

A MEETING OF THE BOARD OF PUBLIC WORKS & SAFETY OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WAS HELD IN ROOM 100 AT NEW ALBANY CITY HALL ON WEDNESDAY, JULY 5, 2023 AT 10:00 A.M.

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

OTHERS PRESENT: Brad Fair, Phil Aldridge, John Rosenbarger, Assistant Police Chief Fudge, Linda Moeller, Councilman Dickey, David Rake, Larry Summers, Krystina Jarboe, Tonya Fisher, and Mindy Milburn

CALL TO ORDER:

Mr. Thompson called the meeting to order at 10:05 a.m.

PLEDGE OF ALLEGIANCE:

BIDS:

NEW BUSINESS:

1. Bill Allen re: 217 and 219 E. Main St.

Mr. Allen requested that the board re-install the driveway to his property in the area of 217-219 East Main Street. He stated that it is an open area between historic buildings in downtown that are being prepped for rehabilitation, which is well under way on the parcel in question. He added that he is considering putting this parcel up for sale and possibly the entire quarter block next spring, depending on circumstances. He explained that unfortunately there is some litigation involving these properties going on with the city and as recently as this morning was told that the driveway application wouldn't be considered because of the pending litigation and they were told not to do anything with it. He appealed to the board to reconsider putting this cut in and explained that the driveway has been there for more than 80 years and that the buildings to the west that were built in the 1880's are currently being rehabbed. He stated that the parcels are vacant lots that had driveway cuts into them that assisted with transporting materials to and from the property and served the many different businesses that they have housed in the building over the years. He added that they discontinued their manufacturing and the last several years it has been vacant and used as storage for various property materials. He stated that the driveway was fenced in between the two buildings, and while the fencing wasn't the prettiest, he was going to paint it but one of the workers recommended that they redo it. He explained that they have been in and out of that location until that side of the street was demoed for the project, but they need the access to the ground as they have lost several parking spots on Main Street and they can use the lot for parking as well as for ingress/egress for part of the buildings in the back. He added that the building in the back is one-story and has an extension with double doors to allow access for materials. He stated that anyone that may own the property in the future could use the space for parking, outdoor eating, or ingress/egress as well. He explained that he has been trying to find out what to do every since he realized the driveway was going to be removed and has taken every step he could up to coming before this board to ask that they reconsider and reinstate the driveway. He stated that he doesn't know why he wasn't notified that this was in the works to be removed because he knows of other driveways going down Main Street that are going in to properties that were left and/or redone, including Stein Glass. He added that Stein Glass found out theirs was being removed and somehow appealed to the city to stop it and that is what he is trying to do because he feels as a taxpayer with several properties in the city/county that he would appreciate the board considering this request. He stated that it is better to do it now than later before concrete is poured between the building and sidewalk. He added that he believes that if this isn't done it amounts to taking his property without permission or just payment, and if not the property itself, it does depreciate the value of the property in that there is no street access.

Mr. Thompson clarified that he wasn't informed to not do anything, but he was informed that litigation was ongoing with the property owner so he made the assumption that any continuing work would be decided by the litigation and not this board.

Mr. Allen stated that he spoke to the city attorney and he basically said “too late”.

Mr. Thompson stated that isn't a decision of this board, he just wanted to clarify that this board wasn't instructed to do anything, but was informed that there was ongoing litigation.

Mr. Allen stated that has been told by everyone that he needed to come to this board so that is why he is here. He added that he sees no logical reason that the driveway cut shouldn't be maintained as it has been there more than 80 years.

Mr. Summers explained that as part of this federal aid project, the city did conduct a public meeting to show the plans for this project and notices were delivered to each property along Main Street. He stated that at the meeting the plans were on display and folks were able to view them and modifications were made based on some comments that were heard at those meetings. He explained that the area in question was fenced off and looked to be entirely enclosed and it is the city's stance that arterial roadway curb cuts be closed when there is a reconstruction project if a parcel is vacant. He stated that they do this because they do not know how that property will redevelop and as it does, rebuild modification of an established curb cut is more difficult. He added that this facility has been vacant for quite some time so the decision was made to remove the curb cut.

Mr. Allen stated that he didn't receive any notice of a public meeting other than possibly seeing something in the paper afterwards, but he had no idea and never had any contact about losing the curb cut. He explained that he was told by a MAC Construction supervisor that he should contact the engineer which he did and Mr. Summers' reply was “no change because they had a meeting” and that was it. He reiterated that he wasn't at the meeting and never received notice of it. He stated that it is well-known that he is the owner of that property as well as knowledge that he was intending to use the driveway cut, as he has mentioned it to two past building commissioners (Russ and George) and the new one (David). He added that he also talked with the city attorney while they were working on the project and mentioned that they would like some help from the city regarding growth on the building, and was told that the city would come pick up the ivy growth that was taken down on both sides. He stated that if that was going to happen the driveway would be necessary and they knew it.

