

**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, MAY 16, 2024
AT 7:00 P.M.**

MEMBERS PRESENT: Council Members: Mrs. Collier, Mr. Phipps (Zoom), Mr. FitzGerald, Mrs. Gohmann, Mr. Blair, Ms. Murphy, Mr. Unruh and President Dickey. Mrs. Griffith was not present.

ALSO PRESENT: Mrs. Manning, Mr. Hall, Mrs. Moeller and Mrs. Glotzbach.

CALL TO ORDER: President Dickey 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. FitzGerald moved to approve the Regular Meeting Minutes for May 6, 2024, Mrs. Collier second, all voted in favor with the exception of Mrs. Griffith who was not present.

COMMUNICATIONS – COUNCIL:

Mrs. Collier stated that she wanted to remind everyone that this Saturday is Kid's Day at the Farmer's Market so they will be opening at 8:00 a.m., and there will be some kind of a fun activity for the kiddos. She said that there are always little trinkets and whatnot that they have there for them. She also said that they still have the Kid's Pop Program where they can get their produce coupon, so come see her at the Farmer's Market where she will be doing Kid's Day.

Mr. FitzGerald stated that he was out until probably about a half hour before the meeting dropping for his community walkthrough on Saturday that coincides with the neighborhood cleanup. He is very excited and got to talk with some of the residents already, which was a good thing. He said that he wanted to throw praise on Madame Clerk's team because Ms. Mindy Milburn was a lifesaver this morning for him, so he wanted to thank her for that. He wanted to give a shout-out to Toast on Market. He stated that they have had an amazing run as a community gathering spot where you have good gossip and good food for the last 15 years. He just wanted to share his thanks for them being there. He added that he is sad that they are leaving.

Mrs. Gohmann reminded everyone of Beautification Day on Saturday. She said that they will all be out there manning the dumpsters.

Mr. Blair stated that Mrs. Moeller and he corresponded regarding that one line item in Riverboat which was almost \$500,000.00 and asked if she saw his second email about providing more detail?

Mrs. Moeller stated that she did.

Mr. Blair asked if that is forthcoming?

Mrs. Moeller stated that she is working on it.

Mr. Blair asked when she anticipates having that?

Mrs. Moeller replied that she doesn't know. She said that she is working on bank recs now.

Mr. Blair stated that if it is easy enough for her, he could just take a scan of the invoices.

Mrs. Moeller stated that she would work on it for him.

Mr. Blair thanked Mrs. Moeller.

Ms. Murphy stated that yesterday was Peace Officers Memorial Day so she just wanted to give a big thank you to all of our officers in New Albany and Floyd County, and she appreciates all that they do. She then said that Monday, May 27th is Memorial Day and we do have a national cemetery in New Albany, so at 2:00 p.m. on Memorial Day there will be a service there. She stated that tonight is 20% for Blessings in a Backpack if you go to Legacy Pizza.

Mr. Unruh stated that school is out in a couple of weeks and it is a time when most people are making plans for summer camps for their kids. He would like to make the community aware of a special camp that we have in our community. He said that it is a non-profit and is connected with camps across the country. He stated that a counselor at New Albany High School runs this and it is called Camp Quality USA. He said that it is a camp for children with cancer. He stated that volunteers are needed and funds are needed. He said that the mission kind of says it all and it is "to allow children with cancer to be children again, to have fun and participate in exciting activities, to make new friends who are facing the same challenges that they are, and to as far as possible, be removed from all of the stress that goes with it". He knows that there are a lot of people at New Albany High School that get involved, and as he said, it is a non-profit and they do a lot of things with the kids. He stated that they have had U of L sports teams come over and join in and last year they got the Zambelli fireworks people who do Thunder to come over and put on a fireworks show. He said that all of it costs money but makes great experiences for the kids. He doesn't have telephone numbers or email addresses but the website is campqualityusa.org/ki if anyone either wants to volunteer or donate. He added that there are Camp Qualities across the country and this one is considered Kentuckiana. He stated that this is a great addition to our community and helps a lot of people in need.

Mr. Dickey stated that WNAS Radio is celebrating its 75th Anniversary and having an open house this weekend. He knows for a lot of folks in the community this has been a treasure both for our ability to listen in to local sports and to see the kids really learn and develop. He said that he knows they have been doing their finals so he has to give a shout-out to them because the other morning when he was coming into city hall for a meeting, he got to listen to The Imperial March. He stated that the students did a bang-up job and it was all music by John Williams. He stated that if you are interested in attending the open house, it is on Saturday, May 18th from 1:00 p.m. until 5:00 p.m. He said that you will be able to take a tour of the studio and they have been able to make some enhancements the last couple of years, so if you haven't been in there, please do take some time to go. He added that if you are an alumni especially, they really want to get the alumni from the program to come back in and be part of this. He stated that if you need more information, you can call Mr. Sullivan and the WNAS staff at the school which is 812-981-7621. He said that they would love to see you.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that some city staff joined Develop New Albany for their annual meeting today. He said that it was a wonderful meeting and they have actually rebranded as New Albany Main Street moving forward. He stated that was a wonderful thing to see and we are looking forward to a lot more partnerships with them. He added that at the meeting, they honored former Councilman Dave Barksdale with a lifetime award. He said that Mr. Barksdale is a wonderful guy that got a ton of projects done during his time as a councilman, including help with this building. He just wanted to give a quick shout-out to Mr. Barksdale. He stated that Beautification Day is coming up this Saturday and he is

