

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
HELD A REGULAR COUNCIL MEETING VIA ZOOM.COM ON THURSDAY,
JULY 8, 2021 AT 7:00 P.M.**

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

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

CALL TO ORDER:

President Phipps called the meeting to order at 7:00 p.m. He then welcomed Mrs. Deanna McLaughlin who was duly elected on Tuesday evening as the replacement for the 4th District City Council slot and was sworn in yesterday. He stated that he looks forward to working with her.

MOMENT OF REFLECTION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Applegate moved to approve the Public Hearing Meeting Minutes for June 17, 2021, Mr. Blair second, all voted in favor with the exception of Mrs. McLaughlin who abstained.

Mrs. Collier moved to approve the Regular Meeting Minutes for June 17, 2021, Dr. Knable second, all voted in favor with the exception of Mrs. McLaughlin who abstained.

COMMUNICATIONS – COUNCIL:

Mr. Phipps stated that he met with Mr. Staten earlier this week and they plan to have the first public hearing on how the American Rescue Plan money should be spent and it is scheduled for two weeks from tonight on Thursday, July 22nd at 7:00 p.m. He said that it will be a zoom meeting and it will need to be advertised and we will require people to sign up ahead of time by the deadline like we normally would. He also said that those who cannot attend by zoom can submit their emails to Mrs. Glotzbach by the 4:00 p.m. deadline on Wednesday, July 21st. He stated that he is envisioning having this as a listening session and it will be open to anyone who lives in New Albany, owns a business in New Albany or who works in New Albany. He said that it is basically for them to express what they would like to see some of the funds spent on. He also said that it is not going to be dialogue or a debate, just a listening session.

Mr. Blair asked Mr. Phipps if they were going to try to publish the stipulations around what the funds can be used for because there are some very specific stipulations and he is sure that they will get people who don't understand what the guidelines are.

Mr. Phipps stated that may be useful.

Mr. Turner stated that it would definitely save some time if they are confused and asking for things that are just not possible. He said he thinks that is a great idea.

Mr. Phipps asked Mr. Staten if that is possible.

Mr. Staten replied yes.

Mrs. Glotzbach stated that the advertisement has already been sent to the paper and will run in tomorrow's edition.

Mr. Applegate asked if it could be something that we can send back to them if someone signs up or sends in an email.

Mrs. Collier stated that maybe we could put that information on the city's social media pages.

Mr. Phipps stated that he thinks that would save time and maybe eliminate some ideas that we couldn't spend the money on. He said that is a good suggestion. He then stated that the redevelopment commission is finalizing plans for additional venues for public comment and they will likely be finalized this coming week. He said that he looks forward to those other opportunities that they are going to provide so that we have transparency and plenty of opportunity for public input.

Mrs. Collier stated that she just really wanted to express her gratefulness that Mrs. Deanna McLaughlin is here with them tonight and a part of the council now. She said that she is happy to have her and wanted to welcome her wholeheartedly.

Mrs. McLaughlin thanked Mrs. Collier and stated that she really appreciates everyone's support.

Mr. Caesar stated that he wanted to thank Mrs. McLaughlin for stepping up and serving our community and he knows she has had a lot of experience listening to everything that has gone on in the community over a lifetime. He said that he is really looking forward to having her with them.

Mrs. McLaughlin thanked Mr. Caesar. She then stated that she wanted to thank everyone for what they do and she just wants this to be the best experience that she can have and she wants to contribute anywhere that she can to help and make this process a little easier for everyone.

Mr. Turner stated that he is looking forward to working with Mrs. McLaughlin and thanked her for stepping up. He said that he knows that things can't be easy but he appreciates it. He then asked Mr. Staten if there is any update on those \$10,000.00 grants for small businesses.

Mr. Staten stated that the deadline for those was June 30th and they did receive quite a bit and are going through those to make sure that they are all filled out correctly and that everyone submitted everything in the proper way. He said that they are shooting for the first July meeting to make an announcement on those, but they will have to go up to Indianapolis and OCRA will have to approve of them. He stated that once OCRA approves them and they come back, they will move onto the financial piece of that so they are hoping for August for that and he doesn't see any reason that cannot be a reality.

