

**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 THURSDAY, MARCH 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. Hall, Mr. Thompson, Mr. Wood, Mrs. Moeller and Mrs. Glotzbach

**President Knable** 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:**

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

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

**Major Stephen Kriger, Salvation Army,** stated that he appreciates the council taking time to hear G-18-04 for charitable organizations. He said that fundraising is always a challenging issue and this type of fundraising, when it is regulated properly, is most effective for the community as far as the time that has to be put in. He said that they rely on good citizens for their help and in the past when they have done that type of fundraising, PC Building and Mr. David Stemler have done that for them. He explained that they do not use the individuals who will benefit from the program and rely on the kind volunteers so it saves a tremendous amount of time and costs no money. He also said that they lost probably \$5,000.00-\$6,000.00 per day since the roadside collections have been banned.

**Dr. Knable** asked what that figure translates per year to their budget.

**Major Kriger** replied approximately \$10,000.00-\$12,000.00 per year.

**Mr. Mark Cassidy** stated that when this was passed almost everyone that he talked to that was an individual citizen thought it was a great thing and he doesn't know why we would want to do away with it. He pointed out that we also have an ordinance that says homeless people can't beg on the streets. He also pointed out that there is nothing in the ordinance that says someone can't come back and do it two times, three times, etc. per year. He said that they hold up traffic, are a safety concern and make people angry so he sees no reason to rescind G-13-04. He added that he does donate to charities and is not trying to cut anyone out of anything.

**Mr. Warren Nash** stated that he is a member of the board of public works and safety but is not here in that capacity but to speak to safety. He said that the present ordinance was passed in 2013 and everyone in the room that was on the council at that time voted in

favor of it but Mr. Blair. He said that the reason it was introduced was because the board of works was getting requests many weeks a year from non-profits for people to stand in the middle of traffic and collect money from passing cars. He stated that they were all worthy organizations and listed several. He then explained that it became a huge safety issue because he has seen people on walkers, crutches, wheelchairs and even people carrying babies. He said that this is very unsafe for not only the people doing the collections, but for drivers who have to dodge people who are running from car to car. He believes that it is even less safe now with the new street grid because of narrower driving lanes, many new left turn lanes and two-way streets. He added that he believes that it is unsafe also because of drivers being distracted by cell phones. He said that the fire department quit using roadside collections to collect for the Crusade for Children two years before G-14-03 was passed because they deemed it too dangerous. He stated that he doesn't believe that the amount of money raised is worth the danger that this poses to our citizens.

**Dr. Knable** stated that he was going to allow non-agenda public comments at this time because he didn't want those people to have wait through the entire meeting to be heard.

**Mr. McLaughlin** called point of order and requested that the council vote on that.

**Mr. Caesar** stated that the agenda is set by ordinance and if we want to change this portion of the agenda, he would really like for it to go to the rules committee and come back with a recommendation.

**Dr. Knable** stated that he is okay with doing that but he interprets that it takes five votes to change it tonight. He explained that he has a lot of people here that are going to have to wait for two hours to be heard.

**Mr. Caesar** stated that he understands that and is willing to let it go tonight.

**Dr. Knable** stated that as a compromise, he will submit it as a formal ordinance in the future if Mr. Caesar will allow it tonight.

**Mr. Caesar** stated that is okay but it has to be changed with a formal ordinance.

**Mr. David Robertson, Assistant Director of AFSCME Council 962**, thanked the council for the opportunity to speak. He said that he represents workers for the City of New Albany and recently was approached by employees of the wastewater department and the majority of them have joined him tonight. He then read their statement which said that they engaged leadership nearly two months ago to move this process forward and to receive an answer through legal counsel this week. He added that this section of city employees was once under the umbrella of AFSCME and left through a privatization effort that has since been reserved. He explained that placing them back in the contract is not as difficult as it is being portrayed. He said that they were prepared to meet and barter for an individual agreement on their behalf and there is no reason to make these hard working members of the community wait two more months. He said that they will ask that a meeting of city leaders, himself and representatives of the group be scheduled to begin the process of negotiating an agreement for this group of employees without delay. He said that they really just want the conversation ensued because they have demonstrated their cause to the city and he feels they have kind of been drifted off.

