

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
HELD A REGULAR COUNCIL MEETING IN THE COUNCIL CHAMBERS AT
NEW ALBANY CITY HALL, ROOM 100, ON MONDAY, NOVEMBER 1, 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, Shane Gibson, Linda Moeller, Josh Staten, Scott Wood, Mike Hall, Warren Nash, Mickey Thompson, Police Chief Bailey, Police Officer Byrd and Vicki Glotzbach

CALL TO ORDER:

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

INVOCATION:

Given by Reverend Dr. John Sterritt, St. Marks UCC

PRESENTATION OF COLORS

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Blair moved to approve the Regular Meeting Minutes for October 21, 2021, Mr. Caesar second, all voted in favor.

COMMUNICATIONS – COUNCIL:

Mr. Caesar stated that Mr. David Barksdale is in the audience and he just wanted to thank him for bringing the history of this building forward from 1845 and for helping to bring this building to light in a beautiful part of Historical Downtown. He also stated that he wanted to thank Mayor Gahan and his staff for all of their hours of hard work that went into creating New Albany City Hall. He said that he wanted to especially thank Mr. Shane Gibson who put in an unbelievable amount of time and worked after hours to make this a reality. He stated that he wanted to also thank Mrs. Cheryl Cotner-Bailey who played a very intricate part in pulling this together as well as Ms. Alicia Meredeith and Mr. Josh Staten. He said that the redevelopment team worked very hard and long hours to complete this massive project and he wanted to thank them as well. He then stated that the council may need to start looking at the needs of the police department. He said that there was an article in the newspaper last week that sounds like the county is in limbo with the judicial center, the Pineview building, the property on Grant Line Road, the jail and the police department. He stated that he thinks the safety committee may be the best to look at this but if President Phipps would like to appoint a committee on his own, that would be fine with him. He said that he just thinks that they need to start a process to determine what is needed or if anything is needed.

Mr. Phipps stated that the safety committee is meeting tomorrow so if Police Chief Bailey might be available, they could discuss that.

Police Chief Bailey stated that he will be available for that meeting and they can discuss that issue also. He also stated that he wanted to make sure that the council is aware that

they were completely blindsided by that statement in the paper and they had no official communication with regards to that with anyone from Floyd County Government. He said that he thinks that it is important to note that their facility is in disrepair and inadequate for their needs currently, so he does invite and appreciate the council's public safety committee taking a look at that.

Mr. Turner stated that in his district there is some AT&T fiber being put in and some of the repairs weren't completed and he sent it over to board of works today but hasn't receive anything back yet. He said that he just wanted to get it on record.

Mr. Blair stated that as everyone knows, he is very adamant about promoting road work and road improvements and he had a chance today to go through some of the improvements in his district. He said that things are going really well and there was drainage work going on, off of Glenmill Drive, and the neighbors were very happy about that. He added that before all of us were in office, the streets were just sort of paved into the gutters and that actually causes more problems when you try to go back and fix that because you have to mill down two layers of asphalt and you have to repair gutters. He said that it is a lot of work but the citizens are very appreciative.

Mr. Applegate stated that as chair to the safety committee, he will add Police Chief Bailey to the agenda to address the issue that was discussed earlier in the meeting. He also stated that it is an honor to be here with the council and to be here for the City of New Albany. He added that it is a good thing that we have this building for everyone and he appreciates the opportunity to use it.

Dr. Knable stated that a lot of people put a lot of hard work into this but he wants to thank the people of New Albany who are going to be paying for this as well. He said that it is a beautiful building and he hopes that great service comes from it. He also said that this is a grand setting almost like a courtroom and he hopes that it doesn't intimidate people. He stated that it is the people's chamber and he thinks that the council needs to stay conscious of that and always welcome people to the podium in a very friendly manner. He said that this is regal compared to what the council was using so he hopes that it will be filled with people coming to help the council do their business. He then stated that Mrs. Collier, Mr. Applegate and he went down to Eagle Lane late last week in a little bit of rain to look at the impound lot that they have spoken of. He said that there are some concerns down there about sight lines in an area that is mixed in its zoning with residential and commercial properties. He also said that Mr. Gibson has been very responsive to the needs they have had down there thus far and it looks very well engineered as far as surface area. He stated that he thinks that the berm that is in place looks good and his hope is that there will be ample vegetation that within a few years would grow to obscure the view down there. He added that they can certainly go down there again because they were a little hindered by the rain.

Police Chief Bailey stated that the berm is complete and the first phase of vegetation is in the ground and planted so there is a two foot berm with added vegetation of another two foot, which will eventually grow to the six foot level.

