

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, HELD A REGULAR COUNCIL MEETING VIA ZOOM.COM ON
THURSDAY, AUGUST 20, 2020 AT 7:00 P.M.**

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

ALSO PRESENT: Ms. Stein, Mr. Gibson, Mrs. Moeller and Mrs. Glotzbach.

CALL TO ORDER:

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

INVOCATION: Given by **Rajad Zed, President, Universal Society of Hinduism**

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. McLaughlin moved to approve the **Work Session Meeting Minutes for August 3, 2020**, **Mr. Applegate** second, all voted in favor.

Dr. Knable moved to approve the **Regular Meeting Minutes for August 3, 2020**, **Mrs. Collier** second, all voted in favor.

COMMUNICATIONS – COUNCIL:

Mr. Turner stated that he has not received an email from Mr. Summers regarding Slate Run Road and he has been emailing since August 4th. He said that he had several questions there so he is still working on that. He also said that they are basically going to go from Garretson Avenue to the church and dig up some of the areas that they know are bad and the estimated cost is \$200,000.00. He stated that he has received an email from a different person at INDOT stating that the subgrade under the road from Charlestown Road to Garretson Lane is not going to hold up so he thinks we will see more problems in the future from that. He said his biggest question is who okayed them to just pour asphalt on top of untreated subgrade. He stated that when he was out there, Mr. Summers was there while they poured asphalt into a great big hole so he feels he was complicit. He said that another concern he has is we're spending \$200,000.00 to rework a project and we are giving the same people that made the mistake more money to do the job again if it was their choice to fill those holes. He added that the taxpayers should be concerned about how easy it was to go to redevelopment and just ask for \$200,000.00 more. He stated that at redevelopment it was mentioned that they saw field reports from S&ME and he would like to see those field reports so he will be reaching out for those.

Mr. Applegate stated that since Mr. Turner has talked about INDOT a few times he would like to have the recommendations or engineering advice that he is getting from them on this project. He added that if they are offering up engineering services that may be something that we need to look at.

Mr. McLaughlin stated that he virtually attended the board of works meeting and there may be a few street lights that we are looking into on Country Club Drive. He said that he was speaking with Mr. Thompson about those and a light on Graybrook Lane that is not even working.

Mrs. Collier stated that she spoke to the owner at Faith Forgotten Choppers on Corydon Pike and she wanted to let everyone know that they are going to be having a fundraiser on October 10th for Veterans in our area. She said it will be an all-day event but she is not sure what they will be doing for the fundraiser. She stated that she is going there on

Tuesday to talk with them and get a little more information and she will share that with the council as it becomes available.

Dr. Knable stated that if it is true that Mr. Turner has had multiple emails out since early August and has received no response, he feels that is unacceptable. He said that he doesn't know if they as a council or the council president could act as a conduit. He also said that Mr. Turner is an elected official and represents thousands of people so he thinks there needs to be communication. He stated that the simplest thing to do may be for him to copy President Caesar or the entire council on every email that goes out to an official so we can see what is transpiring here. He also stated that he has personally never had any issues with getting communications back but he has no reason to believe that Mr. Turner is not telling the truth so that needs to be fixed just because of the respect accorded to him as an elected official. He added that none of us would find it acceptable if it were happening to us. He stated that he really wants to hear details on the decision making process from redevelopment on that \$200,000.00 expenditure.

Mr. Blair stated to just reiterate what Mr. Turner said, he has also reached out for the redesign of the intersection at Charlestown Road and St. Joe/Kamer Miller and has not gotten any communication back from the administration. He said that Mr. Applegate and he have discussed it but he has not heard anything back from the administration and he has sent several emails, voicemails and texts. He stated that there are a lot of concerns about that intersection because right now it is designed to where you can't make a right hand turn out of a commercial area. He said right now they are rerouting behind on a street named Booker and are rerouting commercial traffic (delivery trucks, etc.) onto a residential street. He stated there is a lot of concern about that and he wants to make sure that we are looking at all possibilities. He also stated that it is a tricky intersection and whatever you do to it, there is going to be someone who will not benefit from it. He then stated that he was reviewing the June budget to actual report and noticed two items that budget amendments were made to so he sent emails to Mrs. Moeller and Mr. Gibson and asked questions about those. He said one is line item 4317 in the controller's budget for contractual services which had a budget amendment of \$20,568.00 added to it. He stated that there was additional spending in the amount of \$14,591.00 in that line item so he would like to understand what that is. He said that then if you look at our EDIT department line item 4443 under office equipment, there is a budget amendment of \$500,000.00 but nothing has been expended in that line item yet. He stated that it is his understanding that the council has sole responsibility for appropriations approval and he doesn't recall either of those items coming before the council for approval so he wanted to understand why those budget amendments were added without the council's approval.

