

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY ROOM IN THE CITY/COUNTY BUILDING ON THURSDAY, NOVEMBER 15, 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, Police Officer Applegate, Mr. Thompson, Mr. Staten, Mr. Wood, Mr. Streips, Mr. Hall and Ms. Milburn

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

**INVOCATION:** To be given by ministers of different faiths, if present. If none are present, then a moment of reflection.

**PLEDGE OF ALLEGIANCE:**

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

**Mr. Phipps** moved to approve the Work Session Meeting Minutes for October 22, 2018, **Mr. McLaughlin** second, all voted in favor.

**Mr. Barksdale** moved to approve the Regular Meeting Minutes for November 5, 2018, **Mr. Phipps** second, all voted in favor.

**COMMUNICATIONS – COUNCIL:**

**Mr. Caesar** thanked the Street Department for picking up the leaves and making sure the city looks nice. He added that in several parts of town last night there were limbs and trees all over the place and they were out in the middle of the night cleaning.

**Dr. Knable** agreed and stated that it was a tremendous response but them, Duke Energy, NAPD, and NAFD. He thanked Officer Schultz for being at the meeting tonight as well.

**COMMUNICATIONS – MAYOR:**

**Mr. Wood** stated that the Mayor would like to invite the council members to Light Up New Albany on Saturday November 24<sup>th</sup> at Bicentennial Park at 6:00 p.m. He reminded them that Saturday is also Small Business Saturday and invited them to come down and enjoy the Jingle Walk from 2:00-6:00 p.m. He added that the administration is monitoring the weather and have crews ready and available if the weather should take a turn.

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

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

**HISTORIC PRESERVATION – Mr. Barksdale**

**Mr. Barksdale** gave a brief history on the New Albany Historic Preservation Commission and explained that there are four districts in New Albany that monitors about ~800 buildings. He stated that the commission meets every 3<sup>rd</sup> Wednesday of the month and invited everyone to come out and attend a meeting if they get a chance. He explained that they have received 68 Certificate of Appropriateness letters so far this year with one currently tabled, pending further investigation, 3 withdrawn because they decided to go another way and 64 approved. He stated that of the 64 approved, 39 were staff-approved so the applicant did not have to come to a meeting. He added that the NAHPC also co-sponsors, along with Develop New Albany, the annual New Albany Facelift Awards to acknowledge outstanding restoration of homes and commercial buildings.

**PLAN COMMISSION – Mr. Phipps**

**Mr. Phipps** stated that they haven't met since the last meeting.

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES:**

**READING**

**COMMUNICATIONS – PUBLIC: Z-18-04 (Green Valley Road PUDD)**

**Dr. Knable** stated that they received a letter from Fred and Rosalind Metzmeier in their packet and asked if they all had a chance to read over it. Said letter is on file with the City Clerk's office.

**Richard Schultze, Kettering, OH**, spoke on behalf of Opal Sorrels in opposition of Z-18-14 He explained that they are surprised to see this before the council again and the neighbors feel it is inappropriate development and will have an adverse impact on her community. He discussed the history of the project and stated that they do not believe key information has been addressed. He added that they do not appreciate the implied threat of this reverting to by-right property and stated that he thinks this is distasteful. He asked that the council not to move on the first entity to come along and want to develop this land and encourages them to come up with a prioritized list that they want to develop because he doesn't think this would be anywhere near the top of the list.

**Ebbie Carroll, 2424 Bohannon Lane**, asked how these council members could vote for the PUDD in question when they do not live in the area. She spoke about traffic issues and stressed the fact that they would not disclose how they recorded the traffic count, which is something they should have access to.

**Patty Reed, 2416 Green Valley Road**, passed out additional signatures for the petition in opposition to the Green Valley Road PUDD. Said petition is on file with the City Clerk's office. She went over maps of the area with the council and stated that this area is an environmentally sensitive area, with the steep slope and flood plain, and it can't be ignored. She added that they need to think before they give any kind of approval

**Scott Reed, 2416 Green Valley Road**, stated that there are a lot of things an R-2 developments helps with like traffic and more land for planting. He added that something will go in at this location but it has to be the right project. He stated that he hopes that the idea of by-right would fit in with Comprehensive Plan, which they already have in place. He asked the council to keep the zoning R-2 for safety and aesthetic reasons.