**Dr. Knable** stated that he appreciates his brevity and if he would like to revisit this as an agenda item at some point, he could approach one of the council members to put it on and then have a rebuttal from the city.

**Mr. Richard Schultze, Kettering, OH,** stated that he speaking on behalf of Ms. Opal Sarles who is 88 years old and has lived on S. Bohanon Lane for 62 years and her property is just north of the proposed PUDD. He said she has several major concerns and her first one is traffic because they do know that a traffic study was done and it stated that the intersection at Green Valley Road and Daisy Lane is in good shape. He said that anyone that has been out there during rush hour knows that there is significant queuing often which doesn't make it a good level of service. He explained that they asked the plan commission for the data that was collected for the study so they could analyze it too but that has not been forthcoming. He also explained that they are concerned about the delays and the two entrances and exits proposed for Green Valley Road and Daisy Lane which are too close to the intersection and will jam it up even more. He stated that the neighbors are particularly concerned about sewage backup because there is a long-term history of that and the developer states that they will solve that problem or not worsen it. He then stated that if it is anything like the traffic study, which they certainly hold in question, then they are greatly concerned. He said there is also a long-term history of yards flooding and basements flooding along S. Bohanon Lane and other neighborhood areas and although the developer says that will be solved, there has been no study and they are concerned that the development will worsen the problem. He also said that the proposed development is absolutely visually and land usage wise incompatible with the neighborhood that has grown up there over the last 60 years. He said that they are concerned because there is a lack of green space for kids to play and added that they are also concerned about reduced property values. He thanked the council for hearing their concerns.

**Dr. Knable** reminded the council that there was a letter submitted by Mr. Schultze in their packets that sets out all of these concerns.

**Mr. Scott Reid, 2416 Green Valley Road,** stated that he is not necessarily against, but is just not for this particular development. He said that he wants the zoning to stay the same and keep in line with the neighborhood. He stated that his property is on the side and to the front of the development and they say they are going to build it up three feet in the front. He explained that there is a dip in his yard facing towards the project and pointed out how high it will be filled, in a picture that he provided for the council. He said that he knows that infill is part of the redevelopment but part of the masterplan prohibits the filling of low areas and flooding ponds, minimized unnecessary site clearing as well as cutting, filling and maximizing change to the natural stream system. He then pointed out where water continuously sits and said he thinks that some of the things going on in the front of the development really will not help his property very much. He added that at one point there was going to be an eight foot wall right at his property.

**Mrs. Rosalind Metzmeier, 118 N. Bohanon Lane,** said she also owns 2432 Bohanon Lane. She thanked all of the council members that listened to her concerns and is asking that the land stays R-2 zoning. She said that their neighborhood has only 32 residents and the actual center of Bohanon Lane is 5 acres and they have 9 families dwelling there. She stated that Thieneman and Grantz want to put 58 families on 5 acres and the two-story buildings will look down on their existing homes or into them and are just not appropriate for the neighborhood. She also stated that she was told that the city is trying to infill but the only vacant land in their neighborhood is Holy Trinity Cemetery, 4-H

Fairgrounds, Community Park and the other green areas are existing creeks in their backyards. She said that most of the lots on Bohanon Lane are 1/2 acre to 1 acre lots and there are two people that have between 2 to 3 1/2 acres. She asked that the council remember that there are 19 new home lots designated at Graybrook Grove on Daisy Lane up near the roundabout. She said that the detention basin is just to the south of her behind the Salvation Army and they are rebuilding Green Valley School. She stated that the density of this proposed project is just too great. She explained that Cross Creek on their north side has 59 apartments and asked that they not get another Cross Creek because they have been burdened enough with that nightmare.