Mr. Blair stated that he wanted to welcome Mrs. McLaughlin to the board because she will be a great addition, but he is just sorry that it happened under the circumstances that it did. He then stated that he and his wife had the opportunity to go down to the Independence Celebration at the amphitheater and it was well run. He said that the administration did a great job with the event and it really showed off well for the city. He

stated that he also wanted to express appreciation for the police force because there were a lot of them there and they were interacting with the community.

Mr. Aebersold welcomed Mrs. McLaughlin and stated that he was happy to have her on board.

Mrs. McLaughlin thanked Mr. Aebersold.

Mr. Applegate stated that he is very happy to have Councilwoman McLaughlin on board like everyone else and he is looking forward to working with her. He said that he is sorry that it happened this way, but he knows she is going to do great and everyone is here to help as much as possible.

Mrs. McLaughlin thanked Mr. Applegate and said she appreciates that.

Mr. Applegate stated that the Independence Celebration on Saturday was great and the weather was perfect. He said that it was very safe and the police had a great presence there. He also said that the fire department was there and showcased very well. He stated that the whole evening went very smooth and it showcased our city well and as far as our partnership with Caesars Foundation, he would have to believe that they were very happy with everything as well. He then stated that as the weather is getting warmer, he has seen a lot of people out on the roads using the bike lanes as well as people out walking and exercising, so please just be careful when driving. He said that before we know it, it will be back to school so he is just giving a pre-warning to make sure that you are paying attention on the roadways.

Dr. Knable welcomed Mrs. McLaughlin and said that he is sure she is going to do an excellent job representing the 4th District and the City of New Albany. He then stated that he has had a couple of people voice concerns to him about the new city hall taking on water. He said that he has heard nothing official on it one way or the other. He stated that he thinks they are due for an update with regards to the construction going on there. He said if there are some concerns along those lines, just being a good steward of taxpayer's money, he would like to know that we are still within the bounds of our agreement with regards to who is going to pay for cost overruns down there. He said that he would like someone to come before the council by invitation by President Phipps to give an update as far as where we are on construction.

Mr. Phipps asked if Mr. Gibson was present to maybe give an update on the building but he was not. He then stated that the last he heard the plan was going to be that we should be able to get into the new building by August, but he hasn't been updated in the last couple of weeks.

Dr. Knable stated that if it is okay with Mr. Phipps, he will ask Mr. Gibson to address the building at the next meeting. He then stated that on the tail end of the council packet there was a flyer on a council members seminar on virtual budgeting and code enforcement workshop. He said that he just wanted to remind everyone on the council that they have money budgeted where they could pay for registration for this for folks who may want to attend.

Mr. Phipps stated that he believes there was some discussion at one point as to whether or not the council votes on that and asked if anyone remembers what they decided on that.

Mr. Blair stated that he remembers that they decided that if a council member wanted to use something out of that \$4,000.00 budget for something like this, they had to bring it before the council for approval.

Mr. Phipps stated that Mr. Barksdale is here as a guest tonight and he remembers him using money from that fund to go to a couple of historical events.

Mr. Barksdale said that he did and that the council did vote on that the last couple of years, so he would think that they would continue that.

Dr. Knable stated that \$4,000.00 has been budgeted for educational purposes so he recommended approval for anyone that wants to do it.

Mrs. Glotzbach stated that the educational/training fund actually has \$2,000.00 in it now because the council took \$2,000.00 out to create a community events fund.

Dr. Knable moved to pre-approve anyone that wanted to attend the seminar can be reimbursed up to \$75.00 pending legal, Mr. Applegate second, all voted in favor.

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

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

APPROVAL OF CF-1 FORMS:

Logandarby, LLC on Behalf of Advance Fabricators Inc. (RE),
Compliance with Statement of Benefits referencing R-14-05

NYX New Albany (RE) (Formerly Beach, Mold & Tool, Inc.),
Compliance with Statement of Benefits referencing R-12-17

NYX New Albany (PP) (Formerly Beach, Mold & Tool, Inc.),
Compliance with Statement of Benefits referencing R-15-13

Beach Indiana Real Property LLC (affiliated with NYX New Albany),
Compliance with Statement of Benefits referencing R-15-13

Sunnyview, LLC (on Behalf of Chester Pool Systems, Inc.)
(RE), Compliance with Statement of Benefits referencing R-14-12

Clark Foods Inc. (RE), Compliance with Statement of
Benefits referencing R-11-10 A&B

Carlisle Family, LLC (RE), Compliance with
Statement of Benefits referencing R-16-14