COMMUNICATIONS – MAYOR:

Mr. Gibson stated that school is starting back up and we obviously still have issues with COVID-19 so Mayor Gahan just wanted to remind everyone to be cognizant of the COVID-19 guidelines and to keep following them.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mrs. Moeller stated that she would like to respond to Mr. Blair's two questions. She explained that the first one that was for approximately \$26,000.00 was because the county auditor made a mistake and overpaid us when we received our 2019 settlement so we had to refund that amount. She said that it does appear as a budget adjustment because that is exactly what it is and it is money that we received but had to return that was between the two years. She added that it happened in 2019 but it got carried over into 2020. She explained that in the EDIT fund, the \$500,000.00 was a budgeted item for furniture for city hall and those funds were encumbered into the next year. She said that the city council did budget it but since those funds were not expended, they were encumbered.

Mr. Blair asked if he could get a list of the detailed expenditures for the line item in the controller's office in the amount of \$64,591.62.

Mrs. Moeller replied sure and asked him to shoot her an email on that.

Mr. Blair said he would and asked if he is okay to copy the council on this because if he asks a question, he likes for the whole council to be aware of it but he is not sure of the legality as far as how many members can be copied.

Ms. Stein recommended that he present the email to the council at a later date because she wouldn't have all of the council members on one email going back and forth.

Mr. Blair said that he will just do the email himself and then present it at the council meeting after he receives a reply. He then stated that he remembers appropriating the \$500,000.00 for furniture for city hall in 2018 for 2019 and asked if they have to appropriate it again for the next year if it is not used.

Mrs. Moeller stated that she thinks they are fine with the encumbrance because she has the paperwork to support it and they just didn't have sufficient time to make the purchases in 2019 so it carried over to 2020 with the encumbrance. She explained that it is pretty standard and usually with an encumbrance, it is something that you anticipate doing soon but with city hall, they just haven't gotten to that point yet.

Mr. Blair asked Ms. Stein if it is allowable to roll something over to the next year or does the council have to re-appropriate it.

Ms. Stein stated that she can look into it further if he wants her to.

Mr. Blair stated that he would appreciate that and will send a formal email just so she has the request.

Dr. Knable stated that he wouldn't swear that the council didn't verbally approve that so Ms. Stein may want to check the minutes on last year's budget discussion on that. He then asked that Mr. Blair ask Ms. Moeller to send responses to Mr. Blair's requests to all council members so that they will get it in real time rather than take up time in a meeting to go through it.

Ms. Stein stated that it would need to be part of a meeting for the public record.

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

TRAFFIC & SAFETY – Mr. Applegate

Mr. Applegate stated that they did meet and they are looking at another meeting next week. He said that the meeting was about procedures and they will be meeting again with further information and hopefully get things put into place with a little more detail.

REDEVELOPMENT – Mr. Applegate

Mr. Applegate stated that they haven't approved a change order yet for Slate Run Road and he knows there are some changes that were recommended and will most likely be coming down the line, but nothing has actually been approved yet.

Mr. Turner asked Mr. Applegate if he could make those change orders available to the council when they come through and also get the S&ME field reports for them.

Mr. Applegate said that he will work with them at the meeting to get that information.

Mr. Turner thanked Mr. Applegate.

CAESARS FOUNDATION – Mr. Aebersold

Mr. Aebersold stated that they met last week and they put a lot of information together and are in the process now of looking for a new Director for the Caesars Foundation and that should be getting out into the media. He said that Mr. Jerry Finn is gracious enough to stay with them a month or two into the next year until they get someone to fill his position so we have some time. He stated that as more information comes along, he will let the council know.