Dr. Knable stated that when they were down there, there were maybe four or five small shrubs placed about 20 feet apart and asked if they were going to come back and fill that in.

Police Chief Bailey stated that he thinks they completed that today. He said that this is a work in progress and they have plans of putting more in to fill the gaps. He also said that they are conscientious of the neighbors' concerns and they have seeded the cut-away to keep it green. He stated that they will continue to monitor it and make it as pleasing as possible.

Dr. Knable asked what percentage of that surface area he would predict is going to be filled.

Police Chief Bailey stated that between the police department and code enforcement, there are a number of cars being towed into that facility. He said that the old lot was not sufficient in size due to volume so the countermeasure to that was to have more auctions more frequently. He stated that their plan is to go back to a three auction strategy on this and he doesn't anticipate there being any more than 75 cars maximum.

Dr. Knable asked if the intent is for it to be continuously turned over.

Police Chief Bailey stated that every time they auction, they remove everything unless there is a hold on something for some further investigation.

Dr. Knable thanked Police Chief Bailey and Mr. Gibson for their attention to this issue.

COMMUNICATIONS – MAYOR:

Mr. Mike Hall stated that Mayor Gahan definitely wanted to be here tonight to welcome the council himself, but unfortunately, he did have a personal matter that stopped him from being here. He said that the mayor wanted to welcome you to the new city hall and it was important to them to make sure that the city council was the first meeting in here. He stated that they worked very hard to make this building the best that it could be for the citizens of New Albany and also for you to conduct business in here. He said that a lot of you may remember the first time you came in here that there were some pillars that blocked the sight line and made this room a little unwieldy, but the team worked very hard to clear those out and made this space the best it could be for everyone. He stated that he hopes the council gets a lot of great business done in here and thanked them for their work.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

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

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

COMMUNICATIONS PUBLIC: Z-21-05 PUD 4606 Charlestown Road

No one signed up to speak.

COMMUNICATIONS PETITIONER: Z-21-05 PUD 4606 Charlestown Road

Z-21-05	Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV Chapter 156 (Billy Green, Jr. for Christian Brothers Automotive, requests a Planned Unit Development (PUD) district to permit automotive service and repair center in the LDR – Low Density Residential and FLD, Floodplain districts at 4606 Charlestown Road)	Applegate 1&2
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Mr. Applegate introduced Bill Z-21-05 and moved to approve the first and second readings, Mr. Caesar second, all voted in favor with the exception of Mr. Turner who voted no.

Mr. Turner moved to table this item until next meeting, Mr. Blair second, all voted no with the exception of Mr. Turner, Mr. Blair and Dr. Knable who voted yes.

Mr. Applegate stated that this is just where the commercial area stops and there is a chiropractic place on the corner and then there are three houses in a row and it is low density residential there. He said that the petitioner, Christian Brothers Automotive, is looking at turning the property into an auto maintenance facility. He stated that they are a family owned company and they have one facility out in Crestwood. He said that it passed through the planning commission with a favorable recommendation.

Mr. Caesar stated that he knows that is a pretty low lying area out there and he is sure that the drainage will be addressed because we don't want water running off onto other people's properties. He said that he was really happy to read that there is no outdoor storage of any automobile parts, tires, etc. He stated that he is hoping that the landscape buffer is going to be fitting to the neighborhood and is not going to just be pine trees going around the outside because we want to keep this area pleasantly pleasing.

Mr. Wood stated that they addressed those issues by the stipulations provided by the plan commission. He said no outside work, no outside storage of vehicles that are damaged or anything like that. He also said that there will be a healthy landscape buffer. He stated that Christian Brothers uses a tudor style architecture that is quite attractive and will be a benefit to that neighborhood.

Mr. Blair asked what the requirement is for the advertising sign to alert the neighbors that it is a zoning change and if that is just up until the plan commission meeting or through the council meetings.

Mr. Wood stated that it is up until the plan commission meeting because they conduct the public hearing. He explained that they advertise the public hearing through three means one of which is the legal advertisement in the Tribune, which is the only statutory requirement. He said that they go beyond that and have signs posted and they send letters to adjoining property owners. He added that as Dr. Knable asked, they have a much larger sign now which is colored bright yellow and should be quite obvious on the property.

Mr. Blair asked if that sign can be removed after the plan commission meeting.

Mr. Wood stated that some people do remove them then and sometimes they sit for a while.

Mr. Blair stated that the reason he asked is because he went out there and was looking for the sign but couldn't find it.

