

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, DECEMBER 21, 2017 AT 7:00 P.M.

MEMBERS PRESENT: Council Members Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. Nash, Mr. Blair, Mr. Aebersold, Mr. Barksdale, Dr. Knable and President McLaughlin.

ALSO PRESENT: Ms. Stein, Mr. Wood, Mr. Grimes, Police Officer Watson and Mrs. Glotzbach

President McLaughlin 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. Barksdale moved to approve the Public Hearing Meeting Minutes for December 4, 2017, Mr. Coffey second, all voted in favor.

Mr. Barksdale moved to approve the Regular Meeting Minutes for December 4, 2017 with corrections, Mr. Coffey second, all voted in favor.

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

Mr. Michael Sorrels stated that he lives at 208 Cherry Street just right down the street from West Street and while he loves the plan for the PUDD, he believes that is a bad location for two reasons. He said the first reason is that there is heavy flooding all over the area and the second reason is that he doesn't think that area is equipped to handle that much more traffic.

COMMUNICATIONS – COUNCIL:

Mr. Blair stated that he understands there has been a change to the design of the intersection at Mt. Tabor Road and Klerner Lane on the reconstruction of Mt. Tabor Road. He said that initially it was going to be a roundabout but there were concerns of residents in the area and the engineers decided to take the roundabout out. He then said that he thought that it was going to stay a four-way stop with a blinking red light and he now understands that the proposal is to put a traffic light there with turn lanes which will take more property in the front yards of the residents. He stated that because of that change, there has to be another public hearing to give the residents an opportunity to discuss the design change and give their input. He then asked Mr. Caesar and Mr. Barksdale if that came through redevelopment.

Mr. Caesar stated that it would have come through redevelopment but he did not see that change but he was not present at the last meeting.

Mr. Barksdale stated that he was not aware of the change coming through redevelopment.

Mr. Nash stated that he was under the impression that they had Plan A and Plan B and that it was always an option.

Mr. Blair stated that when they had the first public hearing Beam, Longest & Neff said that their first preference was the roundabout, their second preference was a four-way stop and their third preference was a traffic light. He said that once it was decided that the roundabout was not appropriate then they went to the second preference and he believes that was communicated.

Mr. Aebersold asked what the design was when we had the meeting at Our Lady of Perpetual Help.

Mr. Blair stated that he thinks it was a four-way stop.

Mr. Caesar said that he thought it was a traffic light.

Dr. Knable stated that if the newspaper is correct, he understands that what was proposed to INDOT did not indicate that there was a signal at the time and they approved it, then sometime after that approval, there was a change. He then stated that after speaking with a few of the neighbors and reading the newspaper article, further public input is required. He said that the neighbors want a meeting and officials said that further input is required but may stop short of a full meeting. He explained that his concern is that there is a lack of confidence in what is going on out there by the neighbors and he feels there should be a full-blown public meeting where they can give their full input. He also thinks that the council should push for a resolution to request or require a further public hearing to make sure that the neighborhood has full public input on it.

Mr. Blair stated that he concurs with Dr. Knable and would like to communicate with the administration because it is his understanding that they are going to start clear cutting trees to make way so they can start the utility relocations and work. He said that they are trying to shorten the project time by doing that but he is asking that they do nothing to that intersection until we are positive what is going to be done there.

Mr. Coffey stated that what they have to take of one particular yard will take away any green space that it has. He said that if we are going to alter where she lives that much, then maybe the city should buy her out because it will definitely lower her property value.

Mr. Blair stated that he approached her with that idea but the home has been in her family for three generations so she wants to remain there. He then said that he may think about a resolution for the next meeting unless someone has another idea.

Mr. Caesar stated that he doesn't see that much difference between stop signs and traffic signals.

Mr. Blair stated that one of their concerns is that there is going to be a left turning lane added in the middle so there will be three lanes there instead of two.

Mr. Caesar stated that there is a turning lane in the plan now.

