

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, HELD A REGULAR COUNCIL MEETING IN THE COUNCIL
CHAMBERS AT NEW ALBANY CITY HALL ON MONDAY, AUGUST 7, 2023
AT 7:00 P.M.**

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

ALSO PRESENT: Ms. Stein, Fire Chief Juliot, Deputy Fire Chief Kron 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. Phipps moved to approve the Regular Meeting Minutes for July 20, 2023, Mr. Dickey second, all voted in favor.

COMMUNICATIONS – COUNCIL:

Mr. Dickey stated that obviously last night we had a bit of weather come through the community and luckily some made it out pretty much unscathed, but he spent time earlier this evening up at Silver Hills, particularly around the Ridgeway area, and it looks like a woodchipper went through there. He said that the good news is that the utility company was connecting what looked like the last few houses on the side streets, and he has talked to the administration about trying to make sure that we run some of the crews out there to address some of the debris. He stated that there are several piles of limbs that are being collected up and he imagines that there will be more in the next couple of weeks, so we want to get ahead of that before we have massive piles on the side of the streets causing other problems. He then stated that the other item he wanted to make note of is that they all received an invitation to the River Hills Annual Dinner, and as most are aware, we as a city are a member of River Hills which is an Economic Development District representing a regional body. He said, unfortunately, the date for that dinner falls on our next council meeting date and he knows that some folks have indicated that they may want to go and others may have other thoughts on this. He wanted to just toss it out and see if there was a desire to maybe accommodate that dinner because the new chancellor at IUS is going to be the featured speaker. He said that he talked to a few members but wanted to see if there is a desire to accommodate attending that, and represent the region by being there for our chancellor of our university to hear what she has to say. He said that they could possibly do that by modifying the meeting time and date to better accommodate that.

Mr. Phipps stated that he wanted to remind everyone that school is back in session so make sure that you obey all of the safety rules in regards to school bus arms being out and stopping in traffic appropriately. He said also watch for school children in the crosswalks and you know that is one of his big pet peeves all of the time, so watch for all people in the crosswalks throughout the city. He doesn't have a strong feeling one way or another regarding Mr. Dickey's comments on the River Hills Annual Dinner, but we have changed our council meetings for public events like the night before the 4th of July when the event was going on downtown that affected the entire community. He said that he is not in favor of ever cancelling a meeting or moving it because it is the night before the election or something like that. He stated that in a situation like this too, the general public knows that we have meetings on the first Monday and third Thursday of the month, so while it might be convenient for us to do this periodically to go to something that we want to go to, it may not be the best practice for the people that we represent.

Mrs. McLaughlin stated regarding school being back in session, she has had some constituents reach out to her about cars speeding through New Albany High School. She said that we need some kind of traffic calming, and although we do have police patrolling it, we still do have an issue and safety is the biggest thing and pedestrians are present there constantly, so it does need to be addressed.

Mr. Turner stated that he is glad to hear everyone bringing up traffic calming finally because it makes him happy to hear that after all of these years. He then said that the Miss Harvest Homecoming Pageant is this Saturday at IUS at 6:00 p.m. He stated that is always a good event and he hopes to see some representation from the council there. He said that he is getting reports of sewer smells around the Beharrell Avenue area and asked Mr. Phipps and Mrs. McLaughlin if they had any complaints about that?

Mr. Phipps stated not in that area, but a while back someone mentioned that they smelled it up by Walgreens at Vincennes and Spring streets.

Mr. Turner stated that he is going to send something out tomorrow. He then said that he had a constituent bring up an idea that she wanted him to bring up to council and he was hoping Mr. Gibson was going to be here tonight but he isn't. He stated that it is regarding pool hours and rates during school. He said that she told him that it would be nice if they cut the price of admission from when school starts to when they close it down because she would love to take the kids to the pool after school, but she doesn't want to pay the full rate to go for a couple of hours. He stated that might be something that the city could consider at this time of year and he thinks it would actually be a pretty good draw to get people in. He added that he doesn't know what the financials look like, but we pretty much break even from what he knows on the pool, which is great. He said that he doesn't know if it would cost us more money to do that or not.

