as not displaying profanity, offensive language, gestures, images or nudity.

Mr. Turner stated that one thing he noticed on some of the Ohio DORAs is that businesses have souvenir cups and they have found that people aren't throwing them on the ground. He asked as long as they are within the statute, can businesses have a souvenir cup?

Mr. Gibson said yes, as long as it meets the necessary requirements for it to be identified. He stated that then you run into whether the businesses are going to allow them to bring that cup back in or if it is just a cup that they keep at home. He said that it is going to be up to each business unless the council addresses that too. He stated that the only requirement we have is that it has the logo on it so we can identify it and the police can identify it as well as the ATC.

Mr. Applegate stated that the biggest thing is that it has to be printed on the cups, not a sticker or anything that can be removed.

Mrs. Griffith asked if there is a permit that bars have to fill out and is this information on that permit?

Mr. Gibson stated that every bar that wants to participate will fill out an application that goes with the entire packet that goes to ATC.

Mr. Turner stated that he is concerned because the permittees will have to have a stock of several different sized cups.

Mr. Gibson stated that they will have one size cup but if you are doing a pour for wine then it can only be so much into that cup, etc.

Mr. Turner asked how they would know how many ounces they are putting in a cup?

Mr. Applegate stated that you have to believe that the bars/restaurants that are serving alcohol want to follow the rules so they will measure accordingly.

Mr. Gibson stated that ATC will require them to follow the rules and they will still be subject to ATC review/stings or whatever they call them.

Mr. Turner asked if you have two drinks and you leave the establishment and pour both drinks into one cup, what happens?

Mr. Gibson stated that if they simply pour it into one cup, he thinks that's okay.

Mr. Turner said that they may have overpoured it.

Mr. Gibson said that they may have but he doesn't think that is a good idea and is probably not a good business model. He stated that they can get in trouble with ATC for sure if they do that and lose their license. He said that it will be subjected to review by ATC just as they are now.

Mr. Turner said that it is not them though if someone has two cups and pours into one.

Mr. Gibson stated that he thinks there is another amendment that is coming that wasn't a part of the original package which will switch the limit to one drink anyway versus two.

Mr. Applegate stated that amendment was just brought up yesterday or the day before. He said that it was after the committee meeting and it was brought up for that reason of if you have one drink, you can stop at an establishment and get another one rather than walking out with two.

Mr. Gibson stated that they are shooting for just more of a casual atmosphere for you to kind of meander downtown and create foot traffic. He said someone walking around with two 16-ounce beers doesn't really portray that or accomplish what we are really seeking. He added that we do have that authority to reduce the number of drinks and he did verify that with ATC.

Mr. Turner stated that we are opening up drinking and at some point, it is someone's personal responsibility to be responsible.

Mr. Applegate stated that we are trying to put the guardrails on it as best we can, but ultimately, there are going to be things that come up. He then said that he hasn't brought it up to Develop New Albany but he is just kind of throwing out there that maybe they have a stash of cups, so if any businesses run out, they have someone to call to purchase regular DORA cups. He added that this is just an idea to help facilitate that.

Mr. Dickey stated that he doesn't think anything here that they are proposing would prevent multiple businesses entities from collaborating together on the cups. He said that for example if Ian with the Exchange wants to help out Brian with the Brew House one day because they ran out, they can work that arrangement out.

Mrs. Griffith asked if a vendor is setting up at the Farmer's Market or a festival, are they required to have these cups too?

Mr. Applegate stated that there is some stuff about special event permits in this.

Mr. Griffith asked if they could put somewhere "no stickers" because she just doesn't want anybody to think that they can just get a sticker and put it on a cup because she would have thought that.

Mr. Applegate stated that they can. He also stated that when we go to the businesses to see if they want to participate, they will get a folder with all pertinent information and we will mark them because we have to have a list of who is involved. He said that if they don't want to be involved then they will get their decals showing that they aren't involved.

Mrs. Griffith asked if a business doesn't participate on this first go around, can they opt in at any time? She asked if that needs to be in there anywhere?

Mr. Gibson stated that they would have to go through the ATC application process to be approved.

Mrs. Griffith so anyone that is opening up new, this is something that they can jump right into.

Mr. Gibson replied yes.

Mr. Applegate stated that amendment 4 on this would be the sanitation plan and they wanted to add that the city will add trash and recycling receptacles within areas as needed with additional monitoring and collection on evaluation. He said that it is going to take a little while to find out where the traffic patterns may be on certain nights or events and have that trash picked up the following day rather than waiting for the regular pick-up day.

Mr. Gibson stated that we have talked about this internally and currently we do have trash cans all throughout downtown and they are checked and emptied twice a week, and we have envisioned adjusting that schedule to maybe three times a week and include Saturdays now. He said we are looking at Monday then Wednesday or Thursday and then on Saturdays.

Mrs. Griffith asked if it is possible to have recycling receptacles?

Mr. Gibson stated that it is part of the policy to do that. He said that those things can get expensive and they may not have that in their budget so they may need the council's assistance in that.

Mr. Applegate stated that amendment 5 is that the New Albany Police Department will evaluate the implementation of the DORA and adjust monitoring and patrols as needed. Any special event and/or use of public space in which alcohol is distributed, shall require approval from the Board of Public Works and Safety and the Chief of Police. The Chief of Police shall have the authority to require additional safety measures for any such special event and/or use of public space, including but not limited to security, fencing and other measures as deemed appropriate. He said that there is also the police headquarter instead of policy headquarter correction. He stated that right now anyone having a special event in New Albany is required to fill out an event form and that goes in front of the board of works for approval. He also stated that they look at that form and may say that you may need additional security, etc. He said with this for example, it does add in that there that we may require someone having an event at the waterfront area to have a fenced in area, so there is a controlled sale of alcohol there. He added that if the chief of police or board of works determine that it is something where they can use DORA cups, they can file that request. He stated that if it is someplace that is located within DORA that doesn't want to use DORA, they may have to address a different path that moves the people around there.