Mr. Blair stated that he would have to look at it but he does know that you are going to have to add another lane for a turn lane so it will encroach more onto the properties. He also stated that the problem with a traffic light is that it is a lot noisier because you have people either trying to speed through the light or stopped because they have a red light.

Dr. Knable stated that the other issue is that traffic will be lined up at the light and will block residents trying to get out of their driveways. He then encouraged Mr. Blair to go ahead with a resolution for the council because they could always back off of it but time is of the essence.

Mr. Blair stated that he will talk to the administration first and come back to the next meeting with a report and some type of action.

Mr. Aebersold stated that he thinks the council needs to know what their plan is and go from there.

Dr. Knable asked Mr. Blair to convey his findings with the council at the next meeting.

Mr. Blair stated that he would.

Mr. McLaughlin asked Mr. Barksdale if they came before the tree board regarding cutting trees for that project.

Mr. Barksdale stated that they did appear before the board at the last meeting and it was approved.

Mr. McLaughlin asked if they gave a date that they would start clearing the trees.

Mr. Barksdale stated that they did not. He then stated that there is all kind of graffiti and tag marks on one whole side of a building at the corner of Ekin Avenue and Vincennes Street. He said that every post that traffic lights hang from was tagged as well as street signs going up Ekin Avenue. He said that he reached out to the administration and come Monday morning Mr. Brewer's department and storm water was out there and worked for hours getting that stuff off of the buildings and signs. He asked that the council members be vigilant about what they see out there.

COMMUNICATIONS – MAYOR:

Mr. Wood stated that Mayor Gahan asked him to wish the council Merry Christmas and Happy New Year.

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

A-17-09	Ordinance for the Appropriation of Riverboat Funds for the Homeless Coalition of Southern Indiana	Knable 3
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Dr. Knable moved to table this item until the first meeting in January 2018, Mr. Coffey second.

Ms. Stein stated that the council has passed the time of year that funding for this can be approved so as Mr. Nash spoke about last week, we need to wait until the beginning of 2018 to approve it.

Dr. Knable stated that is why financial reports and board members' resumes were not forwarded. He said he wanted to hold those until the next packet.

Mr. Aebersold asked if the council would receive the financials before the meeting.

Dr. Knable replied yes and stated that they would be in the next packet.

Z-17-04 An Ordinance for the Vacation of a Public Way Coffey 3
Pursuant to a Petition Filed by 40 & 8 Voiture 1250

Mr. Coffey introduced Z-17-04 and moved to approve the third reading, Mr. Barksdale second, all voted in favor. Bill Z-17-04 becomes Ordinance Z-17-18.

Z-17-03 Ordinance Amending the Code of Ordinances Phipps 3
of New Albany, Indiana Title XV Chapter 156
(West Street Mews, Inc. requests a PUDD to permit
freehold townhouses in the R-2, Urban Residential
district at 1105-1109 West Street)

Mr. Phipps introduced Z-17-03 and moved to approve the third reading, Dr. Knable second, Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. Blair and Mr. McLaughlin voted no and Mr. Nash, Mr. Aebersold, Mr. Barksdale and Dr. Knable voted yes. Z-17-03 did not pass third reading so the ordinance failed.

Mr. Greg Fifer stated that he wanted to express his appreciation for the opportunity to ask for more time to put together some more information to address the council's concerns. He explained that Mr. Way's company is already owner of the property and will still have to find some use for the property even if this is denied. He said that the PUDD comes to the council with a favorable recommendation from the plan commission after an examination of the city's comprehension plan and other factors. He hopes that after the council has the opportunity to ask additional questions, the council will confer with the plan commission that this would be responsible growth and development and should be approved. He explained that statute says that a PUDD can be done by drawings, a text or both and in this case it is called a plan specific PUDD so the drawings that Mr. Grimes prepared are the only things that can be developed if it is approved unless you would amend the PUDD by going back to the plan commission and coming back before the council again. He added that upon approval, all uses are already permitted by right and this is the only thing that can be developed. He then explained that if any representation has been made in the written materials that have been provided by the developer or if you hear something tonight that sounds as if it is a future promise that you are concerned about, the city would have the leverage or authority to enforce that. He also explained that another section of the zoning statute permits the developer to offer written commitments or the plan commission as well as the council to impose written commitments that would deal with the development of the property to address concerns. He said that those commitments would be drafted in writing, signed by the property owner and recorded in the recorder's office and they would run with the property much like restrictions in subdivisions do. He also said that it would provide that the plan commission of the city has the authority to enforce those through injunctive relief if the developer at any point failed to follow the plans and commitments as approved. He stated that if the council hears something that they want to condition an approval, he can work with Mr. Wood and Mr. Gibson to craft a document that gets recorded and clearly states the ground rules that will continue with the property. He then said that one of the concerns that was raised was traffic circulation in the area so Mr. Way obtained a letter of intent from Ms. Janet Hardin who is an adjacent property owner and owns three properties. He explained that one of