ONE SOUTHERN INDIANA – Ms. Lisa Brooking & Mr. Matt Hall

Mr. Hall stated that they have had a response to COVID-19 for their members and businesses and it was under a program that they called 1si Cares and there are pieces to that where they offered assistance to their businesses. He said that the most intense piece of that was probably three loan products that they were able to pull together to assist businesses in need and, of course, New Albany participated in that effort. He also said that he and Ms. Brooking partnered to manage these three products. He explained that the first product was an Emergency Relief Fund and there were 48 loans given out in that program and the total on that was about \$438,000.00. He also explained that they then had a Community & Cultural Relief Fund Loan that was focused on our downtown businesses and what our southern Indiana culture means. He said there were 42 loans given out in that program and the total was about \$646,000.00. He stated that they also managed a loan program for Jeffersonville called Jeffersonville Sustains and they loaned \$172,000.00 to 35 different businesses. He said all in all there were 125 small business loans/grants and the total was about \$1.25M that was raised from the American Water Charitable Foundation, Blue Sky Foundation, Caesars Foundation of Floyd County, Clark County, Clarksville, Community Foundation of Southern Indiana, David C. and Rebekah Hussung Giving Fund of the National Christian Foundation, Duke Energy Foundation, Floyd County, Hoosier Energy Foundation, Judy McIntosh, Metro United Way, New Albany, OSI Foundation, Sellersburg and Wesbanco.

Ms. Brooking stated that when they started the loan program, they had the first money into the bank accounts of some of those businesses within six days of bringing in the first contribution which came from the OSI Foundation in the amount of \$30,000.00 and it just grew from there. She said that they moved that money very quickly to help those businesses and it was not without the help from a lot of people that she sees on this call who were part of that committee and part of that fundraising. She stated that as soon as the governor issued the “Stay at Home” order, 1si instantly went into “Ask the Expert” to help businesses know what to do. She explained that there were 35 “Ask the Expert” videos which dealt with security and sanitation, HR legal issues, marketing during a crisis, insurance concerns during a pandemic and small business issues. She stated that they did 23,100 minutes of Facebook videos to assist businesses as well as eight “Wednesdays with Wendy” virtual interviews. She said that Mayor Gahan was one of the guests as well as Senator Todd Young. She said that people had a lot of questions so they tried to bring in folks that could help get the answers that they needed during this time. She stated that the other piece that they were really proud of was that they found 60+ vendors that they put on their website that had PPE, and PPE as you know, was in short demand. She added that the ten 1si employees that did all of this did it from home and learned how to function in the Zoom world.

Mr. Hall stated that we actually did have some successes in economic movement in 2020 so not all of the news was bad. He said they had 42 new projects/inquiries and 31 of those were potential attraction projects, 7 were potential expansion/retention projects and 2 were potential regional location projects. He stated that they have had 6 successful project locations and they represent 289 new jobs to Clark and Floyd counties and \$17,251,021.00 in added payroll annually with an average wage of \$28.70/hour. He explained that 3 of those projects landed in New Albany which were ETS Jet Engine Stands, Inc., Koligo Therapeutics, Inc. and Northwest Ordinance Distilling (Sazerac of Indiana). He said all in all that was 130 new jobs in New Albany with \$8,434,400.00 added payroll annually which equated to an average wage of \$31.19/hour. He added that they had 2 successful project locations in Jeffersonville and 1 location in Borden.

Ms. Brooking stated that through the pandemic, 1si lost about 40 members but those members did not leave mad; they had to make the decision to pay their rent and employees or pay their 1si membership dues. She said that they naturally encouraged them to pay their rent and employees and they will welcome them back with open arms when they are ready to come back. She also said that they continued to help all businesses out there whether they were members or not including those that left because they needed to go. She stated that they did not have any in-person events, of course, but prior to COVID-19, they had close to 2,000 attendees at their in-person events. She said that they started the Insurance Under One program and they now have 77 employees in that program from Clark and Floyd counties. She explained that this is a great program for businesses that have less than 50 employees that don't have insurance so if anyone knows of any businesses like that, have them reach out to her. She stated that they had 59 virtual events during COVID-19 with 20,700 views.

Mr. Hall stated that they are a Chamber of Commerce and chambers historically have no shortage of meetings so this has been a challenge for them in how they bring people together safely. He said they have managed to have a couple of hybrid events with in-person attendance with lots and lots of safe distancing and safety measures and the choice to watch those virtually. He also said that they have been successful and applauded their team for putting those together and being very meticulous that they kept everyone safe. He stated that they are figuring this out like everyone else as they go along and are trying to get some sort of sense of normalcy during this pandemic, but as you can see in the information they provided on the chamber side and the economic development side, they are extremely busy. He also stated that he is hopeful that our economy will bounce back from this pandemic.

Dr. Knable stated that Mr. Hall and Ms. Brooking are being very modest and he knows that they put in hundreds of hours each on those loan products and no one in the country got money into the hands of local businesses faster than their group did as far as we know.

