

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,  
HELD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY  
ROOM OF THE CITY/COUNTY BUILDING ON MONDAY, APRIL 2, 2018 AT  
7:00 P.M.**

**MEMBERS PRESENT:** Council Members Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. McLaughlin, Mr. Nash, Mr. Blair, Mr. Aebersold, Mr. Barksdale and President Knable.

**ALSO PRESENT:** Ms. Stein, Police Chief Bailey, Major Popp, Police Officer Watson, Fire Marshal Koehler, Mr. Hall, Mr. Thompson, Mr. Gibson, Mr. Wood, Mrs. Moeller and Mrs. Glotzbach

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

**INVOCATION:** Given by Pastor Steve Burks

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Phipps moved to approve the Regular Meeting Minutes for March 15, 2018, Mr. Barksdale second, all voted in favor.**

**Dr. Knable** stated that he has spoken on record numerous times over the past two weeks about the interview with Chris Morris regarding the topic of the 911 merger. He added that he will do so once more tonight and then plans to move forward. He stated that first and foremost he wants to express his appreciation for the women and men that comprise the first response systems and his discussion was never to cast shadows upon their services or dedication. He apologized for the extent that this has done so. He explained that on a cold morning earlier this winter he went for his routine workout at the YMCA and he encountered a young boy in the window of a building on Pearl Street who was crying and screaming for help saying something about a fire and he could hear local alarms going off in the back of the building. He stated that he took out his phone and made a call for help but he doesn't know if he called 911 or dialed 911 because his focused was on the distraught individual. He explained that he received a message saying that he would need to call back to a local 911 and as he received that message, he tried the door of the barber shop next door and asked the individuals inside if anyone knew the young man or what was going on. He stated that the young man's father happened to be in the barber shop and went to take care of him and the last he saw of either of them they were thanking him and walking on so he thought that was the end of the story. He explained that over one month later he was asked to give an interview regarding the 911 merger and during that interview he was asked if he has every had any issues obtaining help during an emergency and he relayed the story at that point. He added that he had unknowingly relayed that he had called 911 instead of calling an emergency number and had been transferred to the county agencies. He stated that he has since learned, the best that he can piece together, is that he has 911/NAPD programmed in his phone from two phones before and when he asked Siri to call 911 it went to the NAPD number so when he heard the message, he believed he had been dealing with the county. He explained that this was an honest mistake and he can't sit here tonight and apologize for lying about something that he did not lie about. He stated that at the request of Chief Bailey he searched his phone records and found the call on February 3, 2018 at 9:13 a.m. and he shared those records with WLKY and gave that information to Chief Bailey. He added that he has since corrected the mistake in his phone contact list and stated that he is an

honest man but is not infallible. He apologized for making an honest mistake that has disrupted city government. He stated that he apologized to Chief Bailey personally and publicly for taking so much time out of his schedule and for any expenses that have occurred. He explained that it has been very difficult to be called a liar publicly because integrity is sometimes all anyone has but he has gotten through it with family and prayer. He stated that the bottom line is he helped a distressed kid and he would do it again, even with having to deal with all of this. He reiterated that he did call local law enforcement on the date and time that he said he did but he mistakenly reported it as a 911 call and he takes full responsibility for that mistake. He stated that he has spoken directly with Mr. McLaughlin about this on numerous occasions and at this point in time, he hopes that they can take him at his word that this was an honest mistake and not politically motivated. He added that he has not spoken with Billy Stewart or Frank Loop about this situation and he thinks it is time to put the matter behind them and get on to serving the people of New Albany

#### **COMMUNICATIONS – PUBLIC (AGENDA ITEMS):**

**Richard Schultze for Opal Sarles**, explained that he enclosed a letter in the council packet on her behalf and added that he wanted to focus on the 20-year Comprehensive Plan. Said letter is on file with the City Clerk's office. He stated that it sets the tone for development in the region but does not define terms or give standards. He explained that he believes that the neighbors strongly feel that it does not fit within the spirit of the adopted plan or fit the surrounding area. He added that nothing has changed since the last council meeting since they last spoke about it so she asked that they vote no on the third reading.