Mr. Gibson stated that hopefully everyone has been to the July 3rd Celebration or the Schmitt Furniture Bash, so there just may be times that the chief determines that they need additional security. He said that right now you are required to have everything fenced off if you have an event. He stated that you can still get your permits and still do that stuff, but not only the area where you get your drinks is fenced off, but the whole area where the event is being held is fenced off. He thinks that there may still be occasions that the chief may determine that they are good with an event, but this is the way they want it blocked off. He stated that part of this came up with discussions of Harvest Homecoming and how their event plays into downtown and that stuff. He said that we wanted to make sure that we built into this the ability for the police department to say, "hey, this is in the area where you are having an event but you are still going to do ABC because we feel those precautions are necessary in order to fulfill the safety requirements that we want". He stated that this language allows that authority and ability to be done versus saying that it is open here and you can just go. He added that there just may be events where it is not appropriate for you to be able to go out of the riverfront with your drink and just walk downtown. He said that chief also did indicate that he plans on increasing foot patrols walking around here and there as this starts to feel it out and see how it is going like we would with anything and adjust accordingly.

Mr. Turner asked what is to prevent county police and state troopers from coming down and start tearing us apart and just really picking on us?

Mr. Gibson stated that the state police have done that in the past.

Mr. Turner stated that he knows that and that's why it is a real concern to him.

Mr. Gibson stated that Police Chief Bailey has a good working relationship with the state police and he assumes that he has a good working relationship with the sheriff's office as well. He said that they have their own jurisdictional limits and do what they feel is appropriate in those areas, so unfortunately, there is nothing we can do to keep them out of our area because they do have overlapping authority.

Mr. Turner stated that his concern is if there is no police presence and we say that we are going to adjust accordingly, there is a vacuum there.

Mr. Gibson asked who said that there is not going to be police presence there?

Mr. Turner said well, it is going to be the same police presence we have now and will adjust it if needed. He stated that we have had a problem in the past where people are getting arrested by state police because they were out there waiting for people to drive away. He said that he would much prefer that we have city police in the zone versus people outside of New Albany saying there is no extra police presence so let's go ahead and provide some.

Mr. Gibson stated that in the past that's been their own self-determination on that, and to be honest, he believes there were political reasons in that timeframe. He said that New Albany's businesses were growing and they were rushing onto the scene and there were just some issues there. He stated that nothing stops Indiana State Police from patrolling New Albany. He said that chief has indicated that they are going to do their job and make sure that the area is safe. He added that there is no way to stop what Mr. Turner is asking other than that our police department is doing their job.

Mr. Applegate stated that Police Chief Bailey said that when this starts out, they are going to be more aware that this is new and going on, and then hopefully there is no need to increase patrols that much. He said that Police Chief Bailey also said that there are not huge alcohol related incidents in the downtown area, so he doesn't think that this is going to be rampant alcohol incident area. He added that he said that they would look upfront to see that the monitoring is there and that people are seeing it.

Mr. Gibson stated that chief's job is to ensure proper deployment of his police officers and obviously he knows to do that. He also stated that hopefully the additional amendments that they have talked about will help alleviate some of that such as limiting the time and the one drink versus two to make it more of what we are hoping for, which is that casual atmosphere.

Mr. Turner stated that he wished that chief was here because you can be reactive to sanitation and trash but reacting after a criminal incident is different than sanitation. He said that he would much prefer to see increase and then taper off.

Mr. Gibson stated if the chief were here, he thinks that is what he would tell him. He said that he will absolutely increase this and ensure that there is a presence and maintain that momentum.

Mr. Turner said that he may offer an amendment when the time comes on that.

Mrs. Griffith stated that she knows there is a non-emergency phone number for the police and asked if there is something that we can set up for the business owners in the DORA starting out? She said they could maybe be your all's eyes and help.

Mr. Gibson stated that they can distribute the non-emergency number as part of their packet.

Mrs. Griffith stated that maybe they could do it even with trash if they see that one trash can is overflowing all of the time.

Mr. Gibson stated that it not a bad idea and what we can do when we are developing these packets for the business owners is include trash and sanitation as well. He said that is a good idea.

Mr. Dickey stated that those numbers are on our website and he knows that because one night we had a mentally incapacitated individual walking down the middle of Charlestown Road and he had to address that situation with the police to keep him out of danger. He said that it is very convenient to have those numbers plugged into your phone.

Mrs. Griffith said that as far as fencing, it is going to be per festival and asked if that is correct?

Mr. Applegate stated that the standard event application currently asks if you are going to have alcohol. He said that the board of works and the police will be involved a little more on how that distribution will happen.

Mr. Gibson stated that anyone that wants to use a public space in the City of New Albany has to go through a formal process, which is file the application for permit with the city through the board of works. He said that they will look at what they want to do along with the police, and currently ATC also controls what you can and cannot do. He stated that you can still do your event and remove fencing requirements if it is appropriate, but there may be events where that is not appropriate so that is why we put that language in there.

Mrs. Griffin said so basically, they don't have to have the beer garden fencing and asked if that is correct?

Mr. Gibson replied correct.

Mrs. Griffith asked if they can take a drink from one of these bars over there?

Mr. Gibson stated that would depend on what chief and his department thinks is appropriate for the event. He said that they may want to require fencing and not have anything coming in our out. He stated that it just gives them the ability to say that extra measures are needed such as extra security, etc.