**Joe Grantz, 2617 Deville Drive Floyds Knobs**, stated that his mom and dad have been at this property for 66 years + and all they have been trying to do is put something on the property that his family can be proud of. He gave a brief family history of the property and added that they have worked hard to take care of every concern that has been brought to them and ask the council for their support.

**Connie Wettle, 208 South Bohannon Lane**, asked that the council be focused on the thought of leaving this as R-2 and feels they have moved so far away from some of the original stipulations.

**Bruce Wettle, 208 South Bohannon Lane**, He stated that it is the wrong project in the wrong area. He explained that the Corps of Engineers and DNR recognize the flooding issues in this area and his neighbors are having to get insurance to cover their property. He added that they have the problems with traffic, sewage and drainage so when are they going to say enough-is-enough and addressed the infrastructure before they keep adding more.

**COMMUNICATIONS-PETITIONER: Z-18-04 (Green Valley Road PUDD)**

**John Kraft, Young, Lind, Endres & Kraft, 126 West Spring Street**, stated that he is appearing on behalf of the petitioner. He explained that this comes to the council with a favorable recommendation from the Plan Commission and asked that they keep in mind the five things that Indiana Code gives them to look regarding this type of development. He stated that the Comprehensive Plan deals with this type of development and ultimately this is the spot for it. He explained that according to the Comprehensive Plan this site is located in a mixed density residential area in which a variety of housing options should be available. He stated that they keep hearing that this will decrease the value of the homes in the area so they took all 29 properties and had the assessed valuation of them calculated. He reminded them that Mr. Thieneman's starting price point is \$170,000-\$175,000 and the average value of the homes in the area is \$139,979.31. He added that these numbers come directly from the Assessor's office if they would like to check them.

**Jason Copperwaite, Paul Primavera & Associates**, he stated that last meeting they talked about the screening along the north property line and passed out a drawing that was originally proposed for this screening for the council to review. He explained that it was proposed to be a double-stacked evergreen stream on 12' centers. He stated that there was a lot of discussion regarding the traffic study and he passed out Mr. Chet Skwarcan's resume so that they can see his

qualifications. He added that he has performed over 300 traffic studies state-wide, several being in New Albany. He stated that they have been doing business with him for 25 years and he is a very accomplished and respected engineer. He explained that they did an analysis of the number of bedrooms and it comes out to less than what a theoretical by-right would be allowed to do. He stated that there has been a lot of discussion about the scale and after doing an analysis of the grading, they can set the units behind the Reid house such that their roof line is no higher. He explained that there has been a lot of discussion about the Comprehensive Plan but they have given them facts, figures, expert reports and would hope that the Council would pay attention to those and not fear.

**Mr. Coffey** stated that he isn't discounting the resume but there is no information on how they ascertained the numbers from the traffic study. He asked what kind of traffic study they did.

**Mr. Copperwaite** stated that he doesn't know how the counts were done but he did take physical counts in January of this year.

**Mr. Coffey** stated that the traffic study was turned in to the State on February 1 and he would like to know when the counts were taken so that they may take other factors into account.

**Mr. Copperwaite** stated that it was key that they go back to take counts while school was in session. He added that from his memory it seems like the counts were taken January 15 & 16 or somewhere in that rang.

**Dr. Knable** wanted to make sure that everyone received the Statement of Projected Economic Impact from Josh Staten, said information is on file with the City Clerk's office.

**Z-18-04 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-18-04 and moved to approve the third reading as amended, Mr. Blair second, all voted in favor with the exception of Mr. Coffey and Mr. Barksdale. Bill Z-18-19 becomes Ordinance Z-18-18**

**Mr. Phipps moved to add the stipulation including the height restriction no taller than the Reid's building and the inclusion of a buffer way, Mr. Blair second, all voted in favor with the exception of Mr. Coffey who voted no.**

**Mr. Phipps** stated that he voted against this initially and abstained at the Plan Commission meetings because he was one the fence, and still felt that way after the last meeting. He stated that he walked the property at the invitation of the Grantz family last Sunday and he can see from the slope that there is no possible way the water will drain on Bohannon. He added that the Daisy Lane entrance is a fair amount away from the Green Valley entrance, and while traffic will likely always be heavier on Green Valley entrance, but trial and error will direct them the other way. He stated that he likes the smaller plan, the use of Hardie Board, and as the developer said tonight, they developer will ensure that the roof lines will be no taller than the Reid's building. He explained that if that is added as a stipulation as well as the buffer wall, he will vote in favor tonight.