Mr. Blair stated that as far as the River Hills Annual Dinner, he would be willing to move the meeting to that next Thursday if Mr. Dickey wants to make a motion. He said that would move it from August 17th to August 24th and the first meeting in September is actually pushed to Thursday because of Labor Day, so it would put that meeting right between this one and the first one in September. He then stated that he regularly reviews the financial statements and DMLO prepares our monthly financial statements for our sewer utility. He said that he had a couple of questions, which he ran through Mrs. Moeller, and she was very good in getting back with him on the answers to the couple of things he saw. He stated that he looks at things that are different or out of line or a big variance and one thing about the financial statement is that there was a six-month delay in producing the statements. He said that he guessed what happened is that there is a new invoice system and they were doing some reconciliation on balances and so forth, so it is taking a little longer but they said that they will catch up for the May statement and bring these things up-to-date. He stated that another thing he had a question on was that there was a \$1.3M expense for health insurance claims through the full year of 2022, and what had happened is that DMLO actually consolidated some of the line items into one, so now they are going to separate it back out so it is easier to follow. He does appreciate Mrs. Moeller getting back to him fairly quickly and getting answers to those two questions. He then stated that he read in the newspaper that the redevelopment commission had entered a contract with or a Professional Design Service Agreement with a company to do some architectural or development of single-family homes. He said that it sounds like it is a program that we are going to implement right away, but at the last meeting Mr. Dickey had brought up to them that redevelopment is doing a housing study strategic plan with the University of Louisville. He asked why did we enter into creating a plan and then turn around and implement a program right away? He stated that it seems like they would go ahead and get the plan finished, see what the plan recommends, and then implement programs. He said that it seems like we sort of jumped the gun on implementing a program right away for the housing study.

Mr. Dickey stated that the study is looking into a deep dive of our character, nature, demographic indicators of where we need to go with policy programs and other priorities. He said that the other piece that Mr. Blair is talking about is looking and providing for

infill development such as the small one lots that we, for whatever reason or purpose, come back into owning. He stated that one of the difficulties that developers encounter is having the ability to go through the process, get a design and get it permitted that works on some of those smaller lots. He said that the concept here has been used by other cities and what they do is basically create plans that are ready made for those typical small lot sizes so that the developers that may be interested can essentially pick those out ala carte, and have a lot of the fast-track approval processes there to turn those back around into private ownership and ultimately redevelop an area infill. He doesn't think that there is any conflict between the study and program and they should complement each other quite well, but he thinks that the idea was to go ahead and get that started because that program had value and they didn't want to simply delay because they are wanting to do the bigger picture piece with the study.

Mr. Blair stated that he looks back at some of things that we have done as a city and a lot of it is that we are so fast to move and do something and we create a lot of waste because we are so quick to do something. He said that to him, if we have a study, let's wait until the study is completed and then implement a program, because to implement a program that would be part of that study seems to be premature. He stated that he just thinks sometimes we are so quick to act before we have a complete plan in place and this is an example of us doing that. He said that it is almost like we are going to put this program in place and then we will have the study to justify our program instead of the other way around. He asked why you would ever do something before the study is complete?

Mr. Dickey stated that he would equate to it kind of like this, we might want to do a study of roadway to see what we need to do to develop that roadway over the next 10-15 years, but that wouldn't necessarily stop us from filling a pothole in that roadway right now while that study is being done. He said that he looks at it very similar because we know we are going to continue to have these lots that need to be infilled, and we want to promote redevelopment particularly in the case of lots that come back to the city so that we can get them back on the tax roll. He stated that they are small lots and not generally able to be used for other purposes beyond single-family housing, and it's a measure to try and incentivize that with our development community. He thinks as far as larger pieces, he would agree that Mr. Blair is right if we were talking about implementing a new home ownership program to try and help individuals get set up and into new homes. He would say that is something that we should look at after the study, but he thinks in this case, it's one of those things that matches up good with what we've been doing and matches up with the direction of our overall program. He said that he doesn't think that it comes into a large conflict with the study that the University of Louisville is doing.

Mr. Blair stated that he will let this go but it just seems like you would want to wait until the study is done because they may recommend something better for doing the infill than the program that we are putting in place. He asked how do you know what else may be out there when you are in such a hurry to go ahead and put this program in place? He said that he is not really criticizing the program, he is criticizing the process.

Mr. Turner stated that Mr. Dickey is saying that these are two separate things.

Mr. Dickey stated yes, and he thinks that the study is looking at the larger piece which is where our collective housing is. He said that the particulars of the architectural piece are to try and incentivize that specific infill development on small lots.