Mr. Applegate stated that Amendment 6 pertains to a prior ordinance regarding public nuisance and open container. He said that it states that this ordinance shall repeal and replace the previous city ordinance 111.01 and 111.99. Upon passage of this ordinance, 98.02(M) and 130.30(1) shall be amended to add "except in an area approved for a Designated Outdoor Refreshment Area (DORA)" pursuant to 111.00 et seq. He said basically we are not setting someone up to break a law. He stated that is what we would be correcting with this language.

Mr. Gibson stated that the next couple of those just clean up some things that we currently have on the ordinance books. He said that Ms. Stein pointed out that we needed to add "except in the designated area" on the one. He stated that other has been on the books and he honestly has never seen it come across his desk or had to deal with anything on it. He said that it looks like it was an attempt back in the 80s or 90s to kind of do something of this nature, but it is on the books, so this will just clean that up and take it off.

Mr. Applegate stated that Amendment 7 pertains to locations and types of signage. He said that it states at each of the exits from the DORA, the sidewalk will be painted/labeled with a logo/statement making it clear that someone is entering/exiting the DORA or appropriate signage as permitted indicating the same. An example is attached

below (Exhibit D). There may be additional signage within the DORA at the discretion of the city.

Mr. Gibson stated that the state requires as you are entering or exiting that it is just marked and one of the first things they thought about was sign clutter. He said that they discussed certain decals or paintings on the sidewalk. He stated that the ultimate requirement is that you just have certain language that they require and then acknowledgement as you are going in and out of that.

Mrs. Griffith stated that it would be nice to have those movable so as the DORA gets bigger, we can easily move those signs. She said that if we can do a decal that would be pretty cool.

Mr. Applegate stated that Amendment 8 would be changing the two drinks to the one drink. He said that at the committee meeting they all felt that there was going to be some adoption or some amendment to the designated zone. He stated that they asked Mr. Gibson and Ms. Johnson to draw several areas for them to review at the committee meeting and they did, which they will show the council. He said that during the meeting Mr. Aebersold or Mr. Phipps brought up more of a boxed area that would make it a little easier to know that you are in the zone. He stated the committee decided to present all of the drawings to the council and let them decide which design that they want. He added that ultimately each one of these amendments received a unanimous favorable recommendation from the committee with the understanding that the zoning would reflect what we decide here at this meeting.

Ms. Johnson presented the zones. She said that these included the boundaries that were proposed at the June 5th meeting. She also said that you will find that in all four of these options, the church properties are excluded and they have included Israel's and the Magic Shop. She stated that Option A brings us over to Spring Street where they will pick up Israel's and the Magic Shop and it encompasses that commercial area of the Breakwater and then continues down Spring Street where it would go around the Carnegie Center and over to pick up Pride Bar on State Street. She said that then we would move south down State Street until we get to E. Market and then it moves west to grab Wild Eggs and then down further on W. Main Street to W. 10th Street, where it would meet up with Floyd Street and the greenway and then the boat ramp and walkway that is currently under construction there. She stated that as it moves to the east, it follows the greenway picking up the amphitheater, the skate park and that area there. She said that it would go on to E. 6th Street and up E. 6th Street to E. 5th Street and then go up E. 5th Street and grab the VFW moving east again to make sure that we get Israel's and the Magic Shop. She stated that Option B is further condensed from Option A. She said that now the most western boundary is either State Street, Scribner Drive or it is going down W. 1st Street. She said that then we are just moving a little west of W. 1st Street then to E. 6th Street and again we have the VFW, Israel's, Magic Shop and that commercial area of the Breakwater and then encompassing from E. 4th Street to State Street north of E. Spring Street.

Mr. Turner stated that in the last two slides, it looks like the VFW is still not in there.

Mr. Dickey said that it looks like the building is in there but the parking lot is not.

Ms. Johnson stated that she can move that boundary to include that parking.

Mr. Turner said they probably should because they may want to walk through there.

Ms. Johnson stated that they will see a few options that it is all encompassed. She then moved to Option C and stated that to the east you move up to E. 6th Street and then go over to E. 7th Street. She said that it moves up E. 7th Street to get to E. Elm Street and over to Scribner Drive and go a block down until you get to W. Spring Street and then move west to W. 7th Street. She stated that this is something that Mr. Phipps's discussed during the committee meeting saying that we need to try to keep communication as efficient as possible as well as the signage to let people know what the boundaries are.

She said that you can say that you have from W. 7th Street to E. 7th Street and from E. Elm Street to the riverfront. She then presented Option D and stated that we are traveling up E. 6th Street moving to E. 7th Street and straight up to E. Elm Street. She said that it is encompassing all of Breakwater and is a straight-line down E. Elm Street until we get to W. 1st Street and you will notice to the left going down W. 1st Street, we are not including the library and not including the corner at W. 1st Street and W. Market Street until we move one block west to Scribner Drive so we can pick up Dragon's King Daughter. She said we then move south down Scribner Drive and it would then encompass all of that block between W. Main Street and the levy so that Floyd County Brewery is included of course. She stated that this one grabs the riverfront and the walk along the levy to the west down to the boat ramp area and picking up the skate park as well as the amphitheater.

Mr. Phipps stated that Ms. Johnson mentioned his discussion for more defined areas and he has a comment on Option D and the one before that. He asked what if we cut Option D off at the Sherman Minton Bridge? He said that way you have the riverfront that is downtown and you don't have all of the other stuff west, because he is not sure that he wants people taking beer to the boat ramp for safety reasons. He stated that you keep it kind of in line with the downtown business district and you eliminate the need for extra policing and so forth down further and you have a crisper line. He said that if you go back to Option C, he would cut it straight down and keep it a block as opposed to taking in extra area.