**Mr. Coffey** stated that he doesn't think as a body they have the right to put other homes at risk of having to get flood insurance and years ago there were ways that they could have remedied this, but the City didn't take action. He urged the citizens to get involved with the new zoning ordinance and asked what council person could agree to this and then agree to that in the zoning ordinance that requires compatible structures. He stated that he doesn't have a problem with development but he has a problem when the City doesn't take care of infrastructure.

**Mr. Phipps** stated that they haven't passed that ordinance and there is no guarantee it will pass in the current form so they have to govern under current law.

**Mr. Coffey** stated that the current law is that it is an R2

**Mr. Phipps** stated that they have the ability by law to change it.

**Mr. Blair** stated that when he looks at the development in this community, he thinks this is the type of development that they should encourage. He added that this is compatible to the Comprehensive Plan and from what he has read it seems to be compatible to the proposed zoning ordinance. He mentioned that they have to encourage investment in the city because it is money coming into the community that will allow them to generate additional funds to do infrastructure improvements. He stated for those reasons he thinks the positives outweigh the negatives and if they turn this down it sends the wrong message to developers and investors.

**Mr. Coffey** stated that he respects that but so many of the developments end up costing more than what it brings in like the Coyle property.

**Mr. Blair** stated that he disagrees with him on the Breakwater Development because there was a quick payback on the investment for that property.

**Mr. Phipps** stated that this project will generate more tax revenue so they have more money to invest in infrastructure.

**Mr. McLaughlin** stated that he is basing his decision on several things including family members that traverse Daisy Lane and Green Valley on a regular basis who have informed his opinion on the perceived traffic issues.

**Mr. Phipps** stated that he does want to give the residents credit for getting signatures for the petition, but more than half of those signing don't even live in the area, and he thinks that discredits the idea by making it seem like they are grasping for straws.

**Mr. Aebersold** stated that there were some issues talked about including sewage, run-off and traffic and he has looked into these over the last few weeks. He explained that he has visited the property twice and he doesn't see the issue with drainage or run-off. He added that if he were to buy one of these houses, he would learn quickly to exit onto Daisy Lane instead of Green Valley Road because of the traffic. He stated that those three main issues have been addressed and solved. He added that no one has a crystal ball on what will happen in the future and if it isn't this project it will be a project of separate houses and all these issues will still need to be addressed.

**Mr. Phipps** stated that this has been a tough decision for him and he has gone back and forth, but walking the property helped him make that decision.

**Mr. Barksdale** stated that he appreciates the contractor and the family bringing the new plan back and it is better, but he still has concerns with traffic. He explained that when he was out walking the site on Sunday he had a hard time coming out on to Green Valley without an added project and some of the area is very low which to him equates to flooding issues.

**Dr. Knable** stated that to Mr. Schultz point regarding building by-right, he does agree that it seemed to be used a sort of soft bludgeon, but they are also correct that an inferior product could be put in there. He added that for what is it worth, he left shortly after Mr. Barksdale and he didn't have any issues turning out onto Green Valley.

#### **COMMUNICATIONS – PUBLIC: Z-18-05 (Zoning Code)**

#### **COMMUNICATIONS-PETITIONER: Z-18-05 (Zoning Code)**

**Mr. Wood** introduced Brian Stump who is the principal consultant on the zoning ordinance project.

**Mr. Stump** addressed the Council with a presentation summarizing what their goals were regarding the zoning ordinance. He stated that the current zoning code was adopted in 1971 with relatively few amendments since, and while it was a good ordinance when it was adopted, things have changed a lot and it doesn't fit with the needs of the City. He explained that the Comprehensive Plan comes into play to providing an important insight to the future vision of the community. He stated that the Comprehensive Plan can be summed up into the follow five main themes that come down to protecting the quality of life and encouraging community investment. He explained that updating community standards is one of the key elements in implementing the vision of the Comprehensive Plan. He stated that for mature cities the zoning ordinance is a balancing act between how to address new development/redevelopment and managing existing land uses.