Mr. Aebersold stated that he has had some concerns and phone calls about people not putting their garbage out on the correct day. He said that he knows when we have holidays it is put off a day and they try to catch up, but on a regular week, if the garbage is supposed to be picked up on Tuesday, then get it out there on Monday night. He has called the city, and luckily, they have gone down and picked a lot of stuff that was thrown out, then a day later there was a toilet seat that was setting out there still. He asked that everyone be prepared and get it out on time because if you don't, it sets out for a whole week. He then said that people need to be more careful with weed eaters because he has had one of his vans hit three times with rocks flying out because someone was weed eating near the street. He stated that he doesn't know what to do but it could throw

glass out or someone could get an eye put out, so people need to be careful with those things. He then stated that he went to a really nice event at the Grand the other night and Johnny Bench was there. He said that it was pretty neat to have that downtown and it was a packed house. He stated that it was a good event and it was good to see him as well as raise money for the high school athletic department

Mr. Applegate stated that going in line with the New Albany Sports Social, they did a video beforehand and showed some of our complexes and different things. He said that you could tell that Mr. Bench was very impressed with the way that we work with our schools. and you can imagine that he has seen quite a few facilities across the country. He stated that Mr. Bench mentioned to keep doing what we are doing as a city supporting our schools because it matters since we are an entitlement community. He then mentioned that school is in session again so be careful about kids on the streets and so forth. He thinks River Hills is important as an event because it is formally announced as a READI 2.0 and they are the facilitating body for that, so he thinks that anything that represents our city as a whole to the region is a good thing. He stated that he will leave that for however they want to work that situation. He then said with the storms and everything else, always help your neighbors or if you see drains that are filled with debris, please clean them out. He stated to just look around your neighborhood and see if there are any storm drains that just need to be cleared, and if there are neighbors that need help, reach out to see if you can help or reach out to a council member to see if they may be able to help facilitate anything to help because it is a lot of clean up. He said that he didn't realize how bad it was until he drove around this morning and there was a lot of stuff down.

Mrs. Griffith stated that while she was out walking, she noticed that there are a lot of areas that don't have drains and she didn't realize that. She asked if the storm water masterplan is still in the works?

Mr. Turner stated that Mr. Aldridge was here about two months ago and it sounded like it was getting pretty close to being completed.

Mrs. Griffith stated that she agrees with everyone as far as cleaning out the drains and everything but people who don't have drains and it is still flooding, that is an issue. She said that she has sent some requests to him of places that she has seen that have not been draining properly, because we don't want mosquitos and everything else along that line. She then stated that she did get to attend the climate change workshop that was put on by Mr. Woods at IU and it was very interesting. She said that it was talking about what was going to be affected in our area as far as the creeks with erosion and how to address that in the future. She stated that he is coming up with a plan. She said that another thing that was brought up at that was public transportation and she thinks that is one thing that we need to talk more about along with the calming. She stated that was brought up at the last meeting and there are things that we don't think about. She then said there were some statistics brought up at the workshop such as the fact that we have the same amount of people in New Albany today as we did back in 1960. She stated that 37,000 is what our population is but we have a lot more cars, which is great, but a lot less home owners. She said that we have a statistic of 52% of New Albany homes are rentals and that is disturbing. She stated that she is glad that it is being addressed and she is with Mr. Blair that we need to get the study out there and figure out how to promote home ownership before we implement more programs. She added that it was fascinating and he is supposed to be inviting everyone to the follow up session and once she finds out about that, she will follow up with the council on that.

Mrs. Collier stated that she checked on a DORA update and staff is still pretty much working on everything because they are trying to coordinate with 30 different businesses and other people in the community, so they are still trying to finalize it so it can get sent off to the state.

Mrs. Griffith thanked Mrs. Collier for the update and said that is great that so many people are taking advantage of it.

Mrs. Collier stated that she doesn't know if they are all taking advantage of it, but she knows how many people Ms. Johnson is trying to coordinate with to get their answer whether they are going to participate or not. She added that she doesn't know what the final number is that will be sent off. She said that as far as the next meeting goes, she will leave that up to the council, but if it is moved to the following week, she will not be available.

Mr. Turner stated that he wished that River Hills would have considered our schedule when planning the dinner.

Mr. Applegate stated that he doesn't know if this is just as a whole that this is the only day that there are not meetings everywhere, but he feels like it was the same last year.