Mr. Blair stated that from a practical standpoint, wouldn't it be hard for someone to buy liquor at a bar or restaurant and walk over to the boat ramp? He said that is a heck of a walk and you can't transport it in a car, so for practical purposes, you are probably not going to have anyone doing that anyway. He stated that they may want to do it on a permit basis maybe for an event, so maybe just take that whole boat ramp area out and cut it off at the Sherman Minton Bridge like Mr. Phipps said.

Mr. Phipps stated that way you have areas to the east and west if people maybe want to take their kids to where there is not alcohol.

Mr. Dickey added remember that we are planning natural playgrounds and that kind of thing around the boat ramp, so it makes more sense that we would just leave that out.

Mr. Aebersold asked Ms. Johnson to go back to Option D. He stated that he agrees with Mr. Phipps on coming down and ending that right where the Sherman Minton Bridge is, and the main reason that he likes that versus any of the others is that this is something new that we are trying out. He said that we can always add on additional blocks. He stated that by doing it small like that and being able to take care of it, we can try it for a period and then look at it again and see how many issues that we have had. He said that if we haven't had much and everything works great, then in the outlying areas businesses will say that they want it as well. He stated that this would be an easy area to start off with and judge how it is going to work. He added that we are going to be the first one in Indiana to do it so let's control what we are going to try out and make sure that it is going to work.

Mr. Applegate stated that he did hear from realtors and some other folks that would promote spaces within the DORA so we are drawing a line and we do have some other areas that he would love to see developed on the west side of Main Street. He said that he would like to at least say that these areas would be a hot priority for us to have a phase 2. He added that DORA is also an economic driver so we need to immediately look at other phases so that people can promote that these are hot areas that are going to be included next in the DORA if we get businesses to come in.

Mr. Phipps stated that he would agree with Mr. Applegate on that.

Mr. Blair stated that what he is hearing is maybe we should put a review process in place and do this for six months and then have a set date to review it in order to renew it or

make changes. He asked how many times we do an ordinance or codes and we never go back and review it to make sure that it is applicable and makes sense? He said that he heard Mr. Neeley and we don't want to be a precedent of what not to do in New Albany. He stated that if we are the first ones doing this, we want to make sure that we have an opportunity to review it. He said just look at the discussion here, it's been through two readings, it's been to committee and then we made some changes here so we are rushing this thing through. He suggested that we make a six-month period and then look at it after that six-month period and build a discipline into the ordinance.

Mr. Phipps agreed with Mr. Applegate that they need to open to more areas in the future and he would love for W. Main Street to develop, but as long as there is a sewage plant located where it is at, you aren't going to have much development take place along that portion of W. Main Street. He said that if and when we need to build a new sewage plant, we need to consider, as a city, to get it out of our downtown so that area could develop. He stated that he sees the rationale of Mr. Blair's comments but we can't just put in place for six months because there is going to be a lot of expense for the signs and for the businesses to have the cups and everything, and then possibly take it away. He said that he thinks we need to go forward now and maybe develop a review process for if we want to add additional neighborhoods or different blocks.

Mr. Blair said or they could take away if it was a big failure.

Mr. Phipps said of course if it would just turn into rampant crime or something, but he thinks that if we just say a six-month probationary period, that's not really saying that we are giving it a buy in as a city. He also said that if they have mixed feelings about it then you are taking it away from the people who liked it. He stated that he would be opposed to the six-month trial but he wouldn't be opposed to setting up a review process to expand in the future.

Mr. Blair stated that it doesn't have to be probationary but he still thinks a six-month review process would be a good thing. He added that the review process would start with the committee and they would review it and come back and report to the council to recommend any kind of changes, etc.

Mr. Phipps stated that he thought Mr. Blair was talking about totally repealing it in six months.

Mr. Blair stated that he thinks you always have that option because he is worried about something really rampant such as increasing crime or something to that effect. He said at that point, they would look at it to maybe eliminate it or whatever.

Mr. Phipps asked Mr. Gibson if he found out when we carve these donut holes out for churches, does that prevent people from walking on the sidewalks?

Mr. Gibson stated that they are going to do their best to work with those establishments that don't want to be part of this. He also stated that he thinks it is perfectly fine if they want to add an amendment saying that the committee shall review this twice a year or whatever they deem is appropriate and report back to the council. He said that the committee can talk with the chief, sanitation, businesses, etc. so he thinks that is not a bad suggestion to do.

Mr. Turner said that it could be as simple as the business owners don't want to do cups anymore and we can figure out another way to do it.

Mr. Gibson said yes, or it could be that they want to see a change in the way this is operating. He stated that when you do something new out in front of everybody, you are going to have a learning curve.

Mr. Applegate asked if they should set up a review six weeks out to make sure there is not an immediate need and after that adjust it to every six months?

Mr. Gibson said maybe six weeks after adoption and then set the other dates. He stated that would be easier for the administration as well as the committee.

Mr. Turner said that they want the businesses input so six weeks is probably not enough time.

Mr. Applegate said that he wants to have that review set up pretty quickly.

Ms. Johnson stated that the 25 communities that have implemented DORA in Ohio have a review process set up and it looks like they do it annually.

Mr. Gibson stated that some are every five years, several are every three years or as needed and three that are every six months. He suggested maybe March or February and then at the end of fall.

Mr. Blair suggested reviewing it six months after implementation and 12 months after implementation and then as needed after that.

Mr. Applegate said that he agrees with that.

Mr. Dickey asked if we are doing this through an ad hoc committee or are we making a permanent subcommittee for this purpose? He said that he is fine with either, he just wants to make sure that we are clear in our amendment.

Mr. Blair pointed out that they have an election coming up and it will probably change the structure of that committee, so he thinks they need to make it a permanent committee. He said maybe the first committee is who is already on it and then the president will appoint the committee in January.

Mr. Turner asked if that is created by ordinance?