#### **Preserving Quality of Life**

- Preserving and Enhancing the Urban Natural Forest which will address issues like measuring steep slopes, tree preservation and landscaping requirements.

- Capability of New Development identifies different building types and then sets standards to encourage compatibility as well as measuring compatibility. This includes the Design Review Board (DSR) and the Technical Review Committee (TRC) and should the council decide to include them they will help with the review of major projects.
- Property Maintenance Standards covers such items as refuse and weeds
- Rental Housing Inspection would become effective on July 1, 2019
- Short Term Rentals complies with state requirements and provides protections for the uses of these rentals.
- Improvement of Enforcement because standards don't mean much if there is no way to enforce them. Includes ticketing process to deal directly with the violator and allows for quicker implementation.
- Emerging Community Investment by simplifying the ordinance and a broader range of land uses.
- Encouraging Investment by having a clear process for standards and modernizing the standards.
- Standards for Public Right-of-Way Use by regulating such things as outdoor eating areas.

**Mr. Stump** summarized a list of items mentioned in the work session including the rental housing inspection and removing the annual inspection requirements.

**Mr. Barksdale** stated that they also mention time of occupancy.

**Mr. Stump** asked if they are looking at this for every vacancy.

**Dr. Knable** stated that to him it would mean that inspections take place prior to move-in date.

**Mr. Caesar** stated that they don't want annual inspections but they want to be able to inspect.

**Mr. Stump** stated that it was requested that short-terms rentals not be exempted from the rental housing process so they gave them their own registration process.

**Mr. Barksdale** stated that it should include the downtown and uptown retail areas.

**Mr. Phipps** asked if they would need to assign the area specifically.

**Mr. Barksdale** stated that they could go with the commercial district of Vincennes Street Corridor.

**Mr. Stump** stated that they limited sexually oriented businesses to the industrial district, tattoo shops were relocated to retail, multi-sorted warehouses will not be permitted in the downtown area.

**Mr. Barksdale** stated that he has a list of definitions that need to be added including Certificate of Appropriateness, Design Review Board, notice of zoning violation, Technical Advisory Committee and Tree Board,

**Mr. Stump** stated that they will get those added.

**Dr. Knable** stated that Mr. Blair indicated some points of clarification and proofreading issues that he itemized by chapter and unless there was some strong opposition they could work these into the document between now and the third reading.

**Mr. Blair** stated that they are all working together to produce the best documents they can after going through the ordinance he has a list of Amendments for Proof Reading Revisions and Clarifications that he would like to be added into the minutes for the record.

#### Chapter 3 – Definitions

- 1) Bedroom – add “containing a closet and an egress” after “primarily for sleeping purposes”
- 2) Common Elements – change the title to “Common Elements, Rental Housing”
- 3) Flood Plain – replace “regulatory flood” with “floodplain management or FEMA.”
- 4) Garage, Public – change the title to “Garage, Commercial”
- 5) Sign, Vehicle – add “motor” before “ vehicle” and add “or trailer” at the end of the sentence
- 6) Stable, Private – add “Horse” before “Stable”

#### Chapter 4 – Zoning Districts

- 7) 4.5 Lot Frontage – change “with” to “without”
- 8) 4.7 Lot Frontage – change “with” to “without”
- 9) 4.8 Lot Frontage – change “with” to “without”