Mr. Dickey stated that some of it comes down to speakers' availability too. He then suggested moving the next meeting to Wednesday, August 16th and asked Mrs. Collier if that would be okay?

Mrs. Collier said that would be fine with her.

Mr. Applegate stated that River Hills is different from a gala or some other community event. He said they are put in by state statute and is our representative on a lot of key items.

Mr. Turner asked how many people are planning on going? He said that they may be able to still have the meeting with people missing. He stated that he is not planning on attending the dinner.

Mr. Blair stated that he is not attending either.

Mrs. Griffith stated that she just received the invite.

Mr. Dickey stated that he was planning to attend.

Mrs. Collier stated that she does usually try to attend that dinner, but if there is a conflict such as a council meeting, she of course would not.

Mr. Applegate stated that he would like to attend.

Mr. Turner asked if there are five people going?

Mr. Dickey stated that it sounds like there are three that would like to attend.

Mr. Turner stated that those three members could represent the council at the dinner and the rest of the council can keep on with business and just keep the agenda light. He said that he would hope that they would keep the agenda light; he wouldn't expect that anyone would introduce anything while those members would be gone.

Mr. Dickey stated that they can go either way and he didn't want to make a major issue with it. He said normally, he wouldn't ask to change the meeting date because he does agree that we need to have consistency so the public knows when we have our public sessions. His thought was because it is River Hills and IU Southeast is here in our city, we are proud of that and we have a new chancellor there so those factors, he thought, made for good logic to have representation there. He said that if they want to do it as delegation and proceed with the meeting, he thinks that is fine but they just need to know that there will be two or three of them absent that night.

Mr. Dickey moved to amend the agenda to consider a rescheduling of the August 17th council meeting, Mr. Blair second, all voted in favor.

Mr. Dickey moved to set the next meeting on August 16th at 7:00 p.m. as opposed to August 17th at 7:00 p.m. because of the River Hills Dinner and in the interest of

regionalism and hearing from the new chancellor at IU Southeast, Mr. Turner second, all voted in favor with the exception of Mr. Phipps, Mr. Turner and Mrs. Griffith who voted no.

Mr. Turner stated that is why he thinks they need to have a quorum when they can't make it. He said if there is obviously going to be more than five then he thinks it is a reasonable request and if not, he thinks they just go on with business as normal. He added that it is just the standard way to do things and the expectation from the people, but he would like to have a report back from those that attend because he does think it is important.

Mr. Aebersold asked if there is anything important that is going to come up next week in the plan that we don't know about?

Mr. Turner stated that he has not asked Ms. Stein to write anything for him in a while. He said that he has a couple of things in the hole but he is going to wait on those, and has no intention of sending anything up on the agenda.

Mr. Dickey stated that he imagines that the single most important thing they have in August is the discussion of next year's budget.

Mr. Applegate stated that personally, he thinks it is a catch 22 kind of a little bit even though it is an organization that's government and things, but to not go to a council meeting for that throws him into a little bit of conflict and he would normally not go to the event.

Mr. Turner asked who their River Hills representative is? He asked who is on that committee because we do have one right?

Mr. Dickey stated that the city as a whole has one.

Mr. Applegate stated that the municipality has one appointment and the commissioners have four or five. He said that Mr. Dickey is our appointment to that. He added that he thinks he is also president.

Mr. Dickey stated that he is.

Mr. Applegate stated that he was actually appointed by the county years back so he knows that they do a lot of good stuff for the communities behind the scenes.

Mr. Turner told Mr. Dickey that he definitely should go.

Mr. Dickey stated that as a general rule with only a few exceptions, he tries not to miss meetings here and he kind of agrees with Mr. Applegate that it does present a conflicted loyalty in terms of representing on this body and representing at that body as well. He said that he would probably sort this out if they want to go with the meeting date on the same night. He added that he may leave the event early to come back over here just because he doesn't want to be in that conflicted position, and he doesn't want to shortchange constituents that may be here wanting to speak because they can come forward and speak on any agenda. He stated that he is only one person and doesn't want this moved just because it is inconvenient for him. He said that he thought there would be more members that wanted to attend, and if that was the case, he wanted to create that opportunity for everyone.

