

**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 ON THURSDAY, JULY 7, 2022 AT  
7:00 P.M.**

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

**ALSO PRESENT:** Ms. Wheatley, Mr. Staten, Mr. Hall and Mrs. Glotzbach.

**CALL TO ORDER:**

**President Applegate** 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 June 16, 2022, Mrs. Collier second, all voted in favor with the exception of Dr. Knable who abstained.

**COMMUNICATIONS – COUNCIL:**

**Mrs. Collier** asked to table A-22-02 because the public hearing was not advertised.

**Dr. Knable** asked if it is tabled until the next meeting.

**Mrs. Collier** replied yes. She stated that she attended the city's July 3<sup>rd</sup> celebration and it was great event. She thanked Michael Hall for all of his efforts. She thanked Josh Staten for his time here with the city and added that he will be missed.

**Mr. Dickey** echoed what Mrs. Collier said about the July 3<sup>rd</sup> Celebration and added that for an event that size to be pulled off with no major issues, it is a testament to the community and the dedication of the NAPD, NAFD and all staff involved in the event. He added that he had a number of people come up to him to express how great they thought the event was and how much they enjoyed being out at events like this. He stated that he has worked with Mr. Staten on redevelopment for his entire tenure with the city and it is refreshing to see an individual that puts so much effort and heart into the job of enriching this city. He added that he will be missed and although the city will carry forward to continue to take care of business, his are some big shoes to fill.

**Mr. Phipps** concurred with what has been said and added that he is glad that the city remained safe during the Independence Day Celebration. He thanked the NAPD and NAFD that keep the city safe all the time and not just during these types of events. He stated that he hates to see Mr. Staten go because he has been a great asset to the community, but he does want to congratulate him on what he is sure is a bright and prosperous future. He added that as a council member he often gets asked about national issues and after the Dobbs decision that overturned Roe v. Wade, he received a call asking about his position on this decision. He explained that she is aware that this council has no decision-making abilities on the national level but her and her friends are very passionate about this issue and plan to ask all of their elected officials where they stand, and he assured her that he stands 100% with her choice and women's choice to access safe and legal abortions. He added that the Dobbs decision has set back women's rights 50 years and it is a tragedy. He stated that the precedent that is set saying that privacy

isn't protected by the constitution sets the road for many freedoms to potentially be taken away in the future. He added that he shares women's frustration and determination to get to the ballot box in November to fight to preserve rights and freedom in our country.

**Mrs. McLaughlin** stated that she would also like to concur with what the other council members have said about the July 3<sup>rd</sup> celebration and thank the police and fire working as hard as they do. She added that it is good to be able to get out to events of this size and be able to celebrate with the community again. She stated that she didn't have a whole lot of time to work with Mr. Staten but the job that he has done has been wonderful, so he will be missed by all. She congratulated him on his new position and wished him luck.

**Mr. Turner** wished Councilman Applegate and Councilman Knable best of luck at the Hosparus Health "Dancing with our Southern Indiana Stars" event on September 13<sup>th</sup>. He asked Mr. Staten how much APR funding they have that is not earmarked.

**Mr. Staten** stated that he doesn't have an exact number but it is somewhere in the neighborhood of \$4M.

**Mr. Turner** asked what is going on at the intersection at Kamer Miller Road and St. Joe Road

**Mr. Staten** explained that they are still waiting on a permit from the state regarding the signal and the right-of-way process has taken a little longer than expected, but once they get through that they hope to move forward with the utilities.

**Mr. Turner** asked if all employees have received the ARP essential worker pay.

**Mrs. Moeller** stated that the majority of all of them have been given out with the exception of some checks that are pending because of union contracts.

**Mr. Turner** asked what would prevent them from going out.

**Mrs. Moeller** stated that he would need to talk Mr. Gibson about that because it is a legal issue.

**Mr. Turner** stated that redistricting is coming up soon and he would like to see a committee formed of the entire council for that. He stated that transparency and partisanship was brought up regarding redistricting in the state and county this year so he would like to see them do this in a way that is transparent and to do the right thing.