Ms. Stein replied yes and stated that if they are going to do a whole new committee then they need to amend the ordinance.

Mr. Turner asked if they can do that later?

Ms. Stein replied yes, but you could amend this ordinance to amend the other ordinance. She stated that they would be amending 30.50 to add DORA as committee (K).

Mr. Turner stated that he would like to add that the committee be bipartisan support.

Mr. Dickey stated that speaking as one of the authors, he doesn't have a problem with that at all and that makes complete sense.

Mrs. Griffith stated that she feels that the map is a little large and along with what Mr. Blair said, she thinks it would be great if they could set it up small and then in six weeks make it go out. She said that Spring Street scares her because she hears Mr. Phipps talking about the crosswalks and it really worries her starting out that large still. She stated that she would like to really see it only go to E. 3rd Street to begin with and then not to go past Spring Street. She also stated that she would love to see them use these maps and say we are going to start really small and then come back in two months and use Option D with adjustments and then go from there. She asked if that is too much work on the administration?

Mr. Gibson stated that we do have to send it to ATC for approval and would have to go through that process every time you expanded. He said that if you are extending the boundaries every short period it would have to go through the process.

Mrs. Griffith asked even if you have dates set in place? She stated like Mr. Applegate said to use this as a selling point for businesses to come in, but she doesn't think they are there yet.

Mr. Gibson stated that he thinks every time that you make a change, you are going have to go through the approval process. He said that you can expand it or shrink it through ordinance but he doesn't think that it would allow sort of a slow growth and thinks that ATC would have a problem with that.

Mr. Turner stated that he thinks it is worth noting that there is expense to keep expanding too like with signage and paint. He said that he likes Mr. Phipps's proposal to an extent. He agrees that Spring Street is an issue but it is going to be an issue for a long time. He stated that we also have to think about the churches because the Hour of Power Church is going to eliminate the Exchange and Parlour and the lines have to be clearly drawn out. He said that the Baptist Church is going to eliminate Agave & Rye anyway no matter what we do until they approve it. He stated that there are going to be a lot of cutouts just the way that it is currently. He added that there was one map where the parking lot of the VFW was cut out and he would think that you would have to have their parking lot in there.

Mr. Gibson stated that it is not hard to change that.

Mr. Turner stated that there is not going to be one person carry one cup all the way down to the new shoreline area, but they could get one cup and go down there and keep filling it up. He said that he would be in favor of Option D how Mr. Phipps proposed it and obviously the businesses would need to know about the churches. He stated that we definitely need to let them know that they can't operate in it until there is an agreement.

Mr. Gibson stated that they are going to communicate with them and hopefully they already have a relationship with someone that they can actually work it out with.

Mr. Turner asked how vendor's get cups? He asked if they come in for one weekend, how do they get the labelled cups?

Mr. Gibson stated that if it is a special event, they will just have to plan for them. He said that it would be built into the process of approval through board of works, and they would have to plan for it in advance in some fashion. He stated that they did talk briefly about that and that's why Police Chief Bailey or whoever has the ability to say they are not going to deal with that and it will have to be blocked off. He added that he expects that the city will keep a stockpile of cups, if necessary, for retailers who run out. He said that he thinks that Develop New Albany would jump on that too.

Mr. Applegate added that the application process for a special event will allow enough time for the vendor's to be prepared.

Mr. Gibson stated that he expects to add something to the application regarding this and there is usually a period of six weeks in the application process.

Mr. Turner asked if we cut off like Mr. Phipps said, where is that demarcation line at that is clear?

Mr. Gibson stated that he thinks if they use the line of the highway and the Sherman Minton Bridge, that will be enough. He thinks ATC will be fine with that.

Mr. Aebersold asked if someone can't walk on the sidewalk next to a church?

Mr. Gibson stated that they are going to reach out to them to have that discussion. He said that the public rights-of-way are hopefully what they are going to have a positive discussion about. He said that the churches have a right to say that they don't want to be a part of this and be excluded pursuant to the statute that was passed.

Mr. Phipps asked what if a new church would locate in the DORA area?

Mr. Gibson stated that it is as of adoption.

Mr. Blair asked what would happen if they eliminated that section between Spring Street and Elm Street and just made DORA everything south of Spring Street? He said that way you would not be crossing the road.

Mr. Phipps stated that La Catrina is in that area.

Mr. Dickey stated that you would have the hotel and the wine shop excluded.

Mr. Turner added Board and You would be excluded too.

Mr. Applegate stated that Develop New Albany's office is there too. He said that they probably wouldn't be serving but they would probably be involved in some events going from business to business.

Mr. Blair said obviously Spring Street is probably the toughest street to get across.

Mr. Phipps stated that he has been complaining about that for years and he doesn't think this is going to make it any worse.

Mr. Blair said that he is just worried about someone being hit.

Mr. Applegate proposed to approve Option D with cutoff at the Sherman Minton Bridge.

Mr. Turner asked about the residential area behind the VFW parking lot?

Mr. Applegate stated that he has zero objections to carving that section out.

Mr. Gibson stated that if they are finished with amending the map, they will go print it out.

Mr. Applegate asked if they could call that Option E?

Mr. Gibson stated that is perfect and they will go make copies.

Mr. Blair asked if they could change the time and make it 9:00 a.m. to 10:00 p.m. across the board to include the Farmer's Market?

Ms. Stein stated that there are not a lot of places open at 9:00 a.m. anyway.

Mr. Applegate asked if the Farmer's Market does a special permit where they could request an exception just for their event?

Mr. Gibson stated that they apply just like everyone else does for the event for the Farmer's Market.

Mr. Applegate stated that if someone were at Toast and wanted to carry their drink over the Farmer's Market then they could.

Ms. Stein said that they couldn't if the DORA hours don't start until 11:00 a.m.