Mr. Phipps stated that he is going to vote no based on what he said earlier. He said no offense to the organization and certainly no disrespect to the people that choose to go, but he thinks that it is a matter of convenience for the general public to have our meetings on the nights that they are scheduled. He added that in his nearly 12 years on the council, he thinks that he has missed three meetings. He said two of which were either the day of a medical procedure or the prep day for a medical procedure, and once was a vacation that they had no control over when scheduled because getting both of them off at the same

time is very difficult usually because they both work at the same place. He stated that he doesn't like to miss meetings for other events so he is voting no.

Mrs. Griffith stated that she is going to vote no with Mr. Phipps too because she kind of feels the same way that they should keep it on the same time. She said no offense to Mr. Dickey.

Mr. Dickey stated that he will talk to the executive director to make sure that we have no future conflicts.

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Fire Chief Juliot stated that he and Deputy Fire Chief Kron are present to discuss the chemical leak at Bluegrass Chemical and to address any questions. He said that when they respond, they get it contained and figure out what it is and then do an immediate evacuation if needed or a shelter in place in the vicinity of where it is. He stated that he knows a lot of people think why don't they just shut them down and why are they allowed to operate in the City of New Albany and continue to do this. He said that they report with EMA and he knows that the mayor has talked to the owner as well as IDEM and EPA. He said that they are the agencies that have the authority to shut a business down or fine a business. He also said that they are in the circle on this and have been notified on all occasions, not just this past one. He then turned it over to Deputy Fire Chief Kron and said that he could go through the timeline and anything else that he wants to add.

Deputy Fire Chief Kron stated that he knows everyone is pretty much aware but last Thursday we had another incident at industrial park on the north side of the city. He said that they started receiving phone calls in the 911 Center around 3:00 p.m. and their companies were dispatched at 3:02 p.m. and they were on the scene at 3:10 p.m. He stated that seems like it may be a little bit lengthy response time but you have to remember at 3:00 p.m. last Thursday, we had all of the Sherman Minton traffic in New Albany so their companies took a little bit longer negotiating through that traffic. He said that he responded on the initial alarm because he was walking out of his office and his phone went off which was his wife sending a text message with a picture of the cloud and asked if he knew about it. He said a couple of choice words and got in his car and started that way. He stated that he arrived at 3:14 p.m. and by that time while he was in route, he had already contacted the mayor and the mayor's office to let them know what was going on so they could get out an announcement out to public. He said that he notified the EMA director, IDEM, NAPD, EMS service and also contacted the National Weather Service to get a forecast so they knew what the conditions would be. He stated that when he arrived on the scene, they set up a command post on Industrial Boulevard in the 800 block just up from the factory itself. He said that they had self-evacuated so he was able to speak with their chemist and their new general manager, which they just hired from Texas where he was in the chemical industry. He stated that it was his third day on the job and he was very forthcoming with information and very apologetic. He promised him that to the best of his ability, he will never let this happen again. He said that the decision was made to shelter in place the businesses right around the area and our fire companies went to each individual business and told them to keep their employees inside right now until they could stop the process. He stated that they used air monitors both on the north end and south end just to monitor the air in the surrounding communities and their monitors picked up no abnormal readings at all, which is what they expected with this product. He said that he knows it looks dangerous and bad, but it really is just oxidizers and nitrogen. He explained that there are several different compounds but once they enter the air, they disburse rapidly and he thinks that is what they were seeing that day. He stated that he spoke with one of the foremen who said, "let me suit back up with our equipment and we will go in and be able to shut this process off and it will take about 10 minutes". He said that along with our firefighters, they entered the structure and found the valve that they needed to shut off and shut it off and within about 10 minutes they had a marked decrease, and then at 3:49 p.m. there were absolutely no vapors coming out of the factory

at all. He stated that within 39 minutes of them arriving on the scene, the situation was declared under control. He said that they did air sampling around the vicinity again and even in factories around the area and found no abnormal readings, so they declared the scene safe and reopened the road. He stated that the only roads they did shut down were the roads immediately around the factory. He said there was a discussion about shutting down I-265 but the one thing they had in the back of their mind was that the Sherman Minton Bridge was shut down. He stated that if they shut down I-265, they wondered what that would do to traffic, not only in New Albany, but southern Indiana, so the decision was quickly made that all costs, they should keep that thoroughfare opened which they did. He said that the mayor spoke to the president of the company that night and they voluntarily shut that process down and have had it shut down ever since. He stated that after speaking with them, he believes them and thinks that they really don't want this to happen. He really does think that they are doing everything in their power to prevent this. He said that he thinks it is a manufacturing thing and an equipment thing and they are trying to find the right equipment to do the job, but if they are like any other supply chain right now in the United States, he is sure that it is hard for them to find parts for that. He stated that they are maintaining contact with them and the mayor has sent them out there this week to ask them for a notification of when they are going to start that process back up, and what actions they have taken to eliminate this from ever happening again.