**Mr. Blair** stated that the July 3<sup>rd</sup> celebration was fantastic and congratulated Michael Hall, the Mayor and the rest of the city staff on a wonderful event and thanked the NAPD for their presence. He congratulated Mr. Staten on his new position and stated that the city will miss him. He explained that at the last meeting he requested financial information for the fire house that was approved by redevelopment, and stated that he would like to get that information from the consultant. He added that there are also two council members that could provide that information if necessary.

**Mr. Dickey** stated that they did receive the information from Crowe and he made the point during the meeting that the information was being requested by other council members as well. He added that it was his understanding that Mr. Gibson was going to take the lead in getting that out to everyone but he will follow up with him.

**Mr. Aebersold** stated that he hasn't been to the Independence Day Celebration in years and the event was wonderful. He added that it usually takes a sizable city with a large budget to have a fly-over during these events, and that really topped the event off for him because he didn't expect it. He stated that he hates to see Mr. Staten leave but he wishes him luck in his new job, and if his performance during his time with the city is an indication, he is going places.

**Dr. Knable** thanked Mr. Staten for his hard work during his time at the city and stated that he will be missed. He stated that Duke Energy has been replacing some of their poles and in the past he believes they had a “gentleman’s agreement” with other companies that shared their poles. He explained that he thinks the agreement would be for the other companies to move their units to Duke’s new poles and the last one to move would take the old poles down, but at his last count there are 20-25 double poles around the city now. He added that he believes that Duke is ultimately responsible for it and asked how this has been addressed in the past.

**Mrs. Moeller** stated that she will check with Mr. Thompson and she will have him reach out to Mr. Knable to give him an update. She asked if there was a particular area where he observed them.

**Dr. Knable** stated that they are scattered all over. He asked Mr. Applegate if the public health and safety committee every met regarding the opioid issue.

**Mr. Applegate** stated that they have not but he did leave a message with Dr. Harris and he has not heard back from him.

**Dr. Knable** stated that it has been two months in the works and the county is moving forward with their own ordinance so hopefully they can work together on this issue.

**Mr. Applegate** thanked Mr. Staten for his time with the city and stated that it has been a true pleasure to work with him. He added that while they are all sad to see him go, the opportunity is there for him and he will represent New Albany well in his new role. He agreed with Mr. Phipps’ comments regarding the right to choose and he appreciates that he brought it up. He added that the decision was already a step in the wrong direction and he fears what could possibly be next. He thanked Michael Hall, Mayor Gahan and the Caesars Foundation for the safe and wonderful experience that the city enjoyed over the holiday weekend. He stated that it saddens him to have to send out thoughts to other communities that weren’t so fortunate and had to endure yet another senseless tragedy. He thanked the NAPD, the NAFD and all other first responders for their presence and for keeping the city safe.

#### **COMMUNICATIONS – MAYOR:**

**Mr. Hall** stated that Mayor Gahan wanted to thank everyone for their support of the Shoreline Independence Day Celebration. He added that it was one of the biggest, if not the biggest, crowd they have ever had at the riverfront and it was a fantastic event. He thanked the Caesars Foundation of Floyd County for their support of the event and added that it couldn’t be done without them. He thanked the pilots at Smoke On Aviation for the incredible fly-over show during the national anthem.

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

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

**Mr. Applegate** stated that they did receive financials for April 2022 and thanked Mrs. Moeller for those.

#### **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

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

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

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

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-18-01

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

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

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-18-04

Sazerac of Indiana, LLC DBA Northwest Ordinance Distilling (RE),  
Compliance with Statement of Benefits referencing R-21-09

Sazerac of Indiana, LLC DBA Northwest Ordinance Distilling (PP),  
Compliance with Statement of Benefits referencing R-21-09

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

TG Missouri Corporation (RE), Compliance with  
Statement of Benefits referencing R-21-12

TG Missouri Corporation (PP), Compliance with  
Statement of Benefits referencing R-21-12

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

**Mr. Phipps moved to approve the above CF-1s, Mr. Dickey 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

**Mr. Dickey moved to approve the above CF-1, Mr. Phipps second, all voted in favor with the exception of Mr. Turner and Mr. Blair who recused themselves.**

**INTRODUCTION OF ORDINANCES:**

**READING**

**COMMUNICATIONS PUBLIC: A-22-02 Appropriation for One Southern Indiana**

**COMMUNICATIONS PETITIONER: A-22-02 Appropriation for One Southern Indiana**

**A-22-02 Ordinance for the Appropriation of Riverboat Funds for One Southern Indiana Collier 3**

**This item was tabled.**

**INTRODUCTION OF RESOLUTIONS:**

**COMMUNICATIONS PUBLIC: R-22-06 Permit Chain Link Fences**

**Catherine Higgins, 1106 Korb Avenue**, she stated that it doesn't benefit anyone and is a perfect example of government overreach. She added that it also seems to be discriminatory towards lower income households because many residents like herself do not have thousands of dollars to purchase new fencing.