**Mr. Fred Metzmeier, 118 N. Bohanon Lane,** stated that Mr. Thieneman's drawings paint a really rosy picture and that he thinks he is going to sell all of these units to young rich people, young adults or older adults. He said that at that price he wants for 1,500 square feet, he doesn't feel that is going to happen. He asked if anyone has gone out and looked at Kohler Springs because that was built to sell just like these so he went out and took pictures. He said that the parking lots were completely full in the middle of the day and the dumpsters were piled high with trash overflowing to the ground. He said that Mr. Thieneman told them in December that these units were going to be like those. He also said that Mr. Grantz and Mr. Thieneman have the right to make as much money as they want but they do not have the moral right to ruin their quality of life.

**Mr. Paco Martin, 206 S. Bohanon Lane,** stated that he is against the change in zoning but is not present to stand against progress. He explained that he feels that progress needs to be respectful to neighbors and they want to maximize the value of the properties just as the developer does his. He said they have investments that they have already made unlike them and their investments that they have made will be considerably affected by the change of the zoning. He asked that the council votes against this to keep the zoning as it is.

**Mr. Neil Jeffreys, 105 S. Bohanon Lane,** stated that his mother is 83 years old and has lived there since 1954. He explained that it is a quiet, wonderful neighborhood and wants it to stay that way. He said that the density that they are talking about is way too many people especially with the sewer issues, flooding issues and the issue that there is no green space.

**Mr. Bruce Weddle, 208 S. Bohanon Lane,** stated that he and his wife have been there 38 years and they are basically worried about declining property values and feels that the flooding issues are getting worse and water goes over the road. He said that he witnessed a water rescue on Daisy Lane where two ladies drove into the water before barricades were put up and two young men in a four-wheel drive truck had to pull them back out. He also said that the traffic issues are horrendous and he is not against a project being done there because Mr. Grantz absolutely has a right to develop his property. He is just asking that they keep it R-2 and put single-family homes that would fit the neighborhood. He stated that he is 70 years old and most of his wealth is tied up in his home and property and he cannot afford for it to go down. He then asked the council to not impact their quality of life by voting for this.

**Mrs. Patty Reid, 2416 Green Valley Road,** stated that she came across the 20-year Comprehensive Plan for the City of New Albany and was really excited to see that it is something to keep the quality of this small town. She said she had some wonderful reading in it and really liked that it defined neighborhood architectural styles among residential, commercial, institutional and industrial uses. She stated that it seems to her

that we are getting away from the architectural styles of our neighborhoods with this type of development because it does not fit the neighborhood and is too dense. She said she worries about it going too close to the street and also has a concern because a lot of that property is actually flood plain which they had planned to come in and level and it has very nice slopes and good grading. She noted that the plan talks about minimizing unnecessary site clearing, grading, cutting or filling on development or redevelopment sites especially on slopes which also has a positive impact on decreasing stormwater runoff and increasing water quality. She said that she has noticed all along that if there is a lot of rain on the Grantz property front yard, water stands like a pond and passed out pictures for the council. She then commended whoever put the comprehensive plan together because she can tell there was a lot of hard work that went into it and she would like to see New Albany adhere to the ideas in the plan.

**Mr. John Grantz, 306 Valley Dale Drive**, stated that he is present with his brothers Tony and Joe and for five meetings they have heard nothing but this is a terrible project and that it sounds like they are trying to build a double wide trailer park and that is not their intentions. He said that life is about change and explained that his mother and father bought the property in 1952 and at that time, there was only one house between them and the 4-H Fairgrounds. He also said that between them and the top of Daisy Lane hill, there was nothing but woods. He added that Holy Family Church was not there and most of the original concrete at the church was done by his dad who worked in the concrete business and his helpers. He said that none of the homes on Bohanon Lane were there at that time and he did the concrete work on them as well with the trim work being done by Mr. Bohanon. Mr. Don Thieneman approached them with his vision to build his homes and they thought it was a good idea but the Grantz brothers wanted something nice that they could be proud of for years to come. He stated that they are glad to hear that Don is going to build high-end homes and the plan he has meets all the requirements laid out by Scott Wood and it is a plan that will raise property value.