Mrs. Cotner-Bailey asked how long the buildings have been in the blighted conditions that they are currently in.

Mr. Allen asked what she means by blighted.

Mrs. Cotner-Bailey stated that she just looked at photos of the property and it looks terrible.

Mr. Allen stated that they are currently making changes including painting a good part of the eastern buildings and he had plans to go inside and paint the left side.

Mrs. Cotner-Bailey asked if this work started after the city engaged in litigation over the property.

Mr. Allen stated that he has been working on the property for several years and added that it isn't a small project and he is financing it himself. He explained that they are making great headway with regards to the buildings and he would have been painting already but every day there is dust that gets in the paint.

Mr. Thompson explained that he doesn't think it is this board's place to discuss the issue with him especially since the city is in litigation. He added that there are safety concerns such as the brick falling out of the alley side of the building and the wall that is propped up, but again, he doesn't think it is this board's place to discuss it.

Mr. Allen asked where he would go to get the cut put back in because he needs it for the value of the property and accessibility

Mrs. Cotner-Bailey stated that she doesn't see how this board could approve the curb cut request considering everything that is going on with the condition of the property and how long

the conditions have been as such. She added that it isn't currently in the design and it isn't the city's policy to add a curb cut for vacant properties.

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

2. Steven Bailey, Jr. re: Dumpster permit at 414 Spring Street

Ms. Milburn stated that she thought Mr. Bailey was going to be at the meeting today and reported that he requested a dumpster permit at 414 Spring Street for approximately one week using Demo Dumpster Company. She asked the board if they would consider approving it subject to the clerk's office getting exact dates.

Mr. Thompson stated that this is a property on the opposite side of the alley with no access to the back yard so the street would be the only location for it to be placed.

Mrs. Cotner-Bailey moved to approve for one week contingent upon receiving confirmation of the dates, Mr. Brewer second, motion carries.

COMMUNICATIONS – PUBLIC:

UNFINISHED BUSINESS:

TABLED ITEMS:

COMMUNICATIONS – CITY OFFICIALS:

1. Krystina Jarboe re: Special Event Permits

Wednesday, July 19 to Wednesday, August 30: DNA – Wednesday Farmers Market at City Square (5:00pm to 7:00pm)

- Request to use City Square from 4:00pm to 7:30pm
- Request to have new "No Parking" signs for 4:00pm to 7:30pm on interior and exterior of City Square
- No restrooms
- No road closures
- Everything is the same as last year.

Mr. Thompson asked if this is contained to City Square aside from parking on sides.

Mr. Jarboe replied yes. She added that they would also like the "no parking sign" on the interior and exterior for Wednesdays. She explained that in the past they have had a police officer down at the location on Wednesdays as well since people will park there during the day and may not move their vehicles before the market starts.

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

2. Mickey Thompson for CenterPoint Energy re: Encroachment permit for 1330 Beechwood Ave. and 621 Thomas St.

Mr. Thompson explained that the Beechwood request is for an emergency repair on the gas service and he will remind them that they made the repair and not the restoration, but it could be because of the proximity to the Beechwood Project.

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

Mr. Thompson explained that the Thomas Street request is to install a gas line.

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

3. Mickey Thompson for Indiana American Water re: Encroachment permit for 611 Beharrell Ave.

Mr. Thompson explained that this request is to replace the water service and meter set with the work being done in both the sidewalk and street. He added that work is complete and restoration has been made.

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

4. Linda Moeller re: May Bank Reconciliations

Mrs. Moeller presented the May 2023 Bank Reconciliation Worksheet to the board and asked that the record reflect that the board has received the worksheets.

5. Larry Summers re: Main Street Update

Mr. Summers reported that they will continue sidewalk work on the north side of Main Street, primarily between State and Pearl streets, and will move on to a few of the ramps that the city owns in that area.

6. Larry Summers re: 2023 Paving Project Update

Mr. Summers reported that Slate Run Road was completed and they are out doing striping work today. He stated that once that striping work is complete on Slate Run Road, they will move to the section of Mt. Tabor between Klerner Lane and Charlestown Road to put down paint stripes until the federal aid project comes through. He added that they also asked that they address some edge lines on Hausfeldt Lane which will take place at the end of this week or early next week.

APPOINTMENTS:

CLAIMS:

Mrs. Moeller presented ARP claims in the amount of \$32,050.00

ARP Claims (Bank 6) \$32,050.00

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

APPROVAL OF MINUTES:

Mr. Brewer moved to approve the Regular Meeting Minutes for June 27, 2023 as corrected, Mrs. Cotner-Bailey second, motion carries.

ADJOURN:

There being no further business before the board, the meeting adjourned at 10:30 a.m.

Mickey Thompson, President

Mindy Milburn, Deputy City Clerk