looking forward to seeing everyone out there doing some nice cleanup in the community and helping some residents out. He then stated that May 31st will be the return of the Bicentennial Park Summer Concert Series. He said that it is a wonderful family-friendly event bringing hundreds downtown every weekend. He wanted to thank the sponsors which are CLLB Law on Pearl Street as well as WFPK and Caesars Foundation of Floyd County. He stated that they have some great acts this year which are national acts as well as some local bands that they are helping, so he hopes the council members can come check it out.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

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

Mr. Dickey stated that at the redevelopment meeting this past week, we did approve a storm water project at the intersection of Roanoke and Houston that has been much needed. He said that Mr. Summers was able to get the design work and that was funded through some of the ARP dollars consistent with some of the other drainage improvements and storm water improvements that have been done. He said we also moved forward on two housing related projects. He stated that one was to release an RFP on some infill lots that are available off of Silver Street and E. Market Street. He said that the other was to move forward with the sale and final selection of Witten to do some infill development on Vincennes Street in some lots that were vacant and acquired there. He is looking forward to seeing those developments, and obviously when we can do infill and help uplift neighborhoods, that’s always very exciting. He said that if anyone has any questions about those, just let Mrs. Collier or himself know and they can get additional information. He added that the council will receive the minutes on these as well.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES FOR FIRST READING: READING

G-24-04	An Ordinance Amending City Ordinance 32.035 and 32.036	Unruh 1
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Action Taken: G-24-04 was referred to the Police Department Committee.

Mr. Dickey stated that the Police Department Committee did meet earlier tonight, and because they haven’t had a chance to issue their report, it is not on the agenda for second reading. He said that will be at the next meeting so we will see this item for the next two meetings.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Mr. Douglas Geiger, 2118 Reno Avenue, stated that he has been trying to get in front of the council again to vote on converting Graybrook into apartments. He said that there was an unfavorable decision based on the designs. He stated that he sent it over to Mr. Wood but he said they didn’t receive it in time so they are going to kick it off of the docket and it now has to become a home. He said that he can make it a 28-bed home but it’s definitely not going to be pretty for the area because we are not going to be able to fix 90% of the issues. He stated that he is trying to get in front of the council so it can be voted on again.

Mr. Dickey stated that the Development & Annexation Committee did meet on this after it was referred from the plan commission to this body. He said that committee did not take action at that meeting and requested additional information from Mr. Geiger in the

form of site plans and related renderings. He said that neither the clerk or himself had heard anything further from Mr. Geiger or from his attorney Mr. Kraft until yesterday afternoon when we were asked if we could have it added to the agenda. He stated that after consulting with our attorney and staff this morning, he sent a message to Mr. Kraft indicating that as president, after the agenda is published, he has no ability to amend that agenda. He said that would fall to this body if there is any desire to amend the agenda. He stated that the calculation of the certification from the plan commission is such that the 90 days does seem to expire on or about May 21st depending on how you count it. He said that really doesn't leave much time but he will certainly entertain some discussion if anyone wants to ask some additional questions.

Mr. Geiger stated that he will have the renderings in two days. He said that he has the preliminaries but they still need to be fixed. He stated that he is just asking for a vote on it and then kick it back to the plan commission to vote on it again. He said then he will start the process over to give it time so that it can go through the whole process. He asked if that is something that can be done?

Mr. Dickey stated that he would defer to Mrs. Manning for a moment because process wise he doesn't know if we have to act or fail to act and then let it be a new application and take into account the housing moratorium. He is assuming that the moratorium would override the new application because this is a multi-family venture.

Mrs. Manning stated that the way the statute is written, it is a 90-day deadline for the council to act after the recommendation is made from the planning commission. She said that notice was delivered on February 22nd to Mr. Geiger and his legal counsel. She stated that the state statute is ambiguous with regards to committees, so her interpretation of the statute is that once the 90 days runs, it would by default accept the unfavorable recommendation of the planning commission, meaning it would not go into effect. She said that a new application would be dated as of the date of the new application and so she does think, in her opinion, the moratorium would come into play at that point. She stated that these timing issues are very challenging and the way she reads the statute, there really isn't any wiggle room on those 90 days which is why the notice, once the planning commission made the certification, was delivered by letter from Mr. Wood because that's the date that starts the clock on the 90 days. She added that it was delivered to Mr. Geiger's legal counsel.