**Fred Metzmeier, 118 N. Bohanon Lane**, stated they have drainage problems, sewer problems and traffic problems and this project will not increase the quality of life in New Albany. He explained that Mr. Coffey told them to "get with the program" at the last meeting and this is not something they can get on board with this because it is basically high priced double-wide trailers and they don't need that kind of progress. He stated that anyone that looks at this at face value cannot vote for it in good conscious and asked that the council vote no on the third reading.

**Rosalind Metzmeier, 118 N. Bohanon Lane**, passed around photos for the council to look at and explained that all they are asking for is nice single family homes, which this is not. She added that it will be too crowded with little green space and they are missing the mark with the Comprehensive Plan. She stated that this will cause even more traffic issues as well as drainage and sewage and for all of these reasons asked for a no vote.

**Scott Reid, 2416 Green Valley Road**, stated that he would like to keep this zoned R-2. He stated that it has been up for sale for the last three years and the first thing it said was apartments, and the only thing that has changed is that it has gone from 3 bedrooms to 2. He stated that there is little green space and will not have the appeal for empty nesters and millennials as they are claiming, especially for the price they are asking. He added that this doesn't allow them to reinvest and they want young people to come in and remodel but that doesn't allow for that at all.

**Patty Reid, 2416 Green Valley Road**, referenced the comprehensive plan's requirements for compatible homes and these aren't compatible with what is in the area. She added that they need to keep it zoned as R-2 and keep PUDDs as an exception and not the rule.

She stated that she has seen a lot of change in the last two years and she is concerned about the elimination of the urban forest.

**Greg Juliot, 206 S. Bohanon Lane**, stated that he was raised on Bohanon Lane and he knew the property next to him could be developed but never considered the possibility of high density housing. He explained that when they bought their houses that was their investments and they need to take that into consideration just as much as the developer's investment. He stated that he is worried about the precedent that this would be setting and asked that the zoning remain as R-2. He added that he accepts progress but to take away from everyone in the area to benefit one is not acceptable.

**Connie Weddle**, clarified a statement that was made that there are no homes for sale in New Albany because right now there are a least a hundred listed on Zillow and other such sites. She stated that she works with a lot of millennials and asked for their opinions on the plan that was being offered and almost every one of them said that the price point was way too high for basically a duplex with no yard.

**Mark Cassidy, 106 Meade Drive**, stated that he has been coming to City Council meetings for 12 years or more and has seen a lot of good things, silly things and bad things and R-18-02 is as bad as it gets. He explained that there is no doubt that this is political and the same gentleman that is bringing it forward refused to let a citizen speak because he didn't want to hear what he had to say. He explained that Mr. Gonder spoke out about it at the next meeting and was defeated during the next election. He added that if bringing this forward is the right thing to do why it wasn't the right thing to do when it was a citizen and not just someone in the same party.

**Roger Baylor** asked what is meant by truthful dialogue because they have tried in the past to no avail. He stated that he would like to focus on his reaction when he heard about R-18-02 and the first thing that came to mind was squalid. He explained that this means dirty, filthy, slummy, slimy, wretched etc., as well as showing a lack of moral standards.

**Catherine Jeffries, 105 S. Bohanon Lane**, stated that it seems that there is such a water problem there already and a project like this will only add to it. She explained that she doesn't want this hill cut off causing more issues and asked them to please consider what is being proposed because it doesn't fit what it is already there and is going to mess up the entire neighborhood.

**David Dunn, 911 Union Representative**, read a letter into the record and reminded the council that that it was drafted before Dr. Knable's statement at the beginning of the meeting. Said letter is on file with the City Clerk's office.