her properties abuts the development that Mr. Ballew did some years ago and he has indicated that she would like to liquidate her properties and move to another location. He said that if this is approved, Mr. Way has said he is going to use his best efforts to find a property that she likes and trade her that property for her property in which case there would be a Phase 2 in this development that again would have to go back through the same process. He added that it would offer the opportunity to enhance connectivity and address some of the design details. He also added that should not be a controlling factor tonight because what is before you is this plan but he just wanted the council to know that if this is approved, this won't be Mr. Way's last effort to improve the immediate area.

Mr. Nathan Grimes, Renaissance Design Build, went over pictures and maps that he passed out to the council. He said that the first four or five photos are just concepts of what Mr. Way is trying to build and what the neighborhood will look like. He said there are also some elevations of the building as well as some floor plans of what he would like to do. He then addressed the drainage concerns and stated that the CP1, which is their drainage plan, has about a 12'-14' contour distance on it from the creek down to the southwest corner of the property so they will use that natural drainage and have a detention basin to meet the city ordinances for pre and post development. He said that there will be no more water runoff on the site than is there now and it will obviously have to be approved by the drainage board as well a third party reviewer. He said that they also addressed the site distance concerns when coming out onto West Street and the design distances actually exceed the required distance and speed limits on that road.

Mr. Steve Day, Schuler-Bauer Real Estate, passed out a packet to the council that he reviewed with them. He first went over the Comprehensive Housing Market Analysis done by HUD for the Louisville Metropolitan area and said that they break out submarkets and the study is saying that in the price range of \$125,000.00-\$145,000.00, we are able to absorb 570 new construction homes which is quite a significant number. He then said that in pulling from the MLS, there is nothing in New Albany in that price range and from the entire area there are only four new constructions in that range. He stated that the property is walkable to the hospital and will attract nurses and other professionals from the hospital and is also walkable to downtown as well as being in close proximity to the Sherman Minton Bridge which are all important marketing factors. He then went over a couple of graphs that he pulled from the MLS and stated that you will see throughout the year that we range from about three to four months' supply of homes in this price range and that is relatively low. He said that he looked through the new comprehensive plan that the city has adopted to see what kind of criteria this development would bring to the development of the city and found that reinvestment and revitalization of existing neighborhoods was one point as well as well as encouraging baby boomers who are looking to downsize and millennials who are looking to walk or bike to work. He said that it also encourages diversity in the housing stock as well as accommodates population growth and is a nice infill lot close to a lot of amenities.

Mr. Aebersold asked which one of the examples they are leaning towards because there is a big difference between them.

Mr. Fifer stated that Mr. Grimes did not have enough time to do a color markup of his rendering.

Mr. Way stated that they tried to stay in the tradition of the neighborhood by using materials that are there and four or five different designs.

Mr. Coffey stated that the neighborhood that is right next to it is all brick homes and these are going to be all vinyl homes.

Mr. Fifer stated that he noticed that typically the houses in the area have a partial brick footer and the rest of the house is vinyl.

Mr. Coffey stated that the majority of them are fully bricked.

Mr. Fifer stated that he only drove down Cedar Ridge.

Mr. Barksdale asked if the examples were vinyl or a wood product.