**Mr. Don Thieneman, 5031 Old Vincennes Road**, thanked the council for listening. He stated that this is a 5.1 acre project and they have changed their product from the original plan. He explained that they had two meetings with the neighbors that are here tonight and they are no longer proposing the original 64 unit rental project because of those discussions. He stated that at the presentation to the plan commission on December 19<sup>th</sup> and they are now selling attached single-family residents that are priced at \$185,000.00. He added that they have met all the requirements that came out of that meeting including the addition of an entrance for safety, a traffic study, sewer and storm water reconfiguration, the addition of green space and redesigned the three bedroom units. He stated that in February they brought those changes to the plan commission which added another \$13,000.00-\$14,000.00 to their project and those stipulations changes their market so they are now targeting empty-nesters and a professional lifestyle. He explained that they are not here to hurt anyone and to try to lower property values.

**Mr. David Sanders, Paul Primavera & Associates**, stated that they are providing a great amount of screening on the landscaping to try to alleviate some of the concerns. He explained that this property is quite a bit lower than the homes on Bohanon Lane so the concerns that this property would be looking into their homes isn't a concern. He stated that there was a traffic study done and came up with recommendations and he has no doubt that all the proper analysis was done in this study. He explained that there was some concern regarding sewage backup in the system and at the request of the plan commission staff, all the sewers will be coming down Daisy so they won't be adding additional sewage. He stated that they are required to increase the detention volume

which means they will be retaining more water than is released by 50% so they will be making the drainage better. He added that once they get to the design phase, all the other concerns will be addressed and stated that the city has a very stringent drainage policy in place that has been reviewed by an outside engineer to make sure that these developments have done their due diligence. He explained that someone mentioned earlier that this property is in a floodway and stated that is incorrect. He passed out a map to clarify this assertion. He stated that there are some concerns that need to be addressed but they do this all the time and he has no doubt that any engineering issues and concerns will be addressed and taken care of in the final submittal process.

**Mr. Charlie Smith, 4100 Charlestown Road**, stated that there was some conversation about how these units look and how they will fit in with the community. He explained that some of that is just a matter of opinion. He stated that when this community was originally developed it was a very rural community that resides in an urban setting at this point. He explained that moving forward, from his professional opinion, the project does meet the comprehensive plan in many ways. He stated that this project is at a higher density but it is in accordance with the comprehensive plan, and while it is a new concept the diversity of the housing does meet a need in the market that isn't being met. He explained that one of the reasons for increases density is the increased land cost because of the uniqueness of the property location and the zoning surrounding it. He added that the city will start seeing more of this type of project because it is encouraged in the compressive plan. He stated that Mr. Thieneman is a businessman and wants to invest in the community and in his professional opinion this project will have a positive impact on property value. He added that he trusts that Mr. Thieneman has done his due diligence and that this is a viable project and product for the market as it stands now.

**Mr. Justin Endres, Young, Lind, Endres & Kraft**, stated that he is representing Mr. Thieneman and thanked the council for the opportunity to address them. He explained that early on in this project the Thieneman group met with the staff and residents to receive input and have since spent about \$27,000.00 changing the plan to meet those recommendations. He stated that they hired one of the best experts available to do a traffic study to address those concerns and it came back that there would be no impact. He explained that there were a number of other recommendations at the December 19<sup>th</sup> meeting that Mr. Thieneman addressed and when they took it back they had a favorable report from the staff and was in accordance with the comprehensive plan. He stated that in spite of all of this, the plan commission didn't go along with the favorable recommendation from the staff and would like for the council to take that into consideration.

**Dr. Knable** thanked everyone for addressing the council tonight. He stated that at least seven of the nine of them have walked the property so he is confident that this body as a whole has done its homework.

#### **COMMUNICATIONS – COUNCIL:**

**Mr. Blair moved to amend the agenda and move Z-18-01 up on the agenda, Mr. Barksdale second, all voted in favor.**

**Mr. Coffey** asked for clarification on where that would move the item on the agenda.

**Mr. Blair** stated that he would like to discuss it now.

**Mr. Caesar** stated that he does have some figures for paving and asked that the council put that off until the next meeting.