Mr. Aebersold stated that he knows something happened out there a couple of months ago and once or twice back in the spring. He asked if that is right?

Deputy Fire Chief Kron stated that they had one incident in March and one incident in June.

Mr. Aebersold stated that it seems like he remembers something like that happening out there a year and a half or two years ago. He said it may not have been that company.

Deputy Fire Chief Kron stated that he believes that Mr. Aebersold is correct in that, and at that point in time, they never found out the source of that cloud.

Mr. Aebersold stated that if it was that company and this past spring something happened and then again last week, he is thinking that they have an issue that needs to be taken care of. He said he hopes that is what they are doing this route.

Deputy Fire Chief Kron stated that he knows that IDEM are the ones that oversee companies when they pollute the air and when they pollute the water, so they are the governing agency there. He said that if this was a fire lane block or an emergency exit block, it would fall under us but because it is the emissions of a factory, it falls under the state regulatory commission and they are the ones that are kind of following up with them. He stated that he has been in contact with the gentleman that is in charge of the southern area and he is, as the rest of us are in the city, extremely upset with this company and is doing everything in his power to correct the issue.

Mr. Turner asked how many times they have called on themselves?

Deputy Fire Chief Kron replied once. He said that he can't tell him on this one yet because he has not looked at all of the 911 records so he does not know. He stated that he does know that they did evacuate the factory which is the first time they have done that.

Mr. Turner asked how many times have they released at night?

Deputy Fire Chief Kron stated that is a good question. He said that they have had reports of that but nothing confirmed.

Mr. Turner stated that he thinks the fire department responded the way you have to respond and he doesn't think there is much they can do. He said that there is a statute, which he will send over to them, where you guys could bill them but you have to go through the state fire inspector to do that.

Deputy Fire Chief Kron stated that he believes so.

Mr. Turner stated that his biggest concern is not with the city at all; he thinks the city did everything right. He said the mayor has done everything he can do right and the greatest concern to him is that the US EPA is trying to take control of our state environmental permits. He stated that the Indiana Senate is trying to pass bills to prevent them from doing that. His fear is that some of congress were brought up and involved in this, which he thinks is a very bad move because you've got one bad actor in our area which is going to get us more criticism. He said that if the federal government comes and takes over the state of Indiana's regulations and they overregulate and cost all of those other businesses money, businesses won't want to move to New Albany or Indiana because the federal government is already trying to take over. He stated that he has heard things from employees at Bluegrass Chemical and he is not going to say them because he doesn't know if they true or not, but it is very concerning. He thinks that this company has a moral and ethical responsibility that when they release any type of gas, they need to come up and be completely transparent and accountable for it. He said that it shouldn't be the fire chiefs up here, they should be up here saying this is what happened, we've put too much materials through here to make money and it is getting out now, our scrubbers can't handle it and this is what we are going to do to stop it from happening. He stated that they should say that they are going to slow down production because it is not about money, it is about doing the right thing until they can get their 50-year-old scrubber fixed. He said that he would like, and he asked the city to do it not to put the city on the spot, the city to ask them to come before us because we can't force these guys to do it, but they can do the right thing and he thinks it should be 100% on them. He also thinks that we should look at billing these guys for everything because when these companies have to stay in place, it's expensive. He said it is very costly to not do things and if you see a cloud, whether is it is unhealthy or not, there is a malfunction somewhere and he really doesn't think that New Albany needs extra scrutiny when the federal government is already telling Indiana that they are not doing enough. He stated that their permit is a FESOP, it is not Title 5 which is the most extreme regulation permit that you can have. He said that FESOP is like a lower level. He stated that part of the problem that Indiana is having with the federal government is because our emissions have gone down and we have done a good job in Indiana with bringing pollutants down, we are not getting the same type of revenue that we can to keep up with the Clean Air Act. He said that is one reason that is forcing the federal government to come in and take more action, so what happens now is that the federal government comes in and everyone is Title 5 and prices go up for permits and costs go up and it is just a huge problem. He stated that he wishes that these guys would own this problem and just come forward and come to the council to speak and say "this is the problem and this is how we are going to fix it". He said that he heard about the guy from Texas and that he found the problems right away. He added that the things he has heard are concerning. He stated that the fire department does great work, the mayor did a good job responding and everybody did what they had to do, this is on the company and they need to own it.