Mr. Hall stated that is correct as far as they know.

Dr. Knable stated that he thinks that is astounding and is a testament to their hard work but also a testament to the generosity of the community. He said he knows that it saved tens of our small businesses in our local communities so it was a job well done.

Mr. Hall thanked Dr. Knable and stated that it was folks on this Zoom call and folks on the committee that helped them process that very quickly and that it was a challenge but very rewarding.

Mr. Applegate stated that they also won Chamber of the Year for 2019 so that is a big deal also.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

COMMUNICATIONS PUBLIC: Z-20-01 Amending Zoning Ordinance

COMMUNICATIONS PETITIONER: Z-20-01 Amending Zoning Ordinance

Mr. John Kraft, Young, Lind, Endres & Kraft, stated that this comes to the council with a favorable recommendation from the plan commission and is a zoning change on 3.72 acres at the corner of Grant Line Road and Mel Smith Road. He said that it is a change from LDR to TR with written commitments by the petitioner and with the stated commitments, it represents responsible development in growth.

Mr. Colin Receveur, Receveur Real Estate, LLC, stated that he wanted to do a presentation on the project. He started with five main points that he wanted to address which were the timeline of the purchase with respect to the new zoning ordinance; the

neighborhood meetings that they had and how that influenced the current design; the elevation and privacy considerations; the traffic study and the intersection configuration; and the development commitments and next steps. He explained that on January 12th of last year, the new zoning ordinance was approved by the plan commission and on February 4th, the new ordinance was ratified by the previous city council. He stated that the plan commission certified the property as C3A on March 4th so one month after the zoning ordinance passed, Mr. Wood sent Mr. Kraft an email stated that the property had been certified as C3A. He said that the property was auctioned as C3A and he purchased under that understanding and that led to the situation we are in now because it had been rezoned LDR after that. He explained that he has had probably a dozen meetings with the neighbors and in July, he went door to door to all of the neighbors in Royal Oaks and on Mel Smith Road and showed them preliminary plans. He said that based on those conversations, they lowered the density from 60 to 48 because his vision for the project is not 3-story buildings packed in like sardines. He explained that from the very beginning, he has had gazebos, green space and significant buffers there because that was the feel that he wanted to put into the project and based on feedback from the neighbors, they made significant changes to the plans. He said that all of the buildings have been adjusted to be 100 ft. from the Royal Oaks property line and there are no windows that face the neighborhood because they rotated the buildings. He also said that he had surveyors out this week shooting elevations because one of the concerns at the last meeting was that the apartments would be looking into someone's backyard and pool. He then shared the changes that were made on a drawing of the property as well as some of the facts of elevation and traffic counts where this project is. He then presented an elevation topography map that he received from Mr. Wood and a map from the surveyor that shows that the house that is actually on the property right now is 4 ft. lower than one of the homes on the cul-de-sac. He said that Mr. King represented Mr. Clary and sat in on all of the meetings and has been very concerned about the elevational difference, but the buildings are going to go where the house is on the property right now so it is 4 ft. lower than Mr. Clary's home. He also said that the enjoyment of Mr. Clary's property as well as all of the other neighbors is not going to be affected at all.

Dr. Knable asked if those elevation points are foundation to foundation or rooftop to rooftop.

Mr. Receveur said that it is roughly a ground to ground elevation.

Dr. Knable asked if Mr. Clary would be looking down on a rooftop or will that highest story be higher than his elevation.

Mr. Receveur stated that he couldn't remember if Mr. Clary's house is a two-story or ranch but the buildings are going to be two-stories. He then stated that at the last meeting there were concerns about traffic from the residents as well as the council members and that they did do a traffic count pre-COVID. He explained they never moved forward with doing a complete traffic study because after they got the counts and went to INDOT and KIPDA and started looking around, they found that traffic has been literally almost stagnant on Mel Smith Road for the last seven years. He stated that the KIPDA count in 2013 was 2,800 cars and in 2020 it was 131 cars higher so that was a 4.6% increase over seven years which is almost negligible in the big scheme of things. He said that the traffic impact of this emptying onto Mel Smith Road is really minimal. He then stated that the property changed after he bought it and Mr. Wood suggested that he do a variance. He said that the project originally went to the board of zoning appeals but was not approved and they said it was really a rezoning issue. He explained that they came back in January to apply for rezoning with the written commitments that he is going to share in a few minutes. He stated that then COVID struck and the plan commission didn't meet for a while so now here we are in August. He said that the question was raised why they are doing a commitment rezoning rather than a PUDD. He said that PUDDs are designed for multi and mixed-use properties, not for a single use zoning. He added that what he is requesting here is consistent with the comprehensive plan. He moved on to the written commitments and stated they are dedicating the right-of-way for the Mel Smith Road in addition to the pizza slice which he pointed out on the map. He

said they are also reconfiguring the intersection and 150% of the current runoff is going to be detained in a detention basin.