**Mr. Blair** stated that he has had conversations regarding the Reitz building. He explained that it is his understanding that it would be a 25-year lease agreement and he did ask Ms. Stein to look into that. He stated that the city is currently paying \$190,000.00 in this building and it would go up to \$246,000.00 in the new building. He explained that his take on this is that the council is the fiscal body and the only ones authorized to appropriate additional funds and in order to have a binding lease, they have to come through this council. He stated that Mr. Gibson said he was planning to bring that to the council during the normal budget cycle but at that point, the lease would already be signed and they would be backed into a decision. He added that for the sake of transparency, he thinks it is appropriate for them to do this now.

**Ms. Stein** stated that according to the research she has done so far what Mr. Blair is saying does have some merit but she would like to speak with Mr. Gibson to see his position on this before advising them.

**Mr. Nash** stated that the price per square foot is actually a little less plus they would be pulling utilities back in.

**Mr. Blair** stated that redevelopment has already put \$750,000.00 into this project already so they have bought down the lease rate by doing this and this is the kind of thing he wants to understand. He added that he is not against using the Reitz building but he wants the council to be able to weigh-in on the project.

**Mr. Coffey** stated that when they put the numbers together and approve them, he would assume at that point in time they had some type of lease agreement. He added that he doesn't even know how they could raise the price of the rent and it was only through Mr. Blair's diligence that they found out.

**Mr. Caesar** stated that he has to go along with Mr. Blair because this is a \$6.5M deal and feels the council should have some input on the lease agreement.

**Mr. Phipps** stated that he is in favor of the project but concurs that they are the fiscal body and they need to weigh-in on it.

**Dr. Knable** asked if the council is comfortable with Ms. Stein meeting with Mr. Gibson to see if they can come to an agreement that doesn't require legislation.

**Mr. Barksdale** stated that the Arbor Day Tree Walk will be on Saturday, May 19<sup>th</sup> and will start at the farmer's market at 10:00 a.m.

#### **COMMUNICATIONS – MAYOR:**

**Mr. Hall** stated that Kentucky Derby Festival is working on an event in downtown on Wednesday, April 11<sup>th</sup> down by the levy area and the YMCA. He stated that they will have a general preview of events to get people on this side of the river excited about the Derby. He added that they plan to have a hot air balloon and games but this may change as they are still finalizing all of the details.

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

**Police Chief Bailey** stated he has been in law enforcement for over 26 years and he takes his position as Police Chief, and as a police officer in general, very seriously so when it was suggested in the media that there was some sort of issue with their communication center, he took note to that. He explained that he has had some conversations as a result of this and a few things are unresolved. He stated that the 911 Dispatch Center in New Albany operates very effectively and as far as his assessment is concerned, they have no issues and suddenly he sees it being suggested that they merge the center with the county without any conversation with his office. He said that in past if any of them have had issues or questions with the operations of the department, they have called him with questions but when this supposed incident took place, he heard nothing. He explained that he is very concerned that there are conversations going on about their center that he isn't involved in and asked Dr. Knable to get him the date and time that the call was made so that he can get to the bottom of it very easily.

**Dr. Knable** stated that he will get the date to him.

**Police Chief Bailey** stated that they have been conducting quite a few tests with regard to cellular devices and 911 and they have had zero failures. He added that the complete State Street corridor was tested with every call routed directed to the New Albany center. He stated that if he can get that information from Dr. Knable, he will have a better understanding of what exactly happened but the notion of a merger coming out of this media piece without involving anyone that would be directly involved is frustrating.

**Dr. Knable** stated that the incident happened about a month ago and he took care of it. He added that he did not reach out to the media about this and when they contacted him, he recommended that they call Chief Bailey. He stated that there was no animosity and he has full faith and confidence in the department.