Mr. Way stated that it is vinyl and has a 25 year guarantee.

Mr. Fifer stated that if the ordinance is approved, we still have to prepare a final detail plan that has to go back to the plan commission and staff to be reviewed and approved. He also stated that the elevations, colors and finishes give you an idea of what the final detail design plans will look like.

Mr. Aebersold asked if they are all two stories and three stories.

Mr. Way replied yes.

Mr. Aebersold stated that a handicapped person is probably not going to be in this market.

Mr. Way stated that it depends on their handicap.

Mr. Coffey asked what the width and length are of the units.

Mr. Grimes stated that there is a Unit A, Unit B and Unit C and they are about 20'X32' or 20'X34'.

Mr. Coffey stated that they are getting their square footage by going up.

Mr. Grimes replied yes and stated that the total square footage is on the double floors or triple floors.

Mr. Blair asked what the acreage is.

Mr. Grimes stated just under two acres.

Mr. Blair asked if there was any change in the number of units.

Mr. Grimes replied that nothing has changed since it was approved by the plan commission.

Mr. Blair stated that he feels it is just way too much density with that many units on basically two acres. He then asked what the elevation is of the interstate and these houses.

Mr. Grimes stated that the property is kind of level with the interstate.

Mr. Blair asked if some of the units back right up to the interstate.

Mr. Grimes replied yes and pointed them out on the map.

Mr. Way stated that they are planning to create a buffer with cedar hedge as a sound barrier and as a visual barrier.

Mr. McLaughlin stated that this connects to the line that goes under the interstate and to the golf course and asked if the state successfully fixed that line and if he feels that will address this issue or are we just going to be moving water.

Mr. Grimes stated that the third party reviewer for the city will make sure that we address it.

Mr. Coffey stated that it is not the water going into the golf course but is all the water coming from West Street and Cherry Street going into that pipe.

Mr. Grimes stated that the pipe that crosses I64 is about 20' south of this property so our detention basin is about 20' from that.

Dr. Knable applauded the gentlemen for answering the numerous questions that were put before them from the last meeting. He then said that Mr. Day forgot to mention that it is within walking distance to Scribner Junior High and a golf course. He also said that he likes the idea of a sound buffer but cedar trees takes a while to grow up so he asked if they are going to be constructing the back wall with extra noise buffer.

Mr. Way stated that they are open to looking at alternatives.

Dr. Knable also applauded them for reading the 20-year comprehensive plan and using it as ammunition against the council because there is good information in the plan and he thinks that they explained why they are doing some things with infill being the key word.

Mr. Coffey asked what can be done with the property by right.

Mr. Wood stated that it is zoned R-2 and could be 12 units so it is twice the density permitted by right.

Mr. Coffey asked Mr. Wood how hard the people in the area worked to keep it R-2.

Mr. Wood stated that tonight is just the original PUDD.

Mr. Coffey stated that PUDDs don't always go the way the council thought they were supposed to and then they don't come back to this body. He added that density is not always the answer for the people that live there because if they aren't going to have yards, they will want access to other green spaces and there aren't many options in that area. He also added that there are houses in that area and not apartments or condos.

Mr. Fifer stated that this development is houses with a common wall and is not a product that is intended to be densely populated.

Mr. Coffey stated that it is still not keeping with the neighborhood.

Mr. Fifer stated that owner occupied housing is consistent with the neighborhood so to not do this is to further encourage rental units.

Mr. Coffey stated that the bottom line is that there is a market for housing but maybe not this type of housing.

Mr. Fifer stated that there is a market for this type of housing but there is no inventory for the price range of \$125,000.00-\$145,000.00 as Mr. Day has indicated.

Dr. Knable stated that there is a difference between market and demand for it and this HUD study indicates that there is an unmet demand at this point in time. He said he is voting for it because he is in favor of more owner-occupied in town and he thinks that it would be one of the better developments in that part of town for a long time. He said that he would love to see them exceed the drainage demands and is glad there is a third party to oversee that because that his number one concern. He said that another original concern was the site line because he thought it was further north than it is so he is comfortable with it now.