Deputy Fire Chief Kron stated that he won't disagree with that at all, but in all fairness, he does believe what they are telling him right now and he is a pretty good judge of character. He said that he may be proven wrong but every employee that he came in contact with that day was very apologetic because he does think that it was probably human error. He thinks there was a bad batch or a mixture that was not set right and that will come out in the IDEM report, but he does believe them right now.

Mr. Turner asked if they get alerted if the company gets a violation?

Deputy Fire Chief Kron stated that they do not. He said that they will get a report of how much product was released that Thursday. He stated that they got it on the first release, so they get those but they do not get notice of violations.

Mr. Turner stated that if he remembers right, in June they told them that they would fix it that time.

Deputy Fire Chief Kron stated yes, he thinks that they did. He said that it is all public record and is all in the report.

Mr. Turner stated that it is probably a statute thing and they would have to change the law but the municipality should get notification when there is a violation, he would hope. He said at the same time, a lot of violations aren't really that big of a deal though but we should know.

Deputy Fire Chief Kron said absolutely.

Mr. Blair asked if they have just a ballpark figure of what the cost was to the city for this response? He said obviously there was a command center, equipment and you probably brought people in off duty and so forth.

Fire Chief Juliot stated that all of the personnel were all on duty. He said that they have a partnership with Clarksville and we do de-con for southern Indiana and they have a hazmat team, so they respond upon request and they are on duty also. He stated that if you want to add up cost of fuel, wear and tear, etc., they would have to do that.

Mr. Blair asked if we used a lot of materials or anything?

Fire Chief Juliot replied no. He stated that everyone that responded was at work so we didn't call anyone in for the incident and they haven't for the ones in the past either.

Mr. Blair stated that if there was another incident somewhere else, that would put the city more at risk because everyone was out there. He asked what it would take for us to fine them and at least get reimbursed for what our costs were?

Fire Chief Juliot stated that he doesn't know if they could do that.

Mr. Turner stated that there is a state statute where you all would have to initiate the problem with the state fire inspector and then the state fire inspector would fine the company.

Fire Chief Juliot stated that they do bill on certain things like if there is a large spill of diesel fuel on the interstate and they go through hundreds of bags of oil dry, they will bill their insurance to be reimbursed for that material because it is costly, and his budget is like \$5,000.00 for hazmat. He said that they try to recoup if they can. He stated that there have been some incidents where we've had turnout gear ruined and they stiffed them and he had to move on and just replace it. He said that maybe if we had an ordinance or something and we would have attorneys that would back us in pursuing it, then maybe something would be done. He stated that if he would send a letter or Deputy Kron send a letter, a lot of people would get that and just throw it away.

Mr. Turner stated that he would send them the state statute.

Mr. Blair stated that he thinks we should pursue reimbursement but it sounds like it is minimal in comparison to other runs and so forth.

Mr. Applegate stated that he agrees with the comments made so far and thinks that everyone has done a great job and communications were spot on. He said that the problem in this scenario is that we have had to do it before and there is that cost that if something else happens in the city, we can't neglect going there because of this issue. He stated that it was 4:00 o'clock in the afternoon and someone could have had an accident just looking over to see what was going on. He said that they evacuated their own employees so you have got a risk that something else could have happened or it puts us at a risk for a problem that has been reoccurring. He stated that it causes issues for everyone at all of those businesses that you went to and said that they have to stay there. He said that could have been people going to ballgames or family functions that have to make calls to their families and are interrupted over and over by this business. He stated that with this happening over and over again, it becomes something that we have to deal with.

Fire Chief Juliot stated that he is aware of some cities that put ordinances on the books on false alarms which is an abuse of their services and causes wear and tear, uses fuel and involves the danger of them running back and forth on a Code 3 and causing an accident possibly. He said that there are some municipalities that impose fines on those businesses that don't fix their system or is habitual. He stated that he doesn't know if that could be tied into businesses that are doing this and it is not being fixed. He said that he will have to research some of that.

Mr. Turner stated that he wants to say it is like IC Title 13 maybe. He said that they should have Mr. Gibson actually look at it because he is the city attorney.