Mr. Geiger stated that he has to meet in front of the small committee and he has been trying to schedule that since May 6th. He said that he has been talking to Mr. Wood and hasn't gotten anywhere on that, so he doesn't know how to proceed with this because his attorney has been out. He doesn't know how he can get something so the he can actually talk to them and show them what he has now. He said that he has 90% of everything that they want, it is just not perfect yet. He needs to figure out how the council can work with it to get that done. He stated if not, he can't sit on it for another six months and he is just going to keep the curb cut, keep the pool house and still cut some of the landscaping up, and turn it into a 28-bedroom home and have to rent it by room which is kind of barbaric. He said that since Mr. Wood denied everything else for use on that, that is what he will do.

Mrs. Manning stated that she wanted to add that she does think that the appropriate process here, given the rules that are in effect, would be for it to go back to that committee. She said that the timing in the statute is the timing in the statute and she doesn't read it to have any discretion. She added that she reviewed the statute and the case law interpreting the statute. She then stated that the 90 days is the 90 days, so figuring out what those options are, in her opinion, is something that the applicant needs to do with his legal counsel. She said that she is advising the council that her interpretation of the statute is that once the 90 days runs, at that point the application is deemed rejected, and what options the applicant has would be for him to figure out with his legal counsel.

Mr. Geiger stated that his legal counsel had a death in the family so what he is trying to figure out is how he can get in front of the council before May 20th. He said that he has been trying since May 6th, and with no one else in his counsel's office handling this, he doesn't know where he can go with it.

Mr. Dickey stated that when you say you have been trying since May 6th, like he told the council, he has received no communication as either the committee chair or the president of the council nor has the clerk before yesterday. He asked who he is asserting was making that attempt?

Mr. Geiger stated that he started on the 6th talking to Mr. Kraft's secretary and Mr. Kraft through email. He said that he told them that he needed to be on the docket and we need to get it going. He told them that he had the prints and will have them on this date. He stated that Mr. Kraft's secretary said okay, she will take care of it and reach out. He said who she reached out to he doesn't know but then he also called Mr. Wood, which doesn't do much, so he called his secretary and she gave him somewhere else to go which was incorrect and then they gave him somewhere else to go to.

Mr. Dickey stated that he appreciates that he had those conversations and all of that. He said that he doesn't understand because after we left the committee meeting, it was very clear that when you were ready to proceed, it needed to come back to the committee and to either contact him directly or the city clerk. He doesn't understand why no one was able to do that.

Mr. Geiger stated that he was having an attorney handle all of this and he doesn't know why he didn't take care of what he was supposed to. He said that the only email he got back today was that there is not good news and nothing about showing up to this meeting, which he said was going on, so he is assuming there is still something going on with his family and that's why he is not here. He had to find out about this meeting by calling the city and then calling all around and finding out about it. He said that his thing is that he has the site plan in a 3D layout that looks really terrible on what you guys wanted and they are supposed to be cleaning it up.

Mr. FitzGerald stated that when we met, you said you were going to bring us the stuff a week to two weeks after the committee meeting. He said that he doesn't know the timing of what you have been going through but that is what you agreed to as well.

Mr. Geiger said yes and then he had an incident where he was arrested and then charged with six counts of felony crimes. He stated that they got four witnesses saying that he didn't do it, but yet they already charged him, so they offered him a plea deal of \$240.00 and everything goes away and is expunged and it will never be heard again. He said that he was wasting time and money in jail dealing with that stuff. He added that it had to do with one of his properties and evicting a tenant and it has been a really big mess.

Mr. Dickey stated that the council can certainly appreciate that life things happen but we don't have the discretion under statute. He put it back to the council and said that if someone is inclined to want to amend the agenda to consider this, we can certainly do that but that does take a unanimous vote of this membership. He said effectively, we would also be changing our rules which stipulate the committee process because we would be discharging this out of the committee as well. He just wanted everyone to understand that. He then said hearing no one bring forward any affirmative motion, he thinks what the council is essentially asserting is that we are not willing to consider this matter this evening.

Mr. Geiger said alright, well he is not going to be able to take the curb cut out if he does the 28-bed home though. He stated that it is going to have to have the pool house sit for a while and this is going to be the way it is going to be. He said that is the way the development world works he guesses. He gave his apologies and he said that he tried to make it nicer. He stated that he won't have the money to make it more of a value for the area but that is what he will do.

ADJOURN:

There being no further business before the board, the meeting adjourned at 7:27 p.m.

Adam T. Dickey, President

Vicki Glotzbach, City Clerk