Mr. Aebersold asked what they found out on Ivy Court and if it can be used.

Mr. Fifer stated that he did the research and it is deeded to folks that are no longer alive and it goes with lot 5. He also stated that the recorded instruments grant other adjacent owners the right to use it but it was not set up as a subdivision per se but there are survey drawings and other deeds that grant usage. He said that Dr. Knable has had conversations with who he thinks are the heirs of the record owners of lot 5 and they are supportive but we can't move until we go back to plan commission with written approval from the owners of lot 5 which would meet a required condition.

Mr. Barksdale asked if they will improve Ivy Court.

Mr. Fifer replied that it will be slightly relocated and maybe slightly widened.

Mr. Blair asked them to address the construction plan, your planned absorption and what happens if the units do not sell.

Mr. Day stated that part of the plan is to pre-sell some of the units so we will have a good idea early on.

Mr. Blair asked how many units he expects to sell per month.

Mr. Day replied in the spring they are projecting that they will possibly sell four per month.

Mr. Blair asked what will happen if sales are slow or you're not able to sell them for the asking price.

Mr. Way stated that all of the arrows point in the right direction and that's why they picked this particular price range.

Mr. Day stated that if they are not selling like they want then they would put further units on hold until the market picked up.

Mr. Way stated that if he is asking for a contingency plan then they would build the first four and see where the market goes.

Mr. Blair asked if they would ever be rented and if they could put in a stipulation that they always have to owner occupied.

Mr. Wood stated that would be a violation of fair housing so you can't do that. He then pointed out that the same market study that showed a demand for owner occupied also shows a demand for rental occupied so he wouldn't expect to see these sit vacant.

Mr. Day stated that he understands Mr. Blair's concern but worst case scenario, you would end up with one rental but Mr. Way's company is not set up to have a rental complex like that. He then pointed out that there have been several really good realtors involved in this as well and they are going to be selling these.

Mr. Blair stated that his concerns are the density and the economy holding out.

Mr. Day stated that they are not going to build these out too far.

Dr. Knable thanked them for taking interest in the community and stated that he knows the risk is out there

Mr. Barksdale asked if they could maybe just focus more on the traditional materials because there are a lot of brick homes in that area and to keep that in mind as the design moves forward.

Mr. Phipps stated that he is really concerned about the vinyl.

Mr. Way stated that they could look at other products because he does want to keep with the neighborhood.

Mr. Barksdale asked if he will be working with Mr. Wood on the design.

Mr. Way replied yes.

Dr. Knable stated that vinyl has come a long way and there is also some concrete that is molded like hardy board.

Mr. Coffey stated that he thinks it is way too much density for the area. He also stated that the drainage there is horrendous.

Mr. Fifer stated that with detention, they will not make it any worse.

Dr. Knable asked Mr. Wood if he knew what that area is going to look like in the comprehensive plan.

Mr. Wood replied that it is going to be close to 10-12 units per acre.

Dr. Knable asked if this development passes, would it be consistent with the evolution in that part of town.

Mr. Wood replied yes.

INTRODUCTION OF RESOLUTIONS:

R-17-15	Resolution Requesting Amendment of Horseshoe Foundation of Floyd County Bylaws Regarding City Council Appointments	Aebersold
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Mr. Aebersold introduced R-17-15 and moved to approve, Mr. Coffey second, all voted in favor.

Mr. Aebersold stated that this is a request to make one change to the Horseshoe bylaws which would give the Independent council members a chance to be on the Horseshoe Board and makes it a little more even for everyone.

Ms. Stein stated that it is just a resolution making a suggestion to another independent body and is not anything requiring anyone to do anything.

Mr. Phipps stated that he thinks there are pros and cons to this. He said that on the pro side, it allows members of other parties beside Democrat or Republican the opportunity of a fair chance at that appointment. He then stated that on the con side, it could be used for political reasons to exclude a particular party as long as you have one Independent on the board and he thinks that technically Independents are not a party. He said that he has mixed feelings on it but will probably vote for it.