Mrs. Griffith stated that she could see 10:00 a.m. to 10:00 p.m. because when it does extend to Wild Eggs, they do breakfast and a bar.

Ms. Stein stated that brunch is a thing.

Mrs. Griffith stated that she likes 10:00 a.m. to 10:00 p.m. and that is simple. She also stated that there would be another amendment to take out the police headquarters. She then asked if the council will get another copy of the ordinance before they vote on it tonight?

Mr. Dickey stated that the amendments will be incorporated before it is presented to the mayor.

Mr. Gibson stated that he and Mrs. Glotzbach will go over the amendments and incorporate them in the ordinance. He added that we have the recording and the minutes to go by. He said that after the amendments are made, Mrs. Glotzbach will give it to Mrs. Collier to review and sign on behalf of the council and then it will go to the mayor. He also said that a copy of this ordinance will go to the ATC.

INTRODUCTION OF RESOLUTIONS:

COMMUNICATIONS PUBLIC: R-23-05 Share Redevelopment Packet

Mr. Andrew Nicholson, 128 E. Main Street, congratulated the council on the most productive city council meeting that he has attended in a while or ever. He said that was awesome. He then stated that as far as this resolution, he is hoping that there can be some leadership here so that citizens like him can be more informed, and be as active as he is here with city council because he has the information needed. He said that he is in favor of this as someone that attends the redevelopment meeting quite regularly. He also said that their meetings only last 15 minutes because the public doesn't know what's going on until they get there. He stated that he is in favor of this and hopes that the council will pass it so that the public can stay as informed as possible.

Mr. Darrell Neeley, stated this resolution states whereas the New Albany Redevelopment Commission is subject to oversight by the city council and then whereas the benefit of affording the packet includes greater transparency, more oversight from the city council and the opportunity for enhanced city business to the citizens. He said that he hopes that the council passes this resolution. He said that currently citizens do not know the agenda of redevelopment until they get here. He stated that when he addressed that, he was told yes, right there it is on the TV. He added that he found out that you can sign up for an email but you get that in less than 24 hours. He asked where is the homework and where does he, as a citizen, get to look at what is on there and do his homework if it is something that he wants to talk about? He stated that it is not there and it is like asking citizens to take a test before they receive the material. He said that they receive information for this meeting several days ahead so why can't they get that with the redevelopment website? He stated that it looks sneaky and perception is truth to the beholder. He said that this would be a great improvement for the citizens.

COMMUNICATIONS PETITIONER: R-23-05 Share Redevelopment Packet

R-23-05 Resolution Regarding Sharing of New Albany Redevelopment Commission Packet Turner

Mr. Turner introduced R-23-05 and moved to approve, Mr. Blair second,

Mr. Blair withdrew his second.

Mr. Dickey motioned to reformat this resolution as a letter allowing our legal counsel to draft that up with final approval by Council President Collier and Councilman Turner, Mr. Phipps second, all voted in favor with the exception of Mrs. McLaughlin who is not present.

Mr. Turner stated that this has been an issue since Mr. Josh Staten was the Director of Redevelopment because when he found out that this packet existed, he has been asking for it and recently, with Ms. Johnson, he has been asking for it. He has brought it up in

multiple council meetings and it has never come about. He said that Ms. Stein does send it which is nice and he believes that she sends it to the council now, but Ms. Stein is not always going to be here, so he would like to see this as a process change. He stated that the reason that he is asking for this information is because a lot of stuff comes to the council from redevelopment for them to vote on, so the sooner they can get the information, the better off they will be at making informed decisions. He said that he thinks about the police station and the Elsby Building and if they would have had more information sooner, it would have been helpful. He stated that there are three packets if you think about it. He said there is the packet that gets sent out to the public which is page one of the redevelopment agenda and then there is a second packet that goes out internally to the redevelopment commission and the New Albany Housing Director. He stated that packet is page one plus exhibits and additional information such as maps, etc. He said there is the final packet which is the first page of the agenda and the minutes that go on the website, so those exhibits never see the light of day. He stated that he worked with Ms. Stein on this and she did help him with one of the whereases that there has been no indication that the documents that come in the packet are not public documents, and if they aren't, there is no problem with getting them redacted. He said that they tried to handle private information with the Elsby Building pretty well. He stated that this is a process change because we are not going to be here forever and if it can be built into redevelopment that this goes out, that would be great.

Mr. Dickey stated that looking at the language, he has no major objection to it, but the way that resolutions of this body works is that we pass a resolution and it is then forwarded to the mayor. He said that this seems to him to be more of a communication to the executive branch, with the executive branch being redevelopment and the administration, requesting a change. He asked if this would be more appropriate to be rephrased as a letter and then submitted accordingly?

Mr. Turner stated that if that would work to get Mr. Dickey's approval, he would be completely okay with that.

Ms. Stein stated that she could put this in letter form and now that Mr. Dickey has said it that way, it does seem maybe more appropriate to send this request in a letter form versus a resolution.

Mr. Turner said in his opinion though, a resolution is just a statement.

Ms. Stein said right, it accomplishes the same thing.

Mr. Blair asked if the letter would have signatures of everyone that voted in favor of it?

Ms. Stein stated that she doesn't think that it needs to be broken out by signatures, if it is the majority that approves it, then it is from the whole council. She added that the clerk's record will show who approved it and who didn't but the letter comes from everyone.

Mr. Dickey stated that he has no objection to Ms. Stein writing that letter and then Ms. Collier, as the council president, and Mr. Turner, as the sponsor, sign off on the language so that we can get that forwarded soon.

Mr. Applegate stated that he would say as long as it is similar to the resolution, he would agree with that.