**Jennifer Matthews, 115 N. Bohanon Lane**, spoke in favor of changing the chain link fence ordinance and is in agreement with limiting it to the back yards. She stated that neither chain link nor privacy fencing is cheap to install and she sees it as an investment so she'd like to see them allowed again.

**Cheryl Bott, 1328 Miller Lane**, thanked the council for giving them the opportunity to provide input. She stated that new subdivisions have homeowners associations that dictate things like fencing but a lot of the New Albany communities have been around for a long time with no HOA, and she thinks people have the right to put up a fence on their own property. She added that it is more of an overreach than the city needs to have and believes there is socioeconomic discrimination with the ordinance. She asked that they broaden their scope on this and listen to the constituents.

**Jennifer Smillie, 1111 Woodfield Drive**, spoke in favor of changing the chain link fence ordinance. She stated that she gardens and doesn't like the fact that she can't a fence that isn't solid because it changes the way that she gets to enjoy the home that she bought. She stated that she believes that the ordinance is socioeconomically discriminatory to those that have fewer resources to purchase more expensive fencing that is required. She added that if people want to live somewhere that fencing and other pieces of their environment are regulated then they need to choose those communities when buying a home.

**Greg Keithley, 1562 Meadow Lane**, stated that chain like fencing provides a relatively low-cost option for safety and security for children and pets, while other options are either expensive or require a lot of maintenance. He added that he doesn't believe it is an aesthetic issue and explained that he lives in the Slate Run area where the brand new school is surrounded by chain link fencing. He stated that if it is a good enough option for a government building then it should be a good enough option for them to make for their own homes.

**Cheryl Roy, 1435 Laib Drive**, thanked the council for allowing her the opportunity to talk with them. She stated that she supports chain link fencing being an option for homeowners because the openness does provide an extra layer of security and it allows for those that wouldn't be able to afford the other types of fencing to opportunity to have a safe place for their pets and children. She added that having a fenced in yard can also add value to your home and she doesn't feel that New Albany needs to be a "cookie cutter" community. She stated that she doesn't see too many people adding a fence to their front yard, and if they chose to put a ban on that it would be better than saying no chain link fences at all.

**Mr. Applegate** read the following letter from One Southern Indiana signed by Wendy Dant Chesser, President & CEO:

One Southern Indiana (1si) is the chamber of commerce and local economic development organization for Clark and Floyd counties in Southern Indiana. With over 1,050 business members, 1si proactively works to grow our regional economy through business attraction, retention and expansion; through encouraging and supporting entrepreneurs and workforce development; and through providing policy and workforce advocacy, business education, networking opportunities and other resources and services to our members and investors.

In today's global economy, Southern Indiana is competing with other communities and regions around the world for economic growth. And the number one determining factor in this battle for new business growth is our ability to develop, attract and retain talent.

Millennials are certainly planning their futures differently than Baby Boomers, or even Gen Xers. Where the older generations would move to a community for the right job, younger talent tends to find a community in which they want to live and then look for the right job. Site selectors and growing companies are increasingly prioritizing talent availability as they are determining where to grow their operations. Southern Indiana must not miss out on our opportunity for economic growth due to a lack of focus on attracting and keeping talent.

In fact, the Indiana Economic Development Corporation set talent growth as a state objective. After declaring Indiana as a destination for business, the Regional Cities Initiative in 2015 aimed to make Indiana a destination for talent. To maintain this momentum and accelerate the State's economic growth, in 2021 the State launched the Regional Economic Acceleration and Development Initiative (READI). This bold, transformational initiative has

dedicated \$500 million to promote strategic investments to make Indiana a magnet for talent and economic growth. Our five-county region was awarded \$50 million of these funds toward the same objectives.

