

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
HELD A REGULAR COUNCIL MEETING VIA ZOOM.COM ON THURSDAY,
JULY 15, 2021 AT 7:00 P.M.**

MEMBERS PRESENT: Council Members: Mrs. Collier, Mr. Caesar, Mrs. McLaughlin, Mr. Turner, Mr. Blair, Mr. Aebersold, Mr. Applegate, Dr. Knable and President Phipps.

ALSO PRESENT: Amy Stein, Warren Nash, Linda Moeller, Scott Wood, Josh Staten and Vicki Glotzbach

CALL TO ORDER:

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

MOMENT OF REFLECTION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

COMMUNICATIONS – COUNCIL:

Dr. Knable stated that he wanted to express his sincere sympathies to Mr. Tom Pickett and his family. He said that he was one of those guys that it didn't matter if it was county, city or republican, democrat, they worked together on several things and he is going to miss his professionalism and will miss him personally as well.

Mr. Applegate stated that he wanted to concur with Dr. Knable because Mr. Tom Pickett was a great person and it is sad to see him go. He said that he is thinking of his family and hopes the best for them all.

Mr. Aebersold stated that he doesn't know what company laid the sidewalks on E. Elm Street between Silver Street and Vincennes Street, but he thinks they did a great job and it looks great. He said that they were fast and efficient and he just wants the council to know what an excellent job they did.

Mr. Applegate stated that he believes the company was AllTerrain.

Mr. Blair stated that he heard back from Mr. Gibson on the questions that he had on the 2020 budget. He said that he got back with him on electricity that was \$100,000.00 more than they budgeted for and Mr. Gibson told him that it was because of more usage and higher costs in 2020 than they expected. He said that he also told him that there were some offsets with the months because January and December of 2020 were very high billed months and some of that should've gone into other years, so he thinks that explains it. He stated that they did increase the electricity budget for \$50,000.00 for 2021 so it is now at \$375,000.00 and we are right on budget for that now.

Mr. Turner stated that last weekend we had a couple of power outages in the city and Duke did a pretty fine job of getting power back on. He said that there was a lot of outage that first night, but on Sunday, the outage happened in the morning and was very widespread in the 5th District and they got it back on in about an hour. He then stated that several members received an email this week from Mrs. George Ann Messer about Lone Star Apartments because they are getting some increased flooding. He said that the city told them that it is not due to Slate Run Road and to get a plumber. He stated that they

got Greenwell Plumbing out there and they said that it is the city's problem and they need to clear that out. He stated that as a city, he feels they need to look into that a little more to see if it is our problem and if we need to maybe flush some lines or something. He stated that yesterday there was a motorcycle accident on Charlestown Road by Wendy's and then today, there was another accident a couple of hours ago. He said that from what he is hearing, AMR has had to call out to New Chapel twice for support because they couldn't get to the scene. He stated that you are talking about 20 to 30 minutes to get to these people because they don't have resources available. He said that he did pull AMR's contract and it is due to end in March of 2023, but there is a term in there that we can terminate with a 90 days' notice. He stated that he is not saying that they should terminate them, but he thinks that they need to open communication with them and find out where the shortfalls are because that was two days in a row. He added that one was a motorcycle accident which sounded pretty critical. He said that this is definitely a concern and it has been said that the best EMS service we had was when it was in the fire department, but he realizes that there are costs associated with that.

Mrs. McLaughlin stated that she would like to concur with the other council members about Mr. Tom Pickett. She said that he was a wonderful man and did so much for so many in the community. She also said that she just wanted to give her condolences to his family and that he was a big loss to our community.

Mr. Caesar stated that Mr. Tom Pickett was a good man and we were very fortunate to have him in our community.

Mr. Phipps stated that he wanted to concur with everyone else on the loss of Mr. Tom Pickett. He also stated that he wanted to remind everyone that the public hearing on how to spend the rescue funds will be one week from tonight on Thursday, July 22nd at 7:00 p.m. He said that he was told that the link for that meeting will be sent tomorrow.

Mrs. Collier stated that she wanted to publicly give her condolences to the Pickett family because the loss of Tom is a great loss to the community.

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

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

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

COMMUNICATIONS PUBLIC: Z-21-04 Amend Zoning Ordinance

COMMUNICATIONS PETITIONER: Z-21-04 Amend Zoning Ordinance

Z-21-04	Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV, Chapter 156	Applegate 3
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Mr. Applegate introduced Bill Z-21-04 as amended and moved to approve the third reading, Mr. Caesar second, all voted in favor. Bill Z-21-04 becomes Ordinance Z-21-09.

Mr. Turner moved to take out the sentence in the ordinance requiring a window, Mr. Blair second,

Mr. Turner retracted his amendment.

Mr. Turner moved to remove Chapter 6, 6.1 Accessory Use and Building, Section C, Dr. Knable second,

Mr. Turner retracted his amendment.

Mr. Turner moved to remove the sentence with the window requirement in it, Dr. Knable second, Mrs. Collier, Mrs. McLaughlin, Mr. Turner, Mr. Aebersold and Dr. Knable voted yes, and Mr. Caesar, Mr. Blair, Mr. Applegate and Mr. Phipps voted no.