Mr. Wood stated that they also tend to be a magnet for kids and last night was Halloween.

Mr. Turner stated that this is really an easy yes at face value but the only problem that he has is that they have not been given the plan commission minutes to review before they make this vote. He said that he sent an email this morning requesting the information from the plan commission and it will not be available until next week. He stated that he asked for unofficial minutes and those were not made available to him either. He said that if this was your property and there was a change being made like this next door, he

hopes that you would want your council representative do his due diligence and look at all available documentation before they made a vote. He stated that he wanted to make a motion to table this until the next meeting.

Mr. Blair stated that he would second because he does agree that they should have all available information to make a decision and the fact that they do not have the minutes from the plan commission makes it harder to make a decision. He added that he is going to go ahead and vote yes tonight but he would appreciate having the information beforehand.

Mr. Wood stated that as council knows, there is a 90 day clock that tolls from the time that he certifies the action of the plan commission until the council has to take action. He said that by delaying that, you are shorting yourselves 30 days of that 90 day period.

Mr. Turner asked if there is a way to get unofficial minutes just so they know what was spoken about.

Mr. Wood stated that he will ask the plan commission if they will allow him to send unapproved minutes, but he is disinclined himself to do that because they get out into the community and all of a sudden an un-adopted set becomes what the plan commission said.

Mr. Turner stated that he understands but it is reasonable for him to want to see everything and asked Mr. Wood if that is correct.

Mr. Wood stated that there was no one to speak in opposition to this request and there was no one from the public to speak in support of the request. He said that the applicant was there and there was a brief discussion in the meeting about it and the vote was unanimous.

Mr. Phipps stated that they will have the approved minutes before the final reading.

Mr. Wood stated that the plan commission meets on November 16th and the council meets again on November 18th so he can't get minutes into the council packet. He added that some council members in the past have complained about getting information between when the packet goes out and the meeting itself, so you could be talking about almost 45 days before the council meets again to get an approved set of minutes.

Mr. Blair said wouldn't it be reasonable enough to delay the presentation to the council so they can receive that.

Mr. Wood stated that he is required under statute to certify it within 10 days of the plan commission's meeting and that's when the clock starts tolling so there is nothing he can do about it.

Mr. Blair stated that he understands that and they also have the opportunity to attend the meeting.

Mr. Wood stated that the council members can also call him if they have any questions because he is in 8:00 a.m. – 4:00 p.m. pretty much every day.

Dr. Knable stated that Mr. Phipps is the council's representative on the plan commission and asked him to give a summation in addition to what was said by Mr. Wood.

Mr. Phipps stated that basically what Mr. Wood said was correct. He said that it was a unanimous vote and he doesn't remember anyone speaking on that favorably or against it.

He stated that all of the discussion was on one of the other PUDs they had that night so it was pretty straight forward.

Dr. Knable stated that unless he hears differently in the next few minutes, he will not hold this particular offering accountable for failure to communicate in the past on that. He said that he does think that they need to work on more expedite communication in between those meetings. He stated that it might be remediable if those meetings are videotaped live and then they can watch them, record them and go back. He said that maybe they should mandate that all such meetings that are for the public's benefit be recorded.

Mr. Phipps stated that he doesn't think they can actually mandate what other boards and committees do but they could maybe suggest it. He said that the meetings will never become official until the next meeting of the plan commission just as the council's minutes do not become official until they are ratified at the meeting. He added that he is guessing that they could get a copy of the plan commission minutes before the next council meeting, but they just won't be in the packet.

Mr. Turner stated that maybe the plan commission could meet on another day.

Mr. Phipps stated that he doesn't think that is reasonable to ask a board to meet on a different day just because we want their minutes. He said that would be like someone asking the council to meet on a different day according to their schedule. He also said that he doesn't want to set a precedent of asking other boards to alter their schedules.

Mr. Turner stated that if they can't get those minutes and he can't make their meeting then he can't vote without all of the information. He added that without all of the information, he is voting no.

COMMUNICATIONS PUBLIC: X-21-02 Arbor Place Annexation

No one signed up to speak.

COMMUNICATIONS PETITIONER: X-21-02 Arbor Place Annexation

X-21-02 An Ordinance of the Common Council of the Applegate 1&2
City of New Albany, Floyd County, Indiana
Annexing Certain Real Estate into the City
Pursuant to Petition for Voluntary Annexation

Mr. Applegate introduced Bill X-21-02 and moved to approve the first and second readings, Mr. Blair second, all voted in favor.