## Chapter 5 – Use Table

- 10) 5.3 8 – move entire section (8a – 8g) to Chapter 6 as own Article

## Chapter 6 – Development Standards

- 11) Table of Contents 6.13 – add “Mobile Home” before “Park Standards” (“Mobile Home And Mobile Home Park Standards”)
- 12) 6.1 A 5 – change “such as” to “including” and move “not” to after “shall” (should read “antenna dishes shall not be permitted”)
- 13) 6.1 E – delete “to the highest point of the roof” (Building Height is further defined in the Definitions)
- 14) 6.3 C 7 c i – delete “a” after “Be”
- 15) 6.10 K 2 a – replace “may” with “shall” (should read “Trees shall be clustered”)
- 16) 6.10 K 2 b – replace “may” with “shall” (should read “Shrubs shall be clustered”)
- 17) 6.13 – add “Mobile Home” before “Park” in title (“Mobile Home And Mobile Home Park Standards”)
- 18) 6.14 – Replace Title with “Outdoor Storage, Outdoor Sales Display, And Recreational Vehicles”
- 19) 6.19 B –add “except for Highway Oriented Commercial and Industrial districts” after “districts”
- 20) 6.20 E 1 –add “and do not require a permit.” after “time”
- 21) 6.20 E 1 c – the third subsection needs to be renumbered as item “c” not “a”
- 22) 6.20 G 1 –add “Section 6.20(E) and” after “exempted in”
- 23) 6.20 G 3 –add “and in Section 6.20(E) Temporary Signs” after “Authorized Signs”
- 24) 6.20 H 1 b i – add “of” after “developments” and delete “in area” (should read “Residential developments of four (4) acres or less may have ...”)
- 25) 6.20 H 1 b ii – delete “in area” and replace “which have” with “with” (should read “Residential developments over four (4) acres may have a sign or signs with a total area ...”)
- 26) 6.20 K 1 – the entire subsection (1a through 1e) needs to be moved to 6.20 E as subsection 4. (keeps Temporary Sign Standards together since there is no specific district use for temporary signs)
- 27) 6.20 K 1 a – delete subsection a (this conflicts with total sign area in 6.20 E)

## Chapter 7

- 28) 7.7 f 4 –add “by the Plan Commission” after “delegated”
- 29) 7.10 C –replace “its” with “his/her” after “The Director may, in”
- 30) 7.12 c 3 – add “Application for” after “may review any”
- 31) 7.12 c 4 –add “Application for” after “shall review the”
- 32) 7.16 –change title to “Rental House Registration and Inspection Program”
- 33) 7.16 C 1 g – add new subsection g – “g. Short-Term Rental Houses as defined in Article 6.19”
- 34) 7.16 C 2 – replace subsection with “To claim an exemption from this article, it is the responsibility of the person who owns or operates the dwelling unit to provide the documentation to the Rental Housing Officer or designee for the determination if the dwelling unit is exempt.”
- 35) 7.16 F 2 – delete period (.) after “notice issuance date in which to submit a complete and accurate”
- 36) 7.16 H 3 – add a blank space between “A” and “re-inspection” (should read “A re-inspection shall be ...”)
- 37) 7.16 I 2 a – replace “bases” with “violations”
- 38) 7.17 D 2 – add “or not” after “premises whether”

## Chapter 8

- 39) 8.1 A 8 – delete “of” after “in writing, for”

## Chapter 9

- 40) 9.6 B 4 – replace “an” with “in” (should read “...may be expanded in aggregate...”)

### **Amendments for Contents and Changes**

## Chapter 3 – Definitions

- 1) Camp, Public or Private - add “for a time period of not more than 30 days” after “tents, or other camping outfits”
- 2) Dwelling, Duplex – delete “each Dwelling Unit being a minimum of twenty-three (23) feet wide”
- 3) Dwelling, Fourplex – delete “each Dwelling Unit being a minimum of twenty-three (23) feet wide”
- 4) Dwelling, Single-Family – delete “being a minimum of twenty-three (23) feet wide”
- 5) Dwelling, Triplex – delete “each Dwelling Unit being a minimum of twenty-three (23) feet wide”

- 6) Industry, Medium – delete “construction and manufacturing of outdoor advertising signs”
- 7) Lot Coverage – delete “building” and add “primary structure not including accessory buildings”
- 8) Upper Story Residential – delete “Non residential uses are not permitted above the residential uses in such a building”

#### Chapter 4 – Zoning Districts

- 9) 4.3 footnote 2 – add “duplexes and” before “multi-family units”
- 10) 4.4 footnote 2 – add “duplexes, rowhouses and” before “multi-family units”
- 11) 4.11 B Lot Requirements – delete this section (no minimum lot size for open spaces to accommodate uses such as a pocket park)