Mr. Dickey stated that he thinks there is some precedent to this because when the council dealt with other issues like the Caesars Board and some recommended changes to their bylaws, he thinks there were letters sent at that point as communication and he thinks it makes better sense in that format.

Mr. Turner said that this will solve the problem that he is facing.

Mr. Blair stated that it is actually better because it is more formal.

Mr. Applegate stated just for clarification, the resolution no longer exists, it is just the letter now that we are talking about.

Mr. Turner stated that the amendment is to create a letter and asked if that is correct?

Mr. Dickey said right.

Mr. Turner said that they are still going to pass this tonight.

Mr. Dickey stated that if you vote for this, he thinks you are voting to convert this to a letter and approve it before its issuance.

Mr. Turner said stating that we would like to see this implemented.

Mr. Dickey stated that is the nature of my vote.

Mr. Turner stated that Mr. Dickey's motion was just an amendment so now it needs to be introduced as amended.

Mrs. Collier stated that the motion was to reformat the resolution into a letter.

Mr. Turner said that was an amendment and asked if that is correct?

Mr. Dickey replied no and stated that it was approved to reformat into a letter by Ms. Stein.

COMMUNICATIONS PUBLIC: R-23-06 Statement of Benefits for Clark Foods, Inc.

COMMUNICATIONS PETITIONER: R-23-06 Statement of Benefits for Clark Foods, Inc.

R-23-06 Resolution Concerning Statement of Benefits for Clark Foods, Inc. by the Common Council of the City of New Albany Applegate

Mr. Applegate introduced R-23-06 and moved to approve, Mr. Dickey second, all voted in favor with the exception of Mr. Turner and Mrs. Griffith who voted no and Mrs. McLaughlin who was not present.

Mr. Applegate stated that this is a standard abatement for real estate and personal property. He said that Clark Foods, Inc. has been around since 1978 in Industrial Park just off of Progress Way. He added that a lot of the time they are referred to as American Beverage and they make a lot of the mixers for restaurants and bars in the area. He stated that this is an abatement for a new building that is 93,000 sq. ft. to produce a new line of bottled wine. He said that they have 156 jobs now and this will add 36 new jobs and the average wage is over \$22.00 per hour which is above the local average wage. He stated that is equivalent to bringing in \$1.6M per year as employment revenue. He said that the real estate is \$10M in property and new equipment will be \$12M, so it is a really nice project for this facility that has been in New Albany for a long time and we appreciate that.

Mrs. Fischer stated that she did invite Mr. Imad Makdah, Chief Information Officer, and Mr. Michael Grinnan their CPA if anyone has additional questions other than what Mr. Applegate explained.

Mr. Applegate added that they have had previous abatements with us and followed through very well on those. He stated it is a great company looking to expand and he looks at it as exactly what we want out of companies in New Albany.

Mrs. Fischer stated that they have always met their numbers as well.

Mr. Turner asked what they give back to the community? He asked if they have any grants or anything?

Mr. Makdah stated that they do donate some of their product nationwide privately.

Mr. Turner asked what would happen if they didn't get this abatement? He asked if production would still continue?

Mr. Makdah stated that they would continue but they could use the funds obviously.

Mr. Dickey asked Mr. Makdah if they don't get the abatement, will they have to scale back on the expansion?

Mr. Makdah stated that they would possibly have to scale back, yes.

Mrs. Griffith asked when the second page of the abatement gets filled out because it is blank?

Mrs. Glotzbach stated that is what the president signs.

Mrs. Griffith said that everything is blank.

Mrs. Glotzbach stated that she will sign it after it is approved.

Mrs. Griffith asked how do people find out about getting tax abatements? She asked what that process looks like from our side? She asked if anybody can reach out to apply for that?

Mrs. Fischer stated that a tax abatement is based on employment numbers. She said they use that as an incentive as long as your business is adding employees.

Mr. Blair stated that it is only for manufacturers.

Mrs. Fischer stated that is correct.

Mr. Applegate stated that they get it on real estate for a period of 10 years. He said that it is a very low tax in year one, which gives them the time to add those employees, and in this scenario, they are adding the \$12M in equipment that is a five-year abatement.

Mrs. Griffith asked Mrs. Fischer if this is something that you go out and promote to businesses or do businesses come to come to you?

Mrs. Fischer stated that they come to us. She stated that the first year their taxes are abated at 100% as Mr. Applegate was talking about and then it is a scale that comes down. She said that basically on the real estate for the abatement, it will end up saving them \$1.4M over the course of 10 years.

Mr. Turner stated that he is pretty consistent with this stuff. He said that he appreciates them being here. He stated that the way he judges tax abatements is how much growth is driven by demand and how much needs to be brought in that is new. He said that if they were creating new work that has not been seen before, he usually approves the tax abatement from his standpoint. He stated that if is growth based on demand and it is not contingent on the tax abatement, he never stands with that so he is going to vote no to this tax abatement just because it should be based on supply and demand and we shouldn't be paying for that in his opinion.