For that reason, Isi is pleased to offer a letter of support for the City of New Albany's efforts to expand the State Street Parking Garage Economic Development Area and Economic Development Plan. Quality of Place investments in the downtown area will increase social, commercial and entertainment offerings of the region, securing our economic growth results into the decade. It will better position New Albany – and Southern Indiana as a region – for increased private investment to compliment the public investments the City has made and will be making, from Bicentennial Park to the South Monon Freedom Trail.

I appreciate your dedication to enhancing economic growth in the region, and I believe increasing the flexible tools within the City's economic toolbox to enhance talent attraction and retention will benefit our growth trajectory for years to come.

**COMMUNICATIONS PETITIONER: R-22-06 Permit Chain Link Fences**

**R-22-06            Resolution Initiating Modification of Zoning            Turner  
                         Ordinance to Permit Chain Link Fences**

**Mr. Turner introduced R-22-06 and moved to approve, Mr. Blair second,**

**Mrs. Collier moved to send this resolution to the rules committee, Mr. Dickey second,**

**Mrs. Collier rescinded her motion to send this item to the rules committee.**

**Mrs. Collier made a motion to create an ad hoc committee to review this matter before it goes to the plan commission, Mr. Dickey second, Mrs. Collier, Mr. Dickey, Mr. Phipps, Mr. McLaughlin and Mr. Applegate voted yes. Mr. Tuner, Mr. Blair, Mr. Aebersold and Dr. Knable voted no. Motion passes.**

**Mr. Turner** explained that he did do this in November of 2020 but it failed and one of the flaws of the original resolution was that front yards were not explicitly excluded. He added that he did receive a lot of comments about removing this ban again as well as a petition so he thought it needed to be revisited. He stated that he did add no chain link fences for front yards or historical districts in this latest version based on some feedback that he received from other council members.

**Dr. Knable** stated that when they worked on and eventually passed the latest zoning ordinance, he knew that they weren't going to get it 100% right and he believes they were wrong in this particular instance. He added that he supported the change in 2020 and he will support this one as well.

**Mr. Applegate** stated that this has not been to committee yet and he would like clarification on a few items in the resolution and would like to entertain a motion to send this to the rules committee to make sure they have all their basis covered.

**Mr. Turner** stated that this resolution sends it back to planning to discuss and make changes so they would essentially be sending it back to the people that can make those changes if they pass it. He added that the rules committee is for council rules and he doesn't believe that would apply to this resolution and would be an unnecessary delay.

**Mr. Dickey** stated that he doesn't agree that the idea that it is an unnecessary delay. He explained that he talked to Amy about whether or not they should be more explicit with

the historic district prohibition. He stated that this is a much more conducive proposal but he does have some questions about the language and would like the opportunity to speak more with Mr. Wood about those questions before it goes back to planning, so that they are all on the same page. He thanked everyone from the public that was here tonight to express their concerns and he does understand the dichotomy between the discussion points, and he thinks it deserve the extra step and time to consider.

**Mr. Turner** stated that the problem with this is that they are not talking about side or back yards, they are talking about the change in materials He added that he is explicitly saying that chain link fencing can't go in the front yards and the rest is already established, so it isn't a change in the definition of what a yard is. He explained that this resolution sends it to the people that are the experts and they can discuss. He stated that when they approved the fire equipment ordinance it didn't go to committee so the rules aren't being applied equally.

**Mr. Applegate** stated that it was under budget or finance.

**Mr. Turner** stated that they have a fire committee and it didn't get redirected to them. He explained that Mr. Applegate is asking them to send this to the rules committee which is a committee for council rules, and that request continues to follow the pattern of trying to push everything he brings before the council to a committee since taking the presidency seat. He stated that this resolution is simply changing materials and it is important because affordable housing is a real issue and this is a simple addition to the zoning code. He added that it is wrong for the city to prohibit materials that are effective, aesthetically fine and cost people less money. He stated that historic districts have their own rules and nothing in this resolution challenges that. He added that the people in the community want this change and 600 people signed a petition saying so. He stated that the city wasn't wrong for making this change in 2019, but the world has changed and everything costs more, so this is an opportunity to make a good change that will actually help people.