Fox Group, Inc. DBA Bruce Fox (RE), Compliance with
Statement of Benefits referencing R-14-08B

Fox Group, Inc. DBA Asempac, Inc.(RE), Compliance with
Statement of Benefits referencing R-14-08A

Marlin Andres/Hartford Quality Assurance, LLC (RE), Compliance
with Statement of Benefits referencing R-12-07A

Hitachi Cable America, Inc.(PP), Compliance with Statement of

Benefits referencing R-11-19

M&M Empire (on behalf of) Integrity Sign Solutions, Inc. (RE),
Compliance with Statement of Benefits referencing R-16-11

Jones Popcorn, Inc./ Clark Snacks (PP), Compliance with
Statement of Benefits referencing R-12-01

L& D Mail Masters, Inc. (PP), Compliance with
Statement of Benefits referencing R-19-04

L& D Mail Masters, Inc. (PP), Compliance with
Statement of Benefits referencing R-18-01

PAAR, LLC (RE), Compliance with Statement of
Benefits referencing R-19-01

Sazerac Company, Inc, DBA Sazerac of Indiana LLC (RE),
Compliance with Statement of Benefits referencing R-18-04

Sazerac Company, Inc, DBA Sazerac of Indiana LLC (PP),
Compliance with Statement of Benefits referencing R-18-04

Sazerac of Indiana, LLC DBA Northwest Ordinance Distilling (RE),
Compliance with Statement of Benefits referencing R-20-08

Sazerac of Indiana, LLC DBA Northwest Ordinance Distilling (PP),
Compliance with Statement of Benefits referencing R-20-08

TG Missouri Corporation (PP), Compliance with
Statement of Benefits referencing R-18-05

United Investment Group/Urethane of Kentuckiana (RE),
Compliance with Statement of Benefits referencing R-14-02

Wallace Family Properties (RE), Compliance with
Statement of Benefits referencing R-14-13

ZAM Properties, LLC (RE), Compliance with
Statement of Benefits referencing R-16-06

McCrite Milling & Construction Co. (PP), Compliance with
Statement of Benefits referencing R-16-06

Young Cimtech, LLC (PP), Compliance with Statement of
Benefits referencing R-19-09

213 Pearl LLC/HMS Global VB (RE), Compliance with
Statement of Benefits referencing R-19-05

Dr. Knable moved to approve the above CF-1s, Mrs. Collier second, all voted in favor with the exception of Mr. Blair who recused himself.

Samtec, Inc. (PP), Compliance with
Statement of Benefits referencing R-19-07

Mrs. Collier moved to approve the above CF-1, Mr. Applegate second, all voted in favor with the exception of Mr. Turner who abstained.

Mr. Staten stated that he sent out an email to the council a little earlier on this because there are two from TG Missouri Corporation that are still listed on the agenda that have expired. He said that they are R-15-04 and R-14-01 and they need to be pulled from the agenda. R-10-28 needed to be pulled as well. He stated that those should not have made the list and apologized for that. He said other than that, he thinks this is a good chance to take a look at how some of the manufacturing firms did last year throughout the pandemic. He stated that for the most part, he feels the program is running pretty well.

Dr. Knable stated that he thought last year or the year before that, they had picked out some underperformers and it was his understanding that Mr. Staten was going to sit and talk with those folks and see whether or not they could be nurtured along.

Mr. Staten stated that they have had conversations with some and he would be happy to go into more detail with Dr. Knable after the meeting.

Dr. Knable asked Mr. Staten if there are any from this list that they should discuss separately from the whole.

Mr. Staten stated that there a couple that they are still doing research on to kind of figure out what is going on. He said that there are five on the list that have not yet reached the goal that they had set forth. He also said that he had recently spoke with one of them and they have open jobs right now so that could be the case where they are trying to get where they need to be. He stated that he knows another one lost a pretty big contract and had to deal with COVID and they were above their goal last year and now they are below. He said that he has feelers out on a couple of others and has reached out to them to see if there is anything we can do or if it is something that we may eventually have them come in to speak to the council about.

Dr. Knable asked Mr. Staten if he has any that he would pull out to discuss tonight or if he has any that are not cooperating.

Mr. Staten replied probably not tonight and stated that he is not running into any kind of push back, but he is just waiting to hear back from a couple of them. He stated that he does feel that there are some conversations that need to be had and with COVID happening and unemployment issues, he thinks they need to be vigilant this year on a few of these for sure.