Mr. Caesar asked if they are looking at brick and siding buildings or just siding.

Mr. Receveur stated he is looking at buildings having a significant amount of brick on four sides.

Mr. Caesar asked if he would be willing to come into the city if the city wanted to annex them at some point in the future.

Mr. Receveur stated that he would be willing to voluntarily annex but he knows that it is not contiguous right now. He then stated that in addition to deeding the city the right-of-way, they have reached an agreement with the city to help reconfigure the intersection.

**Z-20-01 An Ordinance Amending the Zoning Ordinance of Phipps 3rd
The Civil City of New Albany, IN General Revisions**

Mr. Phipps introduced Z-20-01 and moved to approve the third reading, Mr. Turner second,

Mr. Phipps withdrew his introduction,

Mr. Turner withdrew his second,

Mr. Phipps introduced Z-20-01 as amended and moved to approve the third reading, Mr. McLaughlin second, all voted in favor with the exception of Dr. Knable who abstained. Bill Z-20-01 becomes Ordinance Z-20-03.

Mr. Applegate moved to amend the ordinance to read that the specific amount of \$100,000.00 be added to commitments for reconfiguration at Mel Smith Road and Grant Line Road and that Mr. Receveur wouldn't object to annexation when and if it comes and/or would volunteer to annex when contiguous is met, Mrs. Collier second, all voted in favor with the exception of Mr. Blair and Mr. Turner who voted no.

Dr. Knable moved to amend the ordinance to read that Mr. Receveur puts forth in any contracts to any purchasers of units that they will waive the right to fight annexation, Mrs. Collier second, all voted in favor with the exception of Mr. Blair and Mr. Turner who voted no.

Mr. Phipps stated that it looks like there have been some improvements on this proposal from the previous meeting and he is much more comfortable with it. He said his only concern that remains is that we don't want to create more rezoning out there. He would like to put some kind of caveat clause in the ordinance saying that they are doing this specifically because of confusion on the dates and this no way implies that we want further high density in the area, in fact, we want to encourage low density.

Dr. Knable stated that he can see the point of Mr. Phipps saying this is a unique situation but he doesn't see that they have to qualify it as this was evidently certified immediately prior to the rezoning and wonders why it wasn't grandfathered in like some other areas were.

Mr. Caesar asked if every one of these are done by the right of what that particular subdivision might want. He said just because one got put in doesn't mean that they all have to be put in. He asked Mr. Wood to comment on that.

Mr. Wood stated that it could not be a legal nonconforming for apartments because apartments are not permitted in the C3A District so that was not an alternative. He said that each and every parcel is going to be considered on its own merits. He explained that he thinks Mr. Receveur did a very fine job tonight of explaining to the council how this

conforms to the comprehensive plan and the zoning ordinance as a transitional use between higher intensity uses and that can include Grant Line Road as well; not just physical land uses like industrial parks. He stated that the variance process helped improve the design here as well as Mr. Receveur's meetings with the neighbors. He said that he just wanted to make one thing clear about the zoning ordinance. He explained that when the council adopted that in February of last year, Mr. Brian Stump and he both testified to the council that the ordinance still had to go to the state fire marshal for review and approval. He stated that we don't typically have many building standards in our zoning ordinance but many places in Indiana do and because the ordinance has to meet a state minimum, the state has to review it. He said that the state doesn't send you a letter saying that your ordinance has been approved, they only contact you if they deny it. He stated that they let it go up in March and didn't hear anything after their March monthly meeting so they waited for the April meeting and if they didn't hear anything after that meeting, they would do it in May. He said it became effective on May 5, 2019 and when he was asked by Mr. Kraft on March 4th for the zoning certification and at that time it was still zoned C3A so that fills in the timeline that doesn't show up in the written record.