**Mr. Applegate** stated that the fire equipment was under budget and finance which is the council as a whole, the same as 1Si. He added that Mr. Turner could have brought this to committee before putting it on the agenda and all of this could have been ironed out before tonight. He stated that ordinances and resolutions don't have to hit the agenda to be taken to committee.

**Mr. Turner** stated that it is going to committee by going to the plan commission.

**Mr. Dickey** stated that the plan commission is a separate body and is not a committee of this council.

**Mr. Turner** stated that it doesn't need to be because they are sending it to a body that deals with zoning and that is exactly the people it needs to go to.

**Mr. Dickey** stated that he understands that, but each of them as members of this council, need to make sure they are comfortable with what they are forwarding to another body, as that is a fundamental piece of the process. He added that Mr. Wood isn't here tonight and per their last conversation it sounded like he still had some questions and those things need to be addressed, and that is what the committees are for. He stated that he thinks this resolution is making some decent changes and what he is hearing from the council tonight is interest in those changes, so all they are trying to do is make sure they are doing their due diligence as a body. He added that he doesn't understand why there is animosity over that point.

**Dr. Knable** stated that Mr. Wood works closely with the planning commission so they will get his input that way and doesn't see any reason to get his input before. He added



that he doesn't see it as not doing their due diligence because they always have a break between the first/second reading and third vote.

**Mr. Applegate** stated that they would not have that opportunity here because this is a resolution.

**Dr. Knable** stated that he would hate to see a delay on this in part because prices continue to go up for those that are waiting to build fences. He added that he does think they got it wrong the first time and he would like to see this move forward.

**Mrs. Collier** stated that this would cause a delay to send it to committee but it is a minimal delay to the next meeting of this month and doesn't see it as being unnecessary. She added that many of the members seem to be open to this change, they simply want to let the committee review it and answer any questions they may have before it goes to the plan commission.

**Mr. Blair** stated that the rules committee is not the appropriate committee to look at this. He explained that this is a simple change by adding one material, with all the other stipulations that are already in the zoning ordinance for fences. He stated that he doesn't see the reasoning behind putting this in a committee, especially since things tend to keep getting delayed once in committee, as exemplified by the question regarding the delay in the committee meeting about the opioid crises.

**Dr. Knable** stated that the rules committee is not the place to have this discussion and is not within the narrow purview of that particular committee.

**Mr. Phipps** stated that he supports this either way. He added that they could possibly amend it tonight if they want to address side yards that border the front right-of-way.

**Mr. Turner** reiterated that it is just a material change to give people more access to more options.

**Mr. Dickey** stated that he is hearing individuals that are supportive of this resolution and he thinks it is fine to amend it tonight, but he would feel more comfortable if they could address some of the language, especially regarding historic districts, in more detail before sending it off to planning.

**Mr. Turner** stated that historic districts have their own code and this resolution will not change any of that.

**Mr. Dickey** stated that he wants to make sure it is expressed in the section that deals with materials so that there is no question in the future or conflict between what the city code says and what the historic districts require.

**Mr. Blair** stated that the zoning ordinance already addresses that issue and says that it does not pertain to historic districts which is a separate ordinance.

**Mr. Turner** asked Mr. Dickey if he has reviewed the zoning ordinance.

**Mr. Dickey** replied yes.

**Mr. Turner** stated that his concerns are already addressed in the zoning ordinance.

**Mr. Dickey** stated that he doesn't think it is wrong in some cases to explicitly express requirements in multiple sections so there are no questions.

**Mr. Tuner** stated that if what he is hearing is support from others on this body, then all they need to do is send it to planning to make adjustments as needed and then it will

come back to them for final approval. He added that this one is simple and they do not have a committee set up to discuss it.

**Mr. Applegate** asked Ms. Wheatley if she has the exact description of the rules committee.

**Ms. Wheatley** stated that she is not finding that in her notes.

**Mr. Applegate** stated that it says to establish and maintain rules which common council shall operate. He added that the rules committee could take a look at it, vet it and answer any questions they might have.

**Dr. Knable** stated that from what Mr. Applegate just read he doesn't see where this would fit within the purview of that committee.

**Mr. Applegate** stated that regardless of which committee he thinks it needs to be vetted before they send it off to the plan commission.