Mrs. Collier stated that with the unprecedented year that we had with COVID, there were some underperformers but they were dealing with very extraordinary circumstances and we should show them a little bit of grace. She said that she would hate to hit them with an unexpected denial of their tax abatement and she is honestly just thankful that they are still in business. She added that she doesn't want that high tax bill to be the straw that broke the camel's back and put them out of business because that would be detrimental right now.

Mr. Turner stated that he agrees with pretty much everything that everyone has said and spoke with Mr. Staten at length today on these and he appreciates his time. He said that he pulled CF-1s from 2019 because there were some underperformers but he also wanted to see what it was like pre-COVID. He stated that there is a little bit of a trend and he feels that the city can be a little more vigilant now. He said that he is going to vote to approve these tonight but one thing that he would like to see next year on the report is a column of the estimated jobs. He then stated that he will have to abstain on the Samtec approval as he did last year.

Mrs. Collier stated that she also wanted to point out that when a company applies for a tax abatement, the estimated number of jobs they give covers where they are when they apply all the way to the end of that abatement.

Mr. Turner stated that is true that it does go over the entire length of time of the abatement, but we gauge these abatements on the estimates made on the SB-1s. He said that if you look at some of the jobs versus the estimates, there are some that are very concerning. He also said that he will send a list over to Mr. Staten and then early next year, he will reach out to him to see what he thinks.

INTRODUCTION OF ORDINANCES:

READING

COMMUNICATIONS PUBLIC: Z-21-04 Amend Zoning Ordinance

COMMUNICATIONS PETITIONER: Z-21-04 Amend Zoning Ordinance

Z-21-04	Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV, Chapter 156	Applegate 1&2
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Mr. Applegate introduced Bill Z-21-04 as amended for first and second readings, Mrs. Collier second, all voted in favor.

Mr. Applegate moved to amend the ordinance by taking out 6.20 Sign Standards and leaving everything else as is, Dr. Knable second, all voted in favor.

Mr. Applegate stated that there are multiple text amendments here and a lot of them are definitions so we can look at these as a whole and if there is anything that someone wants to pull out, we can do that. He said that this does come from planning with a favorable recommendation.

Mr. Turner stated that he had the opportunity to speak with Mr. Wood and he cleared up a lot of questions for him. He said that he wants to talk about where it says that every accessory building should include at least one 36'X72' window on each wall facing a residential structure. He said that he also wants to talk about temporary signage because that is a deal breaker with him the way it is written now. He stated that the way he is reading it, it could be a political sign where you have to get approval from the city government to get it and there are also some signs on Roselawn Drive that say "Slow Down, Children at Play". He said that he thinks that is just a little too much that you would have to request approval for those types of signs. He also said that if it could be a little more detailed, that would best for him.

Mr. Wood stated that it was never their intention to require temporary sign permits for every single sign. He said that they are looking more at "Grand Opening" signs and banner types of signs that are very large and could possibly obstruct vision in places, so they want to have the opportunity to keep an eye on them. He stated that it was never their intention to require a permit for political signs, for sale signs, auction signs, free speech signs, etc. He said that he would like Mr. Applegate to go ahead and remove the temporary signs section from the ordinance tonight and they will come back with a revised section and a revised ordinance at a later point in time. He then stated that as to the windows in the accessory buildings, they have had a lot of complaints from people about the size of accessory buildings and the fact that they are looking at just a giant wall. He said that people have said that it just has no scale and is not the most pleasant thing to look at and have mentioned that if it just had a window in it, it wouldn't be so bad, so

they went ahead and required a window to just break up that massive surface in an accessory building.

Mr. Turner asked Mr. Wood if he knows if there is any additional cost in a shed with a window versus one without a window.

Mr. Wood stated that they wouldn't require this for a shed and it would be for a detached accessory building up to 600 sq. ft.

Mr. Turner asked if it would be easier to break into the building if there is a window.

Mr. Wood stated that he has actually been a victim two times to a break-in in a detached garage both through a door and through a window so obviously any opening is going to make it a little bit easier. He said that he thinks the trade-off of fitting into the neighborhood character is worth it to require this in a large structure.

Dr. Knable stated that he thinks one advantage to having a window would be egress during a fire in a structure of that size so he doesn't necessarily have a problem with that in new construction, but asked if existing buildings are going to be grandfathered in.