Mr. Applegate stated that the presentation this time explained a lot of the items that had questions last time and he did like the answers to the neighbors' questions about the grade of the land and having proof on that. He also stated that he does think that it helps with the easement on the intersection at Grant Line Road and Mel Smith Road plus the easement along Mel Smith Road. He said that he would like to amend the commitments to add Mr. Receveur's willingness to annex and add the financial piece for the intersection.

Mr. Aebersold stated that he would like a little more clarification on the intersection and asked if we are looking at a traffic signal at all because this is going to generate some traffic.

Mr. Receveur stated that he is not an engineer but from what he has been told, he is not sure that a traffic light would get warranted there with the proximity to the industrial park. He said that a configuration of that intersection is a high priority though and they are working with the city to square it off and put in a center turning lane so that traffic can continue around on Grant Line Road. He also said that they have made a commitment to the city on the financial end but there are studies and such that will have to preclude any work.

Mr. Aebersold asked if the northbound will be able to move as well as the southbound.

Mr. Receveur replied yes, that is his understanding.

Mr. Aebersold stated that he thinks that would help a lot. He then asked how long the turning lane will be turning into Mel Smith Road as far as car lengths.

Mr. Receveur stated that he is not sure but he would think that it would have to be pretty significant and not a one or two car type deal.

Dr. Knable asked about the brick and siding because he doesn't like the idea of the portion of the buildings facing the neighborhood being all siding.

Mr. Receveur stated that if the concern is that they are going to do something nice on one side and the other sides will be siding, the answer is no.

Dr. Knable asked if anyone is aware of any extenuating circumstances that kept Mr. King from being here tonight.

Mr. Kraft stated that he was on the email list that he received with regards to the notice.

Mr. McLaughlin asked about not being able to make a left turn out of St. Joe/Kamer Miller going north on Charlestown Road.

Mr. Blair stated that the latest design he saw is that they are going to route them through Charlestown Crossing on Kamer Miller and then they will come out by Bearno's where there is a light.

Mr. Turner asked what the average rent costs are going to be.

Mr. Receveur stated that it will be \$950.00 on the low end and \$1,200 on the top end.

Mr. Turner commended Mr. Receveur for the way that he worked with the landscaping, spoke with the neighbors, altered the plans for the buildings, the traffic count, etc. He stated that it is very rare that you see anyone that comes in to develop to help pay for infrastructure and he thinks that is very responsible and he also thinks that he is being the best neighbor he can be given the circumstances. He said that the presentation was great and thanked Mr. Receveur for his time.

Mrs. Collier stated that she knows that Mr. Receveur said that there are going to be no windows facing the property line but asked if there are going to be balconies on those upper floors.

Mr. Receveur stated that the balconies are configured to face east/west instead of north/south.

Mrs. Collier stated that she just wondered how much it would impact the side view going into the yards.

Mr. Receveur stated that if they went out on the balcony and made a 90-degree turn, they would be facing the subdivision, but again, they will be 100 ft. away from the property line with a buffer of trees.

Mrs. Collier stated that she knows Mr. Receveur agreed to an amount on the intersection and asked him if he would agree to a certain percentage based on what the actual cost will be not what the cost may be today.

Mr. Receveur replied yes and stated that they already have.

Mrs. Collier asked what the percentage was.

Mr. Receveur stated that he agreed to a flat dollar amount based on a guesstimate today of what Mr. Summers thought the reconfiguration would cost.

Mrs. Collier ask if he would be willing to commit to an actual percentage instead of a dollar figure because what it is today could change significantly when we do get to do the project.

Mr. Receveur stated that he would be willing to consider that. He said that he has committed to the city for \$100,000.00 for the intersection and they think the estimated costs are going to be just shy of \$300,000.00.

Mr. Caesar stated in this particular circumstance, he feels the dollar amount is more significant than the percentage amount.

Mrs. Collier then suggested to amend the ordinance to say due to specific circumstances and since this should have probably been grandfathered in, the council passed this.

Ms. Stein stated that she didn't hear Mr. Wood say that this should have been grandfathered in. She said maybe a more accurate statement would be that there was some confusion due to the timing of the auction and the city's zoning code.

Mr. Kraft stated that he really doesn't think that you want it to indicate that in the text of the actual ordinance. He also stated that you can include it in the minutes.

There was a lengthy discussion regarding amendments to the ordinance.

INTRODUCTION OF RESOLUTIONS:

COMMUNICATIONS PUBLIC:

COMMUNICATIONS PETITIONER:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:50 p.m.

Bob Caesar, President

Vicki Glotzbach, City Clerk