**Police Chief Bailey** added that from his statement, the center that failed was not their center to begin with.

**Dr. Knable** stated that he was on Pearl Street when he called 911 and was directed to call city police but he never followed through on the secondary phone call because the matter was resolved.

**Police Chief Bailey** explained that one of the processes they have in place between the centers is that in the event that they receive a call for another center, the call is transferred. He stated that this was another piece of concern for him because it is not policy to ask anyone to hang up and make another call. He added that this was so surprising to him when it came out in the news especially without any conversations with the department about the issue.

**Mr. McLaughlin** stated that he has had to make several calls in the past and has never had any issues anywhere in the city.

**Police Chief Bailey** stated that he takes this very seriously and if there is a problem they will identify it and fix it but so far they have not been able to identify this issue. He added that it is unfair for people to weigh-in on this as if they have any real knowledge of the system when most do not, but he would be happy to educate anyone that has questions.



**Mr. Thompson** stated that in January and February, the Street Department worked on 438 potholes at 154 locations using ~ 35 tons of cold patch. He explained that on March 5<sup>th</sup> the asphalt plant opened and from March 5-14 they worked on 290 potholes at 55 locations using 16 tons of hot mix. He stated that from January-February they had 70 calls and after that they have had 28. He explained that the cold patch is a temporary fix and the message here is that now that they are using the hot mix complaints are down.

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

**Development & Annexation – Mr. Blair and Mr. Caesar**

**Mr. Blair** stated that annexation is frustrating because he has been in touch with Mr. Wood and Mayor Gahan but it doesn't seem to be a high priority. He explained that it does affect his district the most and he can see all the benefits of it. He added that he does think it is fair to annex the residents that have been on the sewer system the longest but they will pay lower sewer rates and wonders what that will do to the fees and the sewer system. He stated that there are communities all around them that have benefited from annexation and he would like to see it happen but he thinks right now it is more politically motivated.

**Mr. Caesar** stated that he does have concerns about the sewer rates and the fire departments but he does see that there are benefits and not something they want to give up on.

**Rules & Finance – Mr. Blair, Mr. Caesar and Dr. Knable**

**Dr. Knable** stated that they have not had a meeting.

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES:**

**READING**

<b>Z-18-01</b>	<b>Ordinance Amending the Code of Ordinances of 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 &amp; 2412 Green Valley Road and 115 East Daisy Lane)</b>	<b>Phipps 1&amp;2</b>
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**Mr. Phipps** introduced Z-18-01 by virtue of being a member of the plan commission and moved to vote on the first and second readings, **Mr. Coffey** second, **Mr. Coffey, Mr. Blair, Mr. Aebersold and Dr. Knable** voted yes. **Mr. Caesar, Mr. Phipps, Mr. McLaughlin, Mr. Nash, Mr. Barksdale** voted no. **Second reading does not pass.**

**Mr. Phipps** stated that the last vote at the plan commission was 8-1 to send it to the council with an unfavorable recommendation and he was one of the votes in favor of sending it with an unfavorable recommendation.

**Mr. Caesar** stated he is not going to vote in favor of this tonight just because he thinks it is too much density. He explained that these are very nice-looking units and he does think

they will see more of these types of developments. He asked if the height of all of these units will be the same as what is there now.

**Mr. Smith** stated that it will actually be lower.

**Mr. Caesar** stated that he really thinks that is an important distinction to make. He added that with the quality of these homes he thinks the property value will be increased dramatically, he just has concerns with the density.

**Mr. Barksdale** stated that he agrees that the density is probably his main concern as well. He explained that chapter 6 of the comprehensive plan has some wonderful information regarding density where it talks about allowing for strategic and appropriate increases in development densities that do not adversely impact the character of surrounding and existing uses. He stated that he feels like this is just too much density for the location instead of the “slight increase” that is talked about in the comprehensive plan. He added that he thinks that the style and the size of the homes are too big for the area and when researching the area, he only found 2 true two-story homes. He stated that he doesn’t think these units are architecturally compatible but he isn’t against the project if it was tweaked.

