

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, SEPTEMBER 5, 2024 IMMEDIATELY FOLLOWING THE 7:00 P.M. PUBLIC HEARINGS.

MEMBERS PRESENT: Council Members: Mrs. Collier, Mr. Phipps, Mr. FitzGerald, Mrs. Gohmann, Mr. Blair, Mrs. Griffith, Ms. Murphy, Mr. Unruh and President Dickey.

ALSO PRESENT: Mrs. Manning, Mr. Wood, Ms. Johnson and Mrs. Glotzbach

CALL TO ORDER: President Dickey called the meeting to order at 7:57 p.m.

INVOCATION: Given by Pastor Kristin Dollar

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Phipps moved to approve the Regular Meeting Minutes for August 15, 2024, and the Budget Workshop Minutes for August 28, 2024, Mrs. Collier second, all voted in favor.

COMMUNICATIONS – COUNCIL:

Mr. FitzGerald stated that he had a small community walk through with a couple of residents on Burton Avenue and he still needs to do a couple of follow ups on that. He said that continued thoughts and prayers are with the community of Winder, Georgia as they are victims of another senseless act of gun violence in their school.

Mrs. Gohmann stated that Saturday is Art on the Parish Green and the Monarch Butterfly Festival at St. Paul’s Episcopal Church on E. Main Street at 11:00 a.m. She said that it is going to be an opportunity to hear great music, see terrific artists and experience a butterfly release at 6:00 p.m. that is going to be absolutely amazing.

Mr. Blair stated that he has been trying to obtain information around the Glennwood Park Dam specifically the cost of the lawsuits and how much the city has incurred for those lawsuits, and also recently the emergency maintenance that was done. He said that he started back on June 6th requesting this information and since then have sent several emails and have gotten no responses, so he is really having difficulty getting information from the administration for that. He stated that the other piece is the recent construction that was done down there and he would like to get that information on the cost of construction.

Mr. Blair motioned to request that the City Executive provide the total cost the City has incurred to prevent River Heritage Conservancy and EcoSystems Connection Institute from removing the Glenwood Park Dam on Silver Creek. Please provide all expenses including internal billed legal fees, fees paid to outside legal counsel, fees paid to other professional consultants such as environmental and engineers, and other fees paid in connection to lawsuit. The timeframe is from the first expense to present, which has been ongoing for approximately three years. Please provide this information by September 16, 2024 amended to October 7, 2024., Mrs. Griffith second, all voted in favor with the exception of Mr. Dickey who voted no.

Mr. Phipps moved to amend it to say the final vote of the budget which would be October 7th, Mrs. Collier second, all voted in favor with the exception of Mrs. Gohmann, Mr. Blair, Mrs. Griffith and Mr. Dickey who voted no.

Mr. Blair motioned to request that the City Executive provide copies of the request for proposal, contract and invoices for any work to be, presently in process or completed at Glenwood Park Dam in July – September 2024. Please provide this information by October 7, 2024., Mrs. Griffith second, Mrs. Collier, Mr. FitzGerald, Mrs. Murphy, Mr. Unruh and Mr. Dickey voted no, Mr. Phipps, Mrs. Gohmann, Mr. Blair and Mrs. Griffith voted yes. Motion does not pass.

Mr. Phipps stated that he would like to see that information but he thinks that is too quick of a turnaround to ask for it by next week.

Mr. Blair stated that they have had this request since June 6th so it is nothing new, it is not a surprise. He said that when you look at the public access coordinators and timeframes, they usually give seven to ten days and he is giving 11 days, so he thinks he is trying to stay within the timeframe that the public records access typically recommends.

Mr. Dickey told Mr. Blair that he thinks that is for the initial response and doesn't think that it is necessarily to satisfy three plus years of information. He stated that his understanding is that the administration is working on handling this, and personally, he feels like it is overstepping to not allow them an opportunity to at least provide an update to that work.

Mr. Blair stated that he has given them plenty of opportunities and sent them numerous emails and the only response he got was an out-of-office response. He said that he has given all the time that they need to provide that information and they should be able to go into the system into those line items, print out those line items and identify what is related to the dam, and give us that information. He stated that on the fact of transparency, enough is enough. He has had a lot of constituents ask for this information and we are taxpayers and taxpayers have a right to find out how their money is being spent.