**Mr. Turner** stated that if they put the same amount of effort in serving the people that they do to serve themselves and the city, this body could really make some change.

**Mr. Dickey** stated that he appreciates that there are folks who are supportive of this and he respects that. He explained that he is not opposed to the ordinance but he wants to make sure it is done correctly and that they consider things appropriately. He stated that part of their job is to do due diligence which may involve other committees, commissions, tasks forces and other bodies which is all he is asking to do. He added that he wants to make sure his thoughts and concerns are addressed before something is sent on to others. He asked Mr. Turner why he brought this before the council if this shouldn't be considered by them and just needs to go directly to planning?

**Mr. Turner** explained that they have to do it this way because that is how the change is initiated.

**Mr. Dickey** stated that is exactly his point. He explained that that he is just trying to do his due diligence as a council person on this body to make sure he feels comfortable with a piece of legislation that will be forwarded on to another body to review. He stated that he feels like this discussion has turned into trying to make one another enemies and he doesn't think they need to be enemies on this consideration.

**Mr. Turner** stated that he just thinks the excuses for not entertaining the resolution are invalid. He added that their due diligence is to read the zoning code, and clearly seeing that all this resolution does is change materials, and that is it. He stated that this is exactly what this body does, they initiate change, the commission approves or denies it, and it is sent back to this body if it is approved.

**Mr. Applegate** stated that he made it clear at the beginning that everything was going to go to committee beforehand. He added that Mr. Tuner feels like they are targeting him but that isn't the case and he could have easily reached out before adding this item to the agenda to discuss whether or not he thought it would need to go to committee. He stated that these items are put on the agenda from one person's point of view and they need to be vetted as most other legislative bodies do before they vote on any legislation. He explained that their questions are valid and all they are asking is to vet those few questions for clarification before they pass it along. He stated that doing it the other way around is just passing this on to the plan commission and asking them to figure it out before it comes back to the council to then vet if they don't like the changes or have more questions.



**Mr. Tuner** stated that he would like to entertain a motion to send this to an ad hoc committee to make sure they do their due diligence. He added that it came from a commission but not a committee standing from the council and it won't be a major delay.

**Mr. Applegate** stated that development and annexation are committees of the council as a whole.

**Mr. Dickey** asked why they wouldn't do it as a committee as a whole instead of being subject to an ad hoc committee.

**Mr. Turner** asked why they couldn't do the last one as committee as a whole.

**Mr. Dickey** stated that as discussed, they wanted to have a particular committee look at it.

**Mr. Blair** explained that this came to them without the additional parcel included and Mr. Turner in his due diligence after reviewing, thought that having three sets of eyes on it at committee would result in a better product.

**Mr. Staten** asked if they are talking about sending the amendment to committee

**Mr. Tuner** replied yes.

**Mr. Dickey** stated that they have seen great development in the downtown region and they want to make sure they are extending that out whenever they can. He added that he sees this as an exceptionally worthwhile proposal and provides a lot of incentive for businesses in the expanded area.

**Mr. Phipps** stated that he would agree with Mr. Dickey and just so that it doesn't appear that he is a hypocrite, he would like to point out that they are extending freedom with this resolution and the one before has a potential to restrict freedom and that is why he believes more due diligence is required.

**Mr. Applegate** read a letter he received from One Southern Indiana. Said letter is on file with the clerk's office.

**Mr. Tuner** thanked Mr. Staten for his work with the city and stated that this expansion will be great for the city. He added that any time you can create private interest into a community it is a win-win.

#### **COMMUNICATIONS PUBLIC: R-22-08 Riverfront District Expansion**

#### **COMMUNICATIONS PETITIONER: R-22-08 Riverfront District Expansion**

**R-22-08            A Resolution of the Common Council of the            Collier**  
**City of New Albany Amending the Municipal**  
**Riverfront Development Project Area**

**Mrs. Collier introduced R-22-08 and moved to amend it to include the additional two blocks, Mr. Phipps second, all voted in favor.**

**Mrs. Collier moved to introduce R-22-08 as amended and moved to approve, Mr. Phipps second, all voted in favor.**

#### **BOARD APPOINTMENTS:**

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

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 8:34 p.m.

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Jason Applegate, President

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Vicki Glotzbach, City Clerk