#### Chapter 5 – Use Table

- 12) Bungalow Court – add as Permitted in MDR
- 13) Apartment Complex Small – change to Permitted from Special Exception in MDR, TR, MC, D, and MU
- 14) Assisted Living Facility – add as Permitted in MDR
- 15) Retail Special Handling – delete Special Exception in HC (not permitted)
- 16) Funeral Home or Mortuary – add as Special Exception in TR, add as Permitted in MC, D, and MU
- 17) Sexually Oriented Business – delete Special Exception in MC (not permitted)

#### Chapter 6 – Development Standards

- 18) 6.3 G 2 – delete entire subsections (2a & 2b)
- 19) 6.5 1. Single Family Detached: Medium – delete J Main Body Width (no maximum width size of house)
- 20) 6.5 1. Single Family Detached: Medium – delete L Private Open Space Width and Depth (no set dimensions for back yard, still 500 sf min.)
- 21) 6.5 2. Single Family Detached: Compact – delete C Main Body Width
- 22) 6.5 2. Single Family Detached: Compact – delete E Private Open Space Width and Depth (no set dimensions for back yard, still 300 sf min.)
- 23) 6.5 3. Bungalow Court – delete E Private Open Space Width and Depth (no set dimensions for back yard, still 400 sf min.)
- 24) 6.5 4. Duplex – delete C Main Body Width
- 25) 6.5 4. Duplex – delete C Secondary Wings Width
- 26) 6.5 4. Duplex – delete Private Open Space Width and Depth (no set dimensions for back yard, still 300 sf min.)
- 27) 6.5 5. Rowhouse – delete C Main Body Width of 36’ max (still 18’ min width)
- 28) 6.5 5. Rowhouse – delete E Private Open Space Width and Depth (no set dimensions for back yard, still 100 sf min.)
- 29) 6.5 6. Apartment Complex: Small – delete E Private Open Space Width and Depth (no set dimensions for back yard, still 100 sf min.)
- 30) 6.9 F 2 – add at the end of the sentence “typically the hours of 8:00 am to 5:00 pm Monday through Friday”
- 31) 6.10 B 1 a – change “four-inch (4”)” to six-inch (6”)”
- 32) 6.10 B 2 c – add “and/or rock mulch” after “entirely pervious”
- 33) 6.10 J 1 – change “thirty (30)” to “fifteen (15)” and delete “and twenty-five (25) shrubs”
- 34) 6.10 J 2 – delete “and twenty-five (25) shrubs”
- 35) 6.10 K 4 a – delete entire section
- 36) 6.14 B 1 – add “in the front yard, including in a front yard designated driveway,” after “outdoors” and delete “A Recreational Vehicle may be stored inside a lawfully-erected structure that includes a roof and fully encloses the vehicle.”
- 37) 6.17 C 1 k – add new subsection k “k. Any poison ivy or other poisonous plant that is detrimental to public health”
- 38) 6.17 C 10 – add new subsection 10 – “10. No person shall park a motor vehicle or trailer in a front yard, rear yard, or side yard other than a designated driveway”
- 39) 6.19 D 3 b - add at the end of the sentence – “the maximum number of occupants is two people per bedroom plus one child under the age of 18 years per bedroom”
- 40) 6.19 D 9 e – add new subsection e “e. Host a gathering of more people than two times the Maximum Occupancy”

#### Chapter 7

- 41) 7.6 D replace “Design Review Board” with “Department”
- 42) 7.7 G 10 – add at the end of this subsection “The Grade Level of the present traffic impact compared to the future traffic impact cannot decrease by more than one full letter grade. “
- 43) 7.16 F 2 – delete “Unless waived by either the owner or tenant”

- 44) 7.16 F 3 – delete last sentence “The Common Council has determined that the inspections provided in this article for all rental units constitutes a reasonable method to protect the health, safety, and welfare to its citizens.”
- 45) 7.16 M 1- delete this subsection
- 46) 7.17 R – delete “It is the intent of the Common Council that” (The sentence should start with “This article provides a...”)”

#### Chapter 8

- 47) 8.1 A 11 – add “or Council” after “Plan Commission or Board”
- 48) 8.4 – delete entire section (no Design Review Board)
- 49) 8.8 A – replace “members, as invited by the Director.....City Departments” with “the following members: a member of the City Council; a member of the Plan Commission; the Fire Marshal; a representative from the Police Department; the Attorney for the Plan Commission; the Director of the Department of Planning; the City Engineer; the Director of Wastewater Management; the Director of Stormwater Management; the Director of Redevelopment”

#### Chapter 9

- 50) 9.7 D. delete entire subsection (no consolidation of outdoor signs)

**Mr. Blair** stated that he feels that some of these standards discourage investment instead of encouraging it.

**Mr. Caesar** stated that regarding motorhomes, he doesn't want to see them parked anywhere.

**Mr. Blair** stated that this is open for discussion because these are just his recommendations.

**Mr. Coffey** stated that the issue is they have 9 people here deciding what they want.

**Mr. Phipps** stated that elected officials are tasked with making decisions for their constituents, which is why it is called elected government.

**Mr. Coffey** stated that they need to ask the residents what they can live with before making these decisions.

**Dr. Knable** stated that they all need to look at these suggestions from Mr. Blair and have input.

**Mr. Blair** stated that he doesn't see the necessity of a Design Review Board (DRB) because there is already a design process and the staff is involved. He added that it creates uncertainty and make it harder to do business with the city.

**Dr. Knable** asked Mr. Stump why it was something they added and how they see it making life easier for those in the city.

**Mr. Stump** stated that the DRB would only be utilized on large projects that are more than five acres. He explained that is there to address concerns at a public meeting before it goes before the Council or Plan Commission for a vote.

**Mr. Blair** asked why they are negotiating with a developer when it is already in the ordinance.

**Dr. Knable** stated that he has heard from individuals in the business that are in favor of this board.

**Mr. Blair** stated that he met with the Director of the Builders and Developers of Southern Indiana who polled his members and not one of them liked the idea.

**Mr. Stump** reiterated that the board simply gives recommendations and the Council can choose not to follow those recommendations.

**Mr. Phipps** stated that just like the Historic Preservation Board they would pick people that have some degree of interest and/or expertise that will make suggestions that they may not have the skills to see which could make the end project much better than it would have been.

**There was a lengthy discussion regarding the need for a Design Review Board and the pros and cons of including such a board in the ordinance.**

**Dr. Knable** stated that he would recommend that they leave it in for first and second reading to give them all time to digest and think about how they want to proceed.



**Mr. Blair** agreed and stated that he would also like to get feedback from legal as well as Charlie Smith.

**Mr. Wood** stated that he has a background in design and brought that experience with him those that come after him might not have the same background. He added that the DRB is the chance for the council to have some control and he believes it is a useful tool.

**Dr. Knable** stated that given all the information that they have to review he doesn't see how a third reading on this could take place at the first December meeting.

**Mr. Wood** explained that there is a statutory requirement that if they don't do a final action tonight, they have to announce where and when they will have the next reading. He added that if they intend to do this at the second meeting in December they will take care of the legal ad that is required.

**Ms. Stein** stated that she isn't sure that she will get the comments from the outside attorney in time to discuss their comment and advertise for the second meeting in December.

**Dr. Knable** asked if there is any issue if they hold it off until the first meeting in January.

**Mr. Wood** stated that they would have plenty of time to get a legal ad together for that.

**Mr. Blair** stated that he will ask Charlie Smith to come in at the first meeting in December. He asked if they could have a work session as well before the third reading.

**Ms. Stein** stated that she doesn't see an issue with that and asked if they are wanting to do all of this prior to the December 20 or January 7 meeting.

**Mr. Blair** replied January 7.

**Dr. Knable** asked Mr. Wood if everything works out for him statutorily if they hold off until the first meeting in January.

**Mr. Wood** stated that and it will be really tight but they can do it. He asked to clarify for the record that the third reading will be on January 7 here in the assembly room.

**Dr. Knable** stated that is correct.

**Z-18-05                    An Ordinance Concerning the Adoption of a                    Phipps 1&2  
Replacement Zoning Ordinance and Official  
Zoning Map for the City of New Albany and  
the Unincorporated Two-Mile Fringe Area**

**Mr. Phipps introduced Z-18-05 and moved to approve the first and second readings, Mr. Barksdale second, all voted in favor.**

**INTRODUCTION OF RESOLUTIONS:**

**BOARD APPOINTMENTS:**

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

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 9:34 p.m.

---

Al Knable, President

---

Mindy Milburn, Deputy City Clerk