**Mr. Phipps** concurred with Mr. Barksdale and added that when the homes are this close they end up looking like apartments and it is out of character for the area. He asked Mr. Wood about the use of a PUDD and the practice of applying for one to bypass the zoning.

**Mr. Wood** stated that a PUDD is not required or suggested to be mixed-use. He explained that it changes the development type and the development plan.

**Mr. Nash** asked what could go in at this location if they don’t agree to the PUDD.

**Mr. Wood** stated that it is zone at R-2 and with 6 single family dwellings per acre, it could allow 30 single family units.

**Mr. Blair** asked how this fits in with the draft of the zoning code that they are working one

**Mr. Wood** stated that is inappropriate to answer that because the public, the plan commission, BZA and this council hasn’t had a chance to react to it.

**Mr. Blair** asked what the consultant that he is working with recommends as far as the density for an R-2 zone.

**Mr. Wood** stated that he doesn’t know it off the top of his head.

**Dr. Knable** stated that Mr. Wood has great authority on this issue and has studied it just as much as anyone. He asked if there is any subject that has not been addressed tonight that he thinks would be important for them to discuss.

**Mr. Wood** stated that he is here representing the plan commission who struggled with the vote on this. He explained that the commission is charged with making a recommendation to the council and they couldn’t get to 6 votes for a yes or no. He stated that they all know that the council doesn’t like to get a no recommendation from the plan commission so they voted to give it an unfavorable recommendation with the 18

stipulations that would have been attached had it had received a favorable recommendation.

**Mr. Aebersold** stated that he doesn't like that the council is sitting here with a PUDD from the plan commission with an unfavorable recommendation and a list of things that they developer needs to do. He added that to him it seems like if they addressed this list of items, the plan commission would be in favor of the project.

**Mr. Wood** stated that he can't answer that but he can tell him that the plan commission, in making their decision to send it to them with an unfavorable recommendation, did so because they couldn't reach the required 6 votes to carry a motion. He stated that they recognize the council has the authority to override their unfavorable recommendation so if they decided to do that, they wanted to add those conditions for the council to consider.

**Mr. Aebersold** asked if he thinks it would be helpful for them to have an idea of why he didn't like it.

**Mr. Wood** stated that he didn't say that he didn't like it; that was the plan commission. He explained that there is no requirement to poll the commission members on what issues they have after their vote. He stated that Mr. Phipps is the council's representative on the commission so maybe he is better equipped to answer those questions. He added that a lot of the members didn't outwardly express their concerns during the meeting.

**Mr. Phipps** stated that his perception of what the concerns were included drainage, traffic, being out of character for the area, density and lack of green space. He explained that ultimately the plan commission is only an advisory board and are sending it forth with the recommendations. He stated that the staff is also advisory and the buck stops here.

**Mr. Coffey** explained that he has been against developments in the past because the neighbors were against it where it turned out to be a very successful development. He stated that he has had three calls this week from people looking for some place to either rent or own which makes it clear that they don't have the housing stock needed in New Albany. He added that he has never seen a group have to jump through as many hoops as the Thieneman Group has had to jump through and while change is often uncomfortable, it is called progress. He stated that he knows they are fearful but when you have a good developer those concerns aren't warranted.

**Mr. Blair** stated that he thinks he was the only council member that went to one of the neighborhood meetings and Mr. Thieneman really worked with the neighbors. He explained that he has never seen a developer change things this much to accommodate concerns as what he has seen with this project. He stated that he thinks this is a way to retain professionals and he sees it as progress and a way to increase their residential base.

**G-18-04      Ordinance to Amend Ordinance 99.39 Regarding      Coffey 1&2  
Collecting Donations in Public Roadways**

**Mr. Coffey introduced G-18-04 and moved to approve the first and second readings, Mr. Blair second,**

**Mr. Blair withdrew his second.**

**Mr. Coffey tabled this item indefinitely.**

**Mr. Coffey** stated that there are a few things that he would like to amend in the wording including prohibiting alcoholic beverages in the area. He explained that with the K of C anything they do off of their grounds, they have liability insurance for so if anyone gets sued then it would be them. He added that they give to 20-25 charities per year and the inability to do roadside collections has really limited what they can do.