Ms. Stein stated that there is a criminal statute for misuse of emergency communications but she doesn't think that is exactly what we are dealing with here. She said that she is looking through our ordinances right to see if there is anything in there.

Mr. Turner stated that for the hazmat stuff, he thinks it is Title 13 and he will send that to Mr. Gibson. He said that he has it somewhere but can't find it right now.

Fire Chief Juliot stated that when they fine someone over illegal burning, the police department has to actually issue the fine because the fire department doesn't have a way to write tickets and uphold them, where the police officers actually do with the ordinance. He said that they will call a police officer to the scene if someone is habitually burning copper wire or doing something illegally.

Mr. Applegate stated that we always react in the exact way we should because that's where the fire department sets the bar and that's what we appreciate, but he thinks in a public sense it is like oh, that's just happening again. He said what happens if something actually does happen and you've already been through it where it didn't happen and then there is an issue. He stated that is the problem because we are going to do the same thing and have our folks go out and spend the time to take care of it, but he does worry about the surrounding businesses thinking it's just that happening again and then there is something in the air the next time and there is a problem. He said that the community deserves better.

Mr. Aebersold stated that the thing that concerns him is that this is a chemical factory and we don't know what is happening so to speak and he thinks this particular situation is kind of scary and this company, from what we understand, has had it happen several times. He said that they obviously don't have hold on it and this is going to happen again, so when it does, is it going to something bad going all over a neighborhood because that is what we don't want. He stated that we are going to have to watch them or something.

Mr. Phipps asked if we have a record of actual chemicals that are used at some of these places? He stated that he remembers back in either 1971 or 1972 there was a barge that got stuck up on McAlpine Dam and it had some type of chloride in it. He said had that thing burst, we would have had to evacuate for five miles which means we would have had to gone as far as Sellersburg to get out of the vapor of that particular chemical. He stated that it would be nice to know which of our plants actually have those chemicals that could be potentially deadly as opposed to those that are just annoying. He said that if we have a copy of their plans, that would be helpful too.

Deputy Fire Chief Kron stated that Mr. Phipps is talking about a Tier Report and manufacturers in the state of Indiana above a certain amount of chemical are bound by law to report that to the local emergency agencies. He said that they do have all of that in electronic form so if something were to happen, they can click on that particular company and see what chemicals they have on site.

Mr. Phipps thanked them for their prompt response because he thinks eight minutes is a good time actually to get down Grant Line Road.

Mrs. Griffith asked if there are records kept on how many times that you go to these businesses?

Deputy Fire Chief Kron replied yes.

Mrs. Griffith stated that along with what Mr. Blair was saying, there is still a cost for you guys running out there so maybe we could come up with an ordinance where after the second time, there would be a cost. She said that a company can have a fluke thing happen but a second and third time within the same year is quite a bit, and there is still a cost regardless of how you look at it. She added especially if you had to shut down the highway again. She asked if that is something that the council should work on?

Fire Chief Juliot stated that they could get with legal and use what Mr. Turner comes up with and try to figure out a plan of action for the future.

Mrs. Griffith thanked them for their quick response.

Fire Chief Juliot said that is what they are here for.

Mr. Dickey stated that he thinks the main thing is to just thank their guys for the hard work that they do. He said that they put themselves in line of not always necessarily knowing what they are going to face and that doesn't go unnoticed. He thinks that our fire department does a superb job of displaying the finest conduct in its duty and they go above and beyond, so he just wants to reiterate that from this council.

Deputy Fire Chief Kron thanked them and said that he would be remiss if he didn't share on the record for the storms last night. He stated that from 1:00 a.m. until 7:00 a.m. they made 17 runs. He said that the crews last night did not see their beds at all.

Mrs. Collier thanked them.

Mr. Phipps asked if they were fires or downed lines, etc.?

Deputy Fire Chief Kron said they were mostly downed power lines and downed trees. He stated that they had one house that was struck by lightning with smoke in it but it turned out there was no fire.

Mr. Turner asked if they had heard anything about the sewer smell that he mentioned earlier?

Fire Chief Juliot stated that they went out everywhere looking and come to find out if the wind is blowing from the south, it is coming from Louisville. He said that it has happened numerous times this year.

Mr. Turner said that is probably right he would say.

Fire Chief Juliot stated that he lives on Corydon Pike at the top of the hill and he can smell it at his house.

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

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:13 p.m.

Jennie Collier, President

Vicki Glotzbach, City Clerk