Mr. Applegate stated that this is an addition to Arbor Place on Green Valley Road just before it turns into Mosier Knob and is just past Hausfeldt Lane. He said that Arbor Place Apartments was previously annexed into the city when they were built and this is a new building that falls on an additional property and that property would be voluntarily annexed into the City of New Albany.

Mr. Blair asked if that property was acquired by someone else recently or was it always part of Arbor Place.

Mr. Applegate stated that he would have to check with Attorney Brad Benson who is here representing them.

Mr. Benson stated that they acquired that in June of 2020. He said that it will be two buildings with 16 units in the back and eight units in the front and will be two story and will match aesthetically what is already there. He added that there will be no new entrance.

Mr. Turner stated that they are nice apartments and when he got out of the military and moved back to New Albany, it was the first place he moved.

Mr. Caesar asked if there are any issues with traffic and if there is a turning lane there.

Mr. Benson stated that at that part there is not. He said that there won't be a new entrance but there is a stop light there at Hausfeldt and Green Valley and you would take a right toward Mosier Knob, but there is not a turning lane. He stated that to his knowledge, they have never received any complaints from tenants with any traffic concerns.

Mr. Applegate stated that last year they put in a crosswalk with flashing lights for the buildings there.

Mr. Caesar stated that he would like to welcome them into the city.

INTRODUCTION OF RESOLUTIONS:

COMMUNICATIONS PUBLIC: R-21-14 Fiscal Plan for Annexation

No one signed up to speak.

COMMUNICATIONS PETITIONER: R-21-14 Fiscal Plan for Annexation

**R-21-14 A Resolution of the Common Council of the Applegate
 City of New Albany, Indiana Adopting Fiscal
 Plan for Annexation Ordinance Annexing
 Certain Real Estate into the City Pursuant to
 a Petition for Voluntary Annexation**

Mr. Applegate introduced R-21-14 and moved to approve, Mrs. Collier second, all voted in favor.

Mr. Applegate stated that this is following suit with the normal process of adopting the fiscal plan for annexation.

Mr. Turner asked Ms. Stein if she writes these resolutions and ordinances for annexation.

Ms. Stein replied no.

Mr. Turner asked who writes them.

Mr. Jacob Vissing, Frost Brown Todd, LLC, stated that he did and he is assisting Mr. Brad Benson with this annexation.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Mr. Dale Bagshaw, 85 Galt Street, stated that he wanted to admit publically that he was one of the naysayers for this building, but he wanted to compliment the building because it turned out very nice. He said that he also compliments the city on having a new home. He then stated that it has been a long time coming, but they are paving two of his streets in his neighborhood which are Galt Street and Dewey Street. He said that he would've like to have seen new sidewalks because they are kind of bad, but he guesses that it wasn't part of the budget in this round. He also said that he thinks they are going to finish up paving tomorrow and he just wants the city to know that he appreciates that.

Mr. David Barksdale, 614 Terrace Court, stated that he wanted to say that you ladies and gentlemen look very professional in the new chamber. He said congratulations on the new digs and that it looks very professional and you are keeping it very professional, so keep up the good work.

Reverend Steve Burks stated that he also serves on the Floyd County Library Board and he doesn't know if any of the council members have been over to see what is happening in the library. He said that Ms. Melissa Merida has done an incredible job and saved the library hundreds of thousands of dollars. He stated that everything from the children's area down in the basement to the teen area upstairs, they are redoing all of the carpet and they are going to be promoting redoing the front of the library. He said that it has just been an incredible thing she has done there in transforming the library. He then stated that his next subject is probably for board works, but when people park in the library parking lot and have to cross Scribner Drive, it can be very challenging. He would like to see possibly a crosswalk with flashing lights installed there much like the crosswalk at the Exchange. He said that he would like for the council to take a look at the building but also look at any way that we can make crossing that street much safer. He also said that he will be going to the appropriate board for the crosswalk request especially if they end up redoing the front of the library with more handicapped accessibility, etc.

Dr. Knable stated that listening to Reverend Burks speak there a second ago made him think that we should probably have an offset smaller podium if we don't already have one ordered for wheelchair accessibility for the meetings. He said that since we really don't have a governing body for the building officially set up as of yet, we are kind of a committee of the whole and he thinks that would be an easy fix.

Mr. Phipps stated that he agrees with Dr. Knable on that and it could be built in the same style and just move the original one over and center them both.

Dr. Knable thanked Mr. Phipps for entertaining that.

ADJOURN:

There being no further business before the board, the meeting adjourned at 7:40 p.m.

Greg Phipps, President

Vicki Glotzbach, City Clerk