**Mr. Phipps** stated that he was the person responsible for the ordinance banning the collection of donations in public roadways. He read the first two sentences of the ordinance concerning the safety issues involved with this and concurred with what Mr. Warren Nash said earlier about narrower lanes and grid modernizations. He stated that he thinks it will be more dangerous now than it was before. He added that when he went back to look at the vote on banning this, Mr. Coffey voted in favor of this ordinance even though he was involved in a charitable organization because of the safety concerns.

**Mr. Coffey** stated that the reason he previously went along with it is because the Fire Department said it was unsafe. He added that they spent a lot of money on a grid modernization that they claim makes it safer for walkers so them standing on a corner and walking out when the light is red should be safer for the same reasons.

**Mr. Phipps** stated that the streets are safer for drivers but not if someone is walking out in the middle of the road.

**Mr. Coffey** stated that he wouldn't recommend the busier intersections because that isn't a safe location.

**Mr. McLaughlin** stated that coming down Spring Street at 5:00 p.m. or 5:30 p.m. the sun is directly in your eyes which makes this even more dangerous for anyone that walks in and out of the intersection or standing on the curb waiting.

**Mr. Coffey** asked if they know of any accidents involved with individuals collecting for charities.

**Mr. McLaughlin** stated that he doesn't know that information but he has always seen this as a safety concern because people are not meant to be standing in the streets or walking in and out of the street.

**Mr. Coffey** stated that it would have to be a non-profit that would be held accountable to use it and surrounding communities are still doing this without issue. He added that he did vote for it the first time around but he did so based on false information.

**Mr. McLaughlin** stated that he has been a member of the Elk's Club for a number of years and they do several different events that allow them to raise money without doing roadway collections.

**Mr. Phipps** asked what false information Mr. Coffey believed he received.

**Mr. Coffey** stated that the Fire Department saying that it was unsafe.

**Mr. Phipps** stated that he talked with Chief Juliot and while he wasn't willing to take a side on this issue, he did say that after their donation's dropped off once it was banned, they started collecting in parking lots and doing other events.

**Mr. Coffey** stated that it is a whole lot easier to draw money when you have a big red truck sitting outside and many organizations do not have the ability to be as recognizable. He added that if someone gets hurt then they can revisit it.

**Mr. Phipps** stated that then it is too late.

**Mr. Coffey** stated that no one has been hurt in the past though. He explained that they are not talking about walking around in the road but walking out when the traffic is stopped.

**Mr. Caesar** stated that he is still uncomfortable with it because safety is the issue and with the two-way streets he believes it is even more unsafe. He explained that his other concern is human nature, and when large quantities of cash are involved it is easy for someone to dip into the till. He stated that he has been involved in a tremendous amount of fundraising in his lifetime and you have to be inventive when it comes to these types of things and he would encourage these organizations to think outside the box instead of relying on something that is such safety concern.

**Mr. Blair** stated that there are other ways to fundraise but this is a convenient way for organizations to be able to easily raise money. He added that he does like the new rules and restrictions to try and make it safe but there is an element of risk in anything you do in life.

**Mr. Aebersold** asked what intersections they would use.

**Mr. Coffey** stated that he thought they would talk to the Police Chief Bailey and the board of works for recommendations.

**Ms. Stein** said that under the ordinance it would be left up to the board of works.

**Mr. Aebersold** said that he would like to know the intersections before he votes on it.

**There was a lengthy discussion regarding other rules and regulations they would like to see included in the third reading.**

**Mr. Coffey** stated that before the third reading, they can get that information and make a few tweaks and he won't bring it back until then.

**INTRODUCTION OF RESOLUTIONS:**

**BOARD APPOINTMENTS:**

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

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 9:35 p.m.

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Al Knable, President

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Vicki Glotzbach, City Clerk