Mr. Wood stated that they would not have to go back and put a window in a building that currently exists now.

Mr. Applegate stated that if you are building an accessory building in an area that you don't think is safe, you could always get a variance to not have a window.

Mr. Wood stated that they would certainly entertain that. He also reminded everyone that the window is required only when it is facing another residence.

Mr. Turner asked what the cost is on a typical variance on a project from start to finish.

Mr. Wood stated that their fee is \$160.00, which includes \$150.00 for the processing and \$10.00 for the summons. He also stated that he just passed along to Dr. Knable that they are ordering new signs and they will be larger with nice bright colors.

Dr. Knable stated that he appreciates the follow through on that.

Mr. Phipps stated that he has a window in his garage and it is useful if you're painting or something and want to ventilate. He said that he also agrees with Dr. Knable on the egress if there is fire or something and does support having a window.

Dr. Knable asked Mr. Wood about the 42 inches versus 48 inches on fences and wanted to make sure that people that have 42 inch fences are not going to have to replace those.

Mr. Wood stated that they will not have to. He said that the only fence laws that he is aware of in Indiana that would be in effect in New Albany would be spike fences and that is a fence that is above 6 feet.

Mr. Phipps stated that he wanted to point out that we still have an ordinance against yard sale signs being posted on telephone poles and so forth and it is a \$25.00 fine. He said that he just doesn't want people to think they can go wild in public areas if we remove the sign standards from this ordinance. He then asked Mr. Wood if this goes back to the plan commission after the council has the second reading.

Mr. Wood replied no and stated that the council can adopt it but it can't go to the mayor until the plan commission either accepts the amendment or rejects the amendment. He

said he doesn't see any reason why they would reject it so once they accept it, it can go to the mayor for his signature and it will be approved.

Mr. Phipps asked if there is a time period before it takes effect.

Mr. Wood replied no and stated that as an amendment, it will not require to go back through state board review but it will require being published and copies recorded in the recorders office. He said other than that, it will not require any special time period or anything of that nature.

Mr. Phipps thanked Mr. Wood for the clarification.

Mr. Applegate stated that Mr. Turner and anyone else who wants to send him their thoughts on the temporary signs can do so and then he will funnel them all to Mr. Wood.

Mr. Phipps asked if there has ever been any discussion on limiting the types of material on accessory buildings like they should use materials that are in character with the types of material that were used on the house. He said that he is thinking particularly about pole barns that have more of an industrial or rural look and those are sometimes approved in residential neighborhoods. He stated that you might have \$200,000.00 homes and then you have this large pole barn that looks like it belongs out in the country somewhere.

Mr. Blair stated that he thought that in the definition of an accessory building it eliminated pole barns.

Mr. Wood stated that they haven't eliminated them because they are a legal building system in Indiana. He said that they can regulate them but they can't prohibit them.

Mr. Blair asked if there is a separate definition for pole barn in the zoning ordinance.

Mr. Wood replied no, not that he is aware of.

Mr. Phipps asked if they can be limited to certain types of zoning districts or require special exceptions.

Mr. Wood stated that is kind of where they are going with the 600 foot maximum size requirement. He said if someone wants something bigger, they would have to get a variance and the board of zoning appeals could put reasonable conditions on it, which could limit the design of the building materials.

Mr. Phipps asked if most pole barns are 600 feet.

Mr. Wood stated that you can get them in pretty much whatever size you want. He said that they tend to be the buildings used when people want to build large buildings for cost savings.

Mr. Turner stated that he saw nothing in the zoning code about pole barns at all.

COMMUNICATIONS PUBLIC: Z-21-03 Vacation by Kevin Geron

COMMUNICATIONS PETITIONER: Z-21-03 Vacation by Kevin Geron

Mr. Geron stated that he wanted to thank the council for the opportunity to present this and get it done. He said that he appreciates everything that the council does.

Z-21-03 An Ordinance for the Vacation of an

Applegate 3

**Easement Pursuant to a Petition filed
by Kevin Geron**

Mr. Applegate introduced Z-21-03 and moved to approve the third reading, Mr. Blair second, all voted in favor. Bill Z-21-03 becomes Ordinance Z-21-08.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 7:58 p.m.

Greg Phipps, President

Vicki Glotzbach, City Clerk