**John Kraft, Young, Lind, Endres & Kraft**, stated that he represents Mr. Thieneman on the proposed development. He explained the history of the proposed ordinance and stated that they have consistently addressed all concerns and request to meet every element of the Comprehensive Plan. He stated that they are now down to 29 buildings and will allow for 20 single-family units with no limit on the number of bedrooms. He explained that the issue before them tonight is that they are duplex buildings but they are single-family attached owner occupied and they meet the density requirements. He stated that the idea behind a PUDD is that it gives secondary review so that all elements are being addressed. He pointed to the city's professional staff who gave them a favorable staff report and reiterated that they have addressed every requirement and should be met with a favorable vote from this council.

**Police Chief Bailey** stated that he appreciates what was stated by President Knable at the beginning of the meeting as well as the conversation that he personally had with him. He explained that in law enforcement, they deal primarily in facts and have found that a solid ethical background is always important to facilitate what it is that they are doing. He stated that he would like to get past this but wanted to explained that as it was brought to their attention, it had to be commented on because of the trust in the communication center was being questioned. He added that this was brought to the media without merit and when you read that someone called 911 and got a response to call another number, it is damaging to the perception of the communications center. He stated that the communications center works very well and they feel very passionate about what they do as it is their livelihood so it impacted them to be brought into the media in this negative light, which was very unfair to them. He added that issue has lingered on because they had to reconcile this perception.

**Don Thieneman** thanked the council for hearing them again this evening. He stated that they have addressed many changes and requests to meet the needs of everyone involved. He explained that this is not a rental project and while he understands their fear, he is a good neighbor. He stated that he has worked for the last four months to listen to their concerns and the product in front of them is a quality product and there is a need for it. He explained that they will be able to fix drainage, sewage and address traffic all the while following the Comprehensive Plan. He then stated that he has known Dr. Knable for several years and he is a military man and faith filled man. He also stated that Sister Jean says that you have to worship, work and win and he feels that the community has a winner in Dr. Knable.

**Dr. Knable** thanked Mr. Thieneman.

**Jason Copperwaite, Paul Primavera & Associates**, stated that he is representing Mr. Thieneman. He stated that there were four main concerns with this project that included density, sanitary sewage, entrances and drainage. He explained that they revised the plan to address these concerns and continued to work hard throughout the process to meet the needs and requests of the Comprehensive Plan and the residents. He added that he is here to answer any questions that the council may have about the project before the final vote.

**Ed Clere, 1701 DePauw Avenue**, stated that Dr. Knable is one of the finest leaders this community has seen and explained that this resolution is a small minded partisan attack. He stated that Dr. Knable misspoke and admitted to that and has taken full responsibility. He explained that Dr. Knable chose to respond to a cry for help in the moment and has conducted himself since the incident with honor and integrity. He stated that he hopes that the council will recognize this resolution for what it is, an embarrassment to this body and the community.

**Dale Bagshaw, 85 Galt Street**, stated that in his view the merger has always been political so it wasn't Dr. Knable that made it that way. He explained that when he was out campaigning he was asked more than once when they were going to fix the issue with 911 and heard stories about calls where there was a debate on who was going to take patients to the hospital between the city and the county. He added that this resolution is uncalled for and unneeded.

**COMMUNICATIONS – COUNCIL:**

**Mr. Coffey** stated that he thinks Dr. Knable is far kinder than he would be in this situation because there is no doubt in his mind that tonight's resolution is politically motivated. He explained that there was a text that went around that something akin to "further down the road we impeach him". He stated that this is not an impeachable offense and furthermore it was an honest mistake and needs to end after this meeting. He added he has been in office for 19 years and he has seen many things that are not right, and this is one of them.

**Dr. Knable** stated that he has lots of support outside of family and he does appreciate it.

**Mr. Caesar** stated that he has some numbers available on paving. He explained that the number of potholes in the city keeps getting higher so he would like to get a committee together to sit down with the street commissioner and Mr. Thompson and discuss this and other issues and possibly a better way to address these them.

**Dr. Knable** asked if anyone would like to volunteer.

**Mr. Blair and Mr. McLaughlin volunteered.**

**Mr. Caesar** stated that he does have a list from everyone and asked if there were any general discussions about paving that they would like to bring up tonight.