Mr. Applegate stated that everything is the same as it was last week except that we did amend it to pull out the temporary signage. He said that he, Mr. Turner and Mr. Wood have been on an email about that and Mr. Wood said that he wants to look into it a little more. He stated that at the last meeting, they simply pulled that section out and they will revisit after they look at the wording a little deeper. He said otherwise, everything remains the same.

Mr. Turner stated that he thinks this is a very well thought out amendment and thinks that Mr. Wood and his staff did a very good job and he really appreciated that they could pull the temporary signage section out just to get more detail put in it. He then said that the requirement to have a window in an accessory building is just a little too restrictive for him. He thinks that a window could increase costs for people and he just feels that we shouldn't dictate that. He said that it is not a deal breaker for him, but he thinks the residents should not have that requirement put on them.

Mrs. McLaughlin stated that as far as a safety feature, having the window is an option.

Mr. Phipps stated that if you're in your garage and the garage door is closed and your power goes out and there is total darkness, if you have a window and it is daytime, at least you would have some light to help you get to the door. He said that he is not taking a side but just thinking about the safety issue.

Mrs. Collier stated that if you lose electricity, the garage door would not work so if you needed to get out of your garage, a window would be very beneficial. She also mentioned a window could be a safety feature in case of a fire.

Mr. Blair asked if the window is conditional only if it is on a wall facing a neighbor's property. He said if that's the case, you could possibly have a building that doesn't face anyone's property so you wouldn't have to put any windows in.

Mr. Applegate stated that is correct.

Mr. Blair stated that from a safety standpoint, we should make the requirement of one window.

Mr. Turner stated that he thinks everyone has some valid points and they are all good concerns, but he still feels it should be the choice of the landowner.

Dr. Knable called point of order and stated that an amendment was made and no one second it and we have already had discussion on it. He then stated that if we are going to move forward on it from a safety standpoint, he would like to see that particular measure

tabled until we can get some input from Fire Marshal Koehler or Fire Chief Juliot on it. He said that we started out with an aesthetic issue and moved into a safety issue, both which are valid. He also stated that we really have no data or an opinion of an expert as to the safety component of it, which intuitively to him makes sense, but he is not an expert in fire safety.

Mr. Turner asked Mr. Wood if it would be a big deal to introduce the temporary signage and the window requirement at the same plan commission meeting.

Mr. Wood stated that he is hearing him say two different things. He said he is hearing him say delete the window requirement entirely and then delete the temporary signs from this portion, but then revisit that with the plan commission at a future time. He stated that it wouldn't be a problem to do them together. He said that any amendment that the council makes has to go back to the plan commission for a review and the plan commission can accept it, reject it or take no action at all. He stated that if they take no action at all, the council ordinance is adopted as submitted. He said that there is a 45-day timeframe for that. He also said that they meet on Tuesday night so there is no chance to incorporate what the council does tonight because they hadn't advertised and they already sent the packets out, which means they are looking at August 17th. He stated that is well inside the 45-days so that is not an issue. He explained that he needs to speak with Mr. Gibson and Ms. Stein to see if there needs to be a public hearing on that because he doesn't think that the statute is exactly clear on whether the plan commission just meets as a public meeting or if they need to require a public hearing.

Dr. Knable stated that if we have people who are living and residing under a roof, I know there are very, very specific requirements for egress for fire purposes and safety purposes. He asked if that is not the case for these because they are more working and storage structures.

Mr. Wood stated that they are not considered habitable space so egress is different from a habitable space versus an uninhabitable space. He stated that he thinks tabling this and having the fire department weigh in on it would not be a terrible thing. He said that he will probably just not issue any accessory building permits until it is resolved if that is going to be the case.

Mr. Turner asked if it would be better if he retracted his first amendment and proposed to take out the entire section on accessory buildings so that this and the temporary signage can be discussed at the next plan commission meeting. He said they can then go ahead and approve the ordinance without those two sections.

Dr. Knable asked Mr. Wood how many people he has waiting for permits at this time.

Mr. Wood replied maybe one or two. He then asked the council to consider a moratorium on accessory buildings until the council and the plan commission can reconsider this amendment at their meeting on August 17th. He stated that the concern he has is that right now someone could build a 1,000 sq. ft. accessory building on a lot in the mid-city area which would be really out of character. He said that if they can do a moratorium then we can get that addressed and taken care of by the council at your meetings in September.

Mr. Caesar stated that he likes the ordinance as it is written, but if they want to do a moratorium then he guesses he will vote for the amendment.

Mr. Applegate asked if they vote to put a moratorium in place in the amendment or is there something that has to be done to issue the moratorium.

Ms. Stein stated that the moratorium would have to be on the agenda for the next meeting.

Dr. Knable asked if there is not another option to pass that as it is tonight and if somebody really wants to have their permit approved, they can put the windows in and then if we decide the window requirement is not necessary, it is not going to hurt anything to have the windows. He said that the other option is to wait if they want to wait.

Mr. Wood stated that he thinks that would be a viable approach as well.

Mr. Turner said he decided to change his amendment to just remove the sentence in the ordinance with the window requirement in it and that will still leave the size of the accessory building in that section, so we are only discussing the window at this point in time.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 7:27 p.m.

Greg Phipps, President

Vicki Glotzbach, City Clerk