Mr. Dickey stated that he does not disagree with Mr. Blair about the right to information, but again, he believes that the administration is working on this and this is a three plus year review of information. He said that personally, he is going to defer to them to bring an update as opposed to giving them a hard and fast deadline that is a few weeks away at best.

Mr. Blair stated that he has already proven that an arbitrary deadline gets him nowhere. He said that he has to put a stake in the ground to get the information. He added that we are going into budget season and council members need to know how our tax dollars are being spent, so we can budget for the next session. He stated that he is tired and he wants to get the information so he is asking for the council members' help.

Mr. Phipps asked Mr. Blair if he would be willing to change that to get it in time before we approve the budget? He definitely wants to see that before he votes for the budget.

Mr. Blair stated that if Mr. Phipps wants to make a motion to amend his motion until the first budget reading, that would be fine with him.

Mr. Phipps said at least by the second budget reading.

Mr. Blair stated that he can go along with the first one because by the time you get it by the second reading and they give it to you the day before you have to vote, there is no time for discussion. He said that he would be willing to make the change of September 19th.

Mr. Phipps stated that the only way he would amend it is before we ratify the final approval of the budget and that is not until October.

Mr. Blair stated that Mr. Phipps can make the motion but he won't agree to it.

Mr. Phipps stated that he would motion to give them until the final vote of budget which would give them a month.

Mr. Blair stated that they have already had three months.

Mrs. Gohmann asked if the third reading is the final vote on the budget?

Mr. Dickey stated that would be the final vote on adoption of the budget.

Mr. Phipps stated that they could always amend it that night.

Mrs. Gohmann asked if that is going to give them enough time to discuss it?

Mr. Phipps stated that it should.

Mr. Blair said what if they get it right before the meeting? He stated that doesn't give you time to discuss it. He thinks it needs to be backed up a couple of days at least.

Mr. Phipps stated that the motion has been made and second.

Ms. Murphy stated that she takes her role as a council member very seriously and she likes to have information well ahead of time before she votes. She said that she makes hard copies, she writes notes, she makes phone calls and she doesn't appreciate motions being brought forward on topics that she doesn't have all of the information on. She stated that none of this was shared that this was a concern and they have had no discussion about deadlines or who's working on what. She just doesn't appreciate being blindsided.

Mrs. Griffith stated that along those lines, it was brought up during council comments. She said that Mr. Blair has brought that up here numerous times but she doesn't have all of the dates in front of her. She knows he did on June 6th for sure and it has been discussed. She stated that on that topic, she definitely would be in favor of having that information before the third and final reading because she would like to prepare before that.

Ms. Murphy stated just for a point of clarification, to have an item that we are going to have a motion on and vote on, she asked if that should not be on the agenda ahead of time with a packet of information?

Mr. Dickey stated that he thinks to Ms. Murphy's point, the ordinance that she has introduced really gets to the substance of that. He said that the reason why we have ventured into this territory is because we have allowed members to make administrative related requests. He stated that typically that regards things like going to a training and requesting use of the council's travel budget. He added that it could also be other minor items. He said that under Robert's Rules, both Mrs. Manning and he have reviewed and see that the rules do say that you can make motions under officer reports. He stated that while he sees it as a valid motion, the problem that he sees is the same thing that Ms. Murphy has brought. He said that they are, to some degree, blindsided. He said that as Mrs. Griffith said, there may have been some previous comments by a council member and that is fine, but as far as being prepared to address it tonight, he thinks that any citizen that looked at the agenda would not have known that it was going to be on the agenda. He thinks that is the substance of why Ms. Murphy will introduce her ordinance tonight, and he thinks that as a general point, it is a valid concern.

Mr. Blair stated that he thinks within a well-functioning government and people working together, cooperating together and communicating together, this would have been a simple request. He said that he has brought this up to this council several times, so even though it wasn't on the agenda, the right of a council person or anyone in the public should be entitled to receive information. He stated that making the request as a council as a whole puts more weight to it than an individual council member or someone from the

public. He said that he would hope that they don't have to go to these extents, but when they do, he wants it available to them. He added that as everyone knows, he has had trouble with other information so far this year and he doesn't know what the issue is, but as far as making decisions, public trust and the public knowing how their resources are used, you have to provide information.