**Dr. Knable** stated that there was a salt truck that went off the road and he would like to add Spring Street Hill for marking and striping. He explained that he would like for the committee to discuss how there can be a secondary quality assessment of the jobs that are being done.

**Mr. Blair** stated that his thought is that they may even want to bring someone in with experience from another area to give advice on how to apply the paving. He added that they don't want to continue to spend money if they aren't getting quality for their investment.

**Mr. Phipps** stated that he is not being critical but asked if there is any way they could speed up the process this year.

**Mr. Barksdale** stated that he will be attending the Indiana Historic Preservation Conference and he will be submitting a claim for approximately \$400.00 to cover traveling, enrollment and lodging.

**Mr. McLaughlin** stated that this resolution has been weighing on his mind and wanted to go over the process that led them here tonight. He explained that on March 23<sup>rd</sup> he received a call from WLKY wanting to speak with President McLaughlin and before he could return their call a representative showed up at his door. He stated that the only information he had to go on was what was relayed to him and he did an interview. He explained that things were said that either were meant or possibly didn't mean to be said but even if it was a political strategy, they have all dabbled in that before. He stated that Mr. Cassidy is correct regarding what happened in the past and he should have interjected at the time and while he was new on the council, that is no excuse. He stated that he fully expected comments from Mr. Baylor, including name calling but he went to a level that has left him in awe. He agreed with Mr. Thieneman that this a moral issue and Mr. Clere that the whole experience has been an embarrassment and is sure that Dr. Knable is a good man. He addressed Mr. Bagshaw's comments about the merger being political and it has been on both sides. He stated that he did not call anyone on the council to lobby for

this and only answered questions when he was asked. He explained that he did this for personal reasons because it was affecting people that didn't really have a say in the matter, particularly the communications department. He stated that he will be pulling this item tonight but if anything like this happens in the future, he will be the first to bring something similar back to the council. He added that hopefully going forward they will all take care to realize what they are saying before they are saying it and apologized to everyone that this affected.

**Dr. Knable** stated that his statements go a long way towards reconciling the functioning of this council that has worked well since he came aboard and he would like to move forward.

**Mr. Barksdale** stated that he appreciates Mr. McLaughlin pulling the resolution because he was very disappointed when he saw it in the packet and added that he thinks it would've really hurt the council and city if it were to have been voted on tonight. He explained that President Knable is one of the most upstanding individuals he has ever met and he is proud to be able to call him a friend. He stated that he appreciated his comments at the beginning of the meeting and hopefully from this point on they can put this behind them and work for the betterment of the community.

**Mr. Phipps** stated that he is glad that this has been worked out but it did bring up some issues that he would like to address. He explained that our police and firefighters do an excellent job in the city and he stands behind the chief 100%. He stated that this body disagrees often but they have always done a good job of remaining amicable and one of the things that they do disagree on is merging city and county. He explained that he is vehemently opposed to a merger because of the horrible track record that the county has with every venture they have entered into with the city. He stated that as long as he is on the council, he is not even willing to entertain a discussion with the county on merging any type of services. He added that whether Dr. Knable intended it to or not, it did bring that issue to the forefront and he appreciates that they can be civil about it.

**Mr. McLaughlin** thanked the communications center and all emergency services for the job that they do.

**COMMUNICATIONS – MAYOR:**

**Mr. Hall** stated that they are working on a pothole hotline that residents can call in and report an issue. He explained that IT is currently working on securing that number and he will update them as they have more information.

**Dr. Knable** asked if they could look at making that a paving hotline as well because they are constantly fielding calls about that.

**COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:**

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

**HORSESHOE BOARD – Mr. Aebersold and Mr. Nash**

**Mr. Nash** stated that they did have an interesting conversation with Carnegie Center about their plans for a public art project as part of the greenway and it is still in preliminary processes.

**PLAN COMMISSION – Mr. Phipps**

**Mr. Phipps** stated that the PUDD on West Street was revamped and will be coming back to the council at the second meeting in April.

**Mr. Blair** asked if the changes have to be substantial for it to come back.

**Mr. Phipps** stated that he would have to ask Mr. Wood.

**Mr. Wood** stated that there is a time limit if it is the same PUDD.

**REDEVELOPMENT – Mr. Barksdale**

**Mr. Barksdale** stated that they had two meetings in March and added that the annual TIF report for 2017 will be distributed to the council in the next couple of weeks. He explained that there was an approval agreement for engineering services for the reconfiguration of Kamer Miller Road and Charlestown Road and while he doesn't know what the fix will be, it is at least a start. He stated that they approved two market studies for surveying potential hotel sites, one being more comprehensive on a specific location and the other was a general survey. He explained that they authorized the draft of the CDBG 1-year Action Plan and authorized the issuance of an RFP for the potential city hall project. He added that this information will be coming available once they come in and it is his understanding that council members will be involved in the discussion. He stated that they approved the cost to address asbestos in the flooring work at the Griffin Street Center and the total cost is about \$1,400.00. He explained that the reason he is bringing this up is because the company is going to donate back \$1,100.00 to the center and he wanted to share that good deed with them.

**Mr. Blair** asked if the RFP on city hall has been opened up to other developers.

**Mr. Barksdale** replied yes.

**Mr. Phipps** asked if he is free to disclose the location of the hotel.

**Mr. Barksdale** stated that he feels a little uncomfortable with that at this time.

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES:**

**READING**

<b>G-18-05</b>	<b>Ordinance to Amend Ordinance 30.22 Regarding Council Order of Business</b>	<b>Caesar/ Blair 1&amp;2</b>
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**Mr. Caesar** introduced **G-18-05** and moved to approve first and second readings as amended, **Mr. Phipps** second,

**Mr. Phipps** withdrew his second

**Mr. Phipps moved to amend to G-18-05 to include combining opponent and proponents into one public comment section while allowing rebuttal for the petitioner, a majority vote to amend the agenda, and observing a moment of silence without prayer,**

**Mr. Phipps moved to amend to G-18-05 to include combining opponent and proponents into one public comment section while allowing rebuttal for the petitioner and a majority vote to amend the agenda, Mr. Blair second, all voted in favor.**

**Mr. Caesar introduced G-18-05 as amended and moved to approve first and second readings as amended, Mr. Phipps second, all voted in favor.**

**Mr. Caesar** stated that there really aren't a whole lot of changes and is very happy with what the committee came up with and he is excited to have speakers regarding each item speaking at the same time. He added that the non-agenda item will stay where it is but if there is a reason to move it up that will be at the discretion of the president.

**Mr. Barksdale** stated that he is in total agreement as far as organizing the speakers to be grouped together by item because the last meeting flowed so well when that happened. He asked about non-agenda items because he thinks it should be up near the front of the agenda to prevent an individual from being held for the entire meeting for one small item.

**Dr. Knable** stated that being a third person on that committee, they thought that being able to move it up would be a nice compromise.

**Mr. Phipps** stated that he likes the way it is set up to have individuals speaking as groups. He suggested doing public petitioners but he wouldn't distinguish between proponents and opponents and then before the vote maybe allow the petitioners a time for rebuttal. He explained that the old way of amending the agenda was that it took a unanimous vote and the new way is giving all the power to the president and he suggested a compromise of amending it by a majority. He asked if there is any thought about observing a moment of silence instead of allowing prayer so as to not offend anyone.

**Dr. Knable** stated that he likes the for and against and does like the rebuttal. He also likes the idea of the majority vote to change the agenda.

**Mr. Phipps** stated that when you separate the two you leave out the people that haven't made up their mind and those that aren't particularly for or against but just want their comments to be heard.

**Dr. Knable** stated that it is not a sticking point for him either way.

**Mr. Coffey** stated that he does like the way they option for rebuttal but he does think they are in the process of muddying this up with all the comments. He added that you can't please everyone all of the time.

**Z-18-02            An Ordinance for the Vacation of a Public Way            McLaughlin 1&2  
Pursuant to a Petition Filed by Beechwood  
Properties, LLC**

**Mr. McLaughlin introduced Z-18-02 and moved to approve first and second readings, Mr. Coffey second, all voted in favor.**

**Mr. Barksdale** stated that his only concern is regarding the property being vacated behind Mr. Polly.

**Mrs. Glotzbach** stated that they did get the certified receipt showing that Mr. Polly did receive the notice.

**Z-18-01 Ordinance Amending the Code of Ordinances of Phipps 3  
New Albany, Indiana, Title XV, Chapter 156  
(Thieneman Group, LLC requests a Preliminary  
Planned Unit Development District (PUDD) to  
permit single-family attached dwellings in the R-2,  
Urban Residential District at 2406 & 2412  
Green Valley Road and 115 East Daisy Lane)**

**Mr. Phipps introduced Z-18-01 Mr. Phipps introduced Z-18-01 by virtue of being a member of the Plan Commission and moved to vote on the third reading, Mr. Coffey, Mr. Blair, Mr. Aebersold and Dr. Knable voted yes, Mr. Caesar, Mr. Phipps, Mr. McLaughlin, Mr. Nash and Mr. Barksdale voted no. Ordinance Z-18-01 did not pass.**

**Mr. Coffey** asked by right, how many buildings there could be.

**Mr. Kraft** stated that by virtue of the acreage and an R-2 development there could be 30 single-family residential homes which would be non-regulated aside from the height requirement.

**Mr. Coffey** asked what a typical square footage for a home in a development like this is.

**Mr. Kraft** stated that it is hard to say because part of the project, with respect to what is being requested, is that location is probably not going to develop as single-family structures.

**Mr. Coffey** stated that the square footage of these 2 units together would roughly be the same as a 3-4 bedroom but these are actually 1 bedroom less than what would be allowed.

**Mr. Kraft** stated that is correct.

**Dr. Knable** asked if council had any other changes and stated that other concerns he heard were regarding drainage and traffic. He asked if Mr. Kraft had any new information regarding those.

**Mr. Copperwaite** stated that the recommendations that the Plan Commission made go beyond the traffic study which includes making provisions to link the signal at Green Valley Road and Daisy Lane to the signal at Daisy Lane and State Street.

**Mr. Caesar** stated that he is very concerned about the turning lanes on Green Valley and Daisy Lane, the language about dumpsters, and he has concerns about something that was mentioned tonight which is that the fire truck would not be able to turn around. He added

that there was some talk about a wall being build between residents and what that would entail and he would love to see one story buildings on Green Valley.

**Mr. Kraft** stated that while he understands the desire for one-story developments, there are no limitations if this was developed otherwise but the beauty of a PUDD development is that there are a number of hoops that they have to jump through in order to move forward at every step. He added that he has heard a lot of “we’ve heard this” but the final plan is not in place so any issues or requirements can still be addressed and the PUDD ordinance allows for that.

**Mr. Barksdale** stated that he is concerned about the density of the development and in the Comprehensive Plan it does talk about compatibility and he doesn’t feel that development is in line with what is already in the neighborhood.

**INTRODUCTION OF RESOLUTIONS:**

**R-18-02            Resolution Concerning Statement of Benefits for            Nash**  
**Blue Grass Chemical Specialties, LLC by the**  
**Common Council of the City of New Albany**

**Mr. Nash** asked to table this item because the petitioner is not present.

**R-18-03            Resolution to Censure Council President for            McLaughlin**  
**Misstatements to the Council and Media**  
**Concerning New Albany Public Safety and 911**  
**Emergency Telephone Service**

**Mr. McLaughlin** pulled R-18-03.

**BOARD APPOINTMENTS:**

**COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):**

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 9:00 p.m.

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Al Knable, President

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Vicki Glotzbach, City Clerk