Mrs. Griffith stated that she is leaning with Mr. Turner on the supply and demand and that they are still able to do that and she appreciates them being here, but at this time, she is going to have to vote no for that reason.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Mr. Scott Whalen, 3601 Klerner Lane, stated that he is present to speak about the intersection at Mt. Tabor Road and Klerner Lane. He said that he is concerned with the next project that is starting because he doesn't want it to turn into the previous project. He stated that back in 2013, there was an initial public hearing regarding the addition of sidewalks along Mt. Tabor Road and a portion of Klerner Lane on each side as well as changing the intersection to a roundabout. He said that at the hearing, the city cited a traffic study that indicated a huge increase in vehicular use from 2010 to 2012 as the sole justification for changing the intersection design. He stated that he is a licensed engineer and after he reviewed that study, he felt it was either done by an incompetent engineering group or it was out and out fraudulent. He said that traffic studies at intersections count the cars once and they count them entering so they don't dip. He stated that if you looked at the actual data, it showed a decrease in peak hour counts of 20% and a 9% reduction in the daily traffic. He said that he demanded another count with INDOT while the route was a posted detour for the then closed McDonald Lane. He stated that this time the report was done correctly and it showed additional decrease of 13% in peak hours and 11% increase in the daily total which is understandable. He said so in six years, there is a peak hour increase of 33% at the intersection and the total daily was flat even as it was a detour. He stated that at that time, the project and all supporting documentation was revised and the intersection and the project only affected about 15 ft. of his property, so it was taken through eminent domain. He said that area is essentially two city lots and we have been required to maintain that city property since that time. He stated that last weekend, those of us along the route that wasn't completed received letters, and you'll find that the same engineering firm that did the fraudulent traffic study will be surveying the remainder of the original project. He said that the city has also contracted with them to perform a study that was done in February at the corner while the Sherman Minton work was ongoing. He stated that he has asked the city engineer, Larry Summers numerous times for a copy of the study and each time he has replied about three weeks after his request that it wasn't available yet. He said that he also asked when the CD Environment Study Plans and other information will be available, and so far, he has received no response. He stated that this week he also included Mr. Gibson on his request and have not received any acknowledgement, therefore, he hand-delivered a Freedom of Information Request to Mr. Gibson. He said in all fairness, he had to file these requests on the other project and they were pretty decent in giving him information. He stated that transparency, accountability and integrity are key items when it comes to local government and he hopes these are met during the new Mt. Tabor Road project, but so far based on the lack of inclusion of the stakeholders and the city engineer's failure to respond, it appears that it is going to be either Main Street part two or worse than the original project. He said that while the city may refer to this as Phase 2, it is a brand-new, stand-alone project and all of the legal steps must be met from scratch. He stated that this includes categorical exclusion or CE, which is the reason for the project, public hearings, response to all public comments and the purchase of any temporary rights-of-way from the property owners. He said that the current administration is giving the appearance that they can just pick up where they left off and this is 100% not the legal case. He stated that he wants to make it known from an engineering standpoint, the intersection does not need to be changed. He said that it does not backup on its own and the two goals of these projects were walkability and safety, and a four-way stop is the safest for everyone involved. He stated that the configuration has the fewest points of conflict for pedestrians and cyclist. He said that the turn lanes that is rumored that they are going to change it to is dangerous for many people. He stated look at the other ends of Mt. Tabor Road and Klerner Lane where they meet at Grant Line and Charlestown roads. He said that some of the council has commented on traffic calming of side roads and the root cause for this is the systemic failure of the administration to implement the proper configuration on the

main routes. He stated that if they fix State Street, Grant Line Road and Charlestown Road, the neighborhood issues in our areas would take care of themselves.

Mr. Bruce Weddel, 208 S. Bohannon, stated that he had the experience of being invited to the county council meeting on Tuesday night and it was quite a show. He said that he just wanted to commend this council for having courtesy. He stated that he knows that no one is going to agree all of the time and you get a little spirited sometimes and that's okay. He said that during the county council meeting, a councilperson was consistently making motions for the council president to resign and the council attorney to resign, and the motions were getting a quick second and had to go through the vote. He stated that it was just really shameful and it showed clearly that there is a definite agenda out there and if anyone wants to talk to him about it, he will give them his opinion of it. He said that everyone is getting sued and lawsuits are going every which way against each other, and it just seems like a total waste of time, money and resources. He stated that he is very proud that doesn't go on here so he wanted to commend the city council on that. He then said that he can't hear during these meetings and thought that was his problem, but he went and had his hearing checked and they said he was good. He stated that he comes to a lot of council meetings and you can't hear a lot of things in the back. He said that if you turn the slightest from your microphone, you can't be heard. He stated that you can't see the monitor that was used tonight if someone is standing at the podium. He said that he was really impressed with the setup they have at the county council meetings, because down each side, they have three large monitors and it is all organized with the agenda, who is going to talk and other information. He stated that you can see from any seat in the meeting room and hear from any seat in the meeting room. He added that it is a larger room and seats a lot more people and it was a packed house but you could hear everything. He then said let's get this problem taken because it has been brought up before and he has heard it many times. He also said that he can't be certain but he thought he heard different council people say that they are going to look into it, but nothing has been done yet. He stated that we have class facility so let's get a class AV system where people can hear. He said that he has heard people say that there is no sense in coming to these meetings because they can't hear anything. He said let's look into this problem and have a really first-class facility.

Mr. Blair stated that he wanted to comment really quickly on what Mr. Whalen discussed. He said that he did agree wholeheartedly with him and was involved in that process of Mt. Tabor Road and Klerner Lane and the reconstruction of Mt. Tabor Road. He stated that Phase 1 was done and Phase 2 was actually eliminated because the deadline came about and we couldn't get the funding for it, so now it is an entirely new project. He said with being a new project, it has to go through the legal process including public hearings, design and so forth; it can't be just considered to be a phase or an extension of what has already been done there. He stated that he just wants to make sure that is clear that from his standpoint and being involved through that whole process, it now has to go through the entire new process again.

Mr. Phipps stated that he wanted to respond to what Mr. Weddel said. He said that about a month ago he was in the audience for a historic preservation meeting and he had trouble hearing at there as well, so he will concur with that. He then thanked Mr. Weddel for the compliment in terms of the way they get along.

Mr. Weddel stated that you may not believe it, but Mr. Dickey was there and they were calling each other liars. He said that it was absolutely shameful.

ADJOURN:

There being no further business before the board, the meeting adjourned at 9:47 p.m.

Jennie Collier, President

Vicki Glotzbach, City Clerk