Ms. Murphy stated that she is going to vote yes to the amended motion because she too believes in transparency, however, if she were to have a hard copy of that or had that emailed to her prior to the meeting, she would feel much more comfortable with her vote.

Mr. Blair stated that his second motion actually came from a constituent and they sent their request to the city. He doesn't have a lot of confidence that the city is going to provide that information, so he is asking the council to request that information from the city executive. He then asked Mrs. Manning if he would've sent this to council members as an email, would that have been against the rules?

Mrs. Manning replied yes and said that you can't have a communication with the council outside of the council meeting, however, you can send something to put it on the agenda and it would be considered by the council because it has been put on the agenda.

Mrs. Collier asked Mr. Blair if he had requested this information before today?

Mr. Blair stated that it was requested by a constituent.

Mrs. Collier asked Mr. Blair if he had requested it from anyone in staff?

Mr. Blair stated that he has not personally. He said that a constituent sent it to the administrative staff on August 22nd.

Mrs. Collier stated that she is going to go back to what she stated in a previous meeting. She said as far as a first requests go; she just does not think this is the way to go on a first request. She thinks it should be given the opportunity to be presented to the staff and them not get the first communication about it from us as a whole.

Mr. FitzGerald stated that he would consider this a constituent service request first, and if he has a constituent service, he would present it to the administration and see what responses he receives, and then come back if he received no responses. He added that he has been in favor of transparency going forward.

Mr. Blair stated that he is just going off of the track record.

Mr. FitzGerald stated that he understands what Mr. Blair is saying.

Mrs. Griffith stated that Main Street New Albany is doing the Taco Walk this Saturday along with the Annual Street Fair at the S. Ellen Jones at Ritter Park from 11:00 a.m. until 2:00 p.m. She said that tickets are still available for the Taco Walk and the Annual Street Fair is free. She stated that the following Saturday, September 14th is the Historic Home Tour where you can go through some of the houses throughout downtown. She added that is another fundraiser for Main Street New Albany and tickets are available for that too.

Ms. Murphy stated that she just wanted to remind everyone that next week is September 11th Patriot Day and she would hope that those would take a moment to remember our first responders and folks that lost their lives on September 11th. She added to take a moment to be grateful that we are in a country where we have open public meetings where we can speak our minds, and that we live in the greatest country on the planet.

Mr. Unruh stated that his communications have already been brought forward so he has no additional ones.

Mr. Dickey stated that he has only echoes as well about the festival this weekend and certainly 9/11. He is aware of a few remembrance opportunities, and then in addition, as a sister city, he pours out his sympathies for the unfortunate tragedy in Georgia the other day.

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

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

Development & Annexation Committee Report (August 30) – Mr. Dickey

Mr. Dickey went over the following report:

To: New Albany City Council

From: Development & Annexation Committee

Date: 8/30/24

Re: Development & Annexation Committee Report – X-24-02 / Z-24-02

The following report is respectfully submitted by the Development & Annexation Committee for consideration of X-24-02 and Z-24-02, heard on Friday, August 30, with Committee members Dickey, FitzGerald and Phipps present. Also present were Plan Commission Director Scott Wood, Plan Commission Attorney Jacob Vissing, City Council Attorney Corrie Manning, and Economic Development Director Claire Johnson. Mr. Jacob Arbital was present for the petitioner.

Following brief opening comments, Mr. FitzGerald presented ordinance X-24-02 and Z-24-02 and recognized Plan Commission Director Scott Wood had additional comments. Mr. Wood noted that before the Committee was two items, a requested voluntary annexation and a zoning designation that as considered by the Plan Commission would incorporate the subject parcel filling into the city's fringe area and zone the parcel under the MDR – Mixed Density Residential zoning district. Mr. Wood explained that based on the information at the time of filing of the zoning request before the Plan Commission, staff believed the parcel was only partially in the established two-mile fringe. However, after additional research following the Plan Commission meeting, the staff had identified Ordinance Z-87-206 as incorporating the entire parcel in the two-mile fringe and establishing the R-1 zoning district. Consistent with the 2019 replacement Zoning Ordinance, the area would have been zoned Low-density residential and steep slope.

Economic Development Director Claire Johnson briefly noted the nature of the desired