Dr. Knable stated that he thinks Ms. Stein's language covers the fact that Independents are not a party by using "political affiliation" or lack thereof i.e. Independent, which we may want to include. He said that he would probably vote against it if it were a binding resolution because he doesn't feel that the council has the right to tell another independent body what to do but as a non-binding resolution, he feels it is a good idea. He also said that it would be hypocritical of him not to support it because in the past he has been a big advocate of trying to take party affiliation out of this once you get into office because he feels everyone should be on the same time in trying to get work done.

Mr. Coffey stated that in the bylaws they use i.e. for comparison and that was questionable because it was just supposed to be a comparison. He also stated that the people that voted for Independents are kind of being disenfranchised.

Mr. Blair stated that he appreciates Mr. Aebersold presenting this because he looks at it as discriminatory in not allowing that person's constituents in having a representative on that board. He added that he does believe that the bylaws for Horseshoe were probably written at a time when they didn't really perceive having anything but major political parties.

Mr. Caesar stated that he will vote for it but in a way it is kind of the tail wagging the dog but it does change the balance of power somewhat. He said that we did go through this a couple of years ago and it went to the Horseshoe Corporate Office as well as the state gaming commission and they decided to keep it as it is.

Mr. Blair stated that when it went to the Indiana Gaming Commission, they decided not to rule on it so they didn't say yes but didn't say no either.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Mr. Mike Duckworth, Commonwealth Engineers, stated that he is traveling the southern part of the state to introduce his firm to the local municipalities and to tell a little bit about what they do. He explained that they are an engineering firm that handles wastewater resources and they pride themselves on working in water and wastewater plants as well as being able to work with regulatory agencies and also having the ability to help communities find funding. He left

information with the council to review and asked that they share it with the utilities. He also asked that they be considered for any proposals that are sent out in 2018.

Ms. Barb Anderson, Director of Haven House Services, stated that she has come before the council in the past to request \$25,000.00 and she is doing it again this year. She said they are the only shelter in the 14 county region and their building takes a beating so she comes about every three years to request \$25,000.00. She stated that tonight she has 74 residents and 27 of them are from New Albany and that is about an 8% increase of what they would normally have. She also stated that their building needs a lot of repairs right now and she would like to have the \$25,000.00 to help with the bathroom facilities for the men. She explained that this has been the highest year that they have served people and invited everyone to visit the facility. She said that she will be back in January and asked what the council will need her to bring with her then. She also said that next December they are on to do a fundraiser again and invited everyone to that. She then explained that last year they served over 1,700 people and did so on \$137,000.00 and a lot of community support which they couldn't survive without.

Mr. Coffey asked if the shelter has the ability to transport people.

Ms. Anderson replied not really but they do have a Volvo station wagon that they sometimes use. She added that the Jeffersonville Trustee buys them bus tokens that people can borrow when they get jobs for their first two weeks and then when they get their first paycheck, they pay them back so they just keep recycling those tokens.

Mr. Coffey stated that on Christmas morning, the K of C is having a breakfast for the homeless where they also have clothes, shoes, etc. and they have two vans that do go out and pick people up.

Ms. Anderson said that if they would like to come to the shelter then please do. She explained that normally on Christmas the doors open at 7:00 a.m. and people just spill in with donations all day long but she knows if the K of C sends a van, they will have some takers. She also said that there is a biker's club right around the corner and they fix a feast and the residents love going up there.

Mr. McLaughlin asked the ratio of men, women and children.

Ms. Anderson said that they have 74 people right now and 31 are women, 15 are children and the rest are men. She said that there are no transitional homes for men coming out of jail so they have had an increase in those men. She added that if anyone in New Albany should want to open up such a place, she hopes that the council and city would support them because it is desperately needed.

Mr. Blair asked if there are any children there without parents.

Ms. Anderson replied no and stated that they do not serve anyone under 18 without a parent. She added that their place is actually one of the last stops before a parent may lose a child and that they work closely with CPS as sort of a buffer until they can get transitional or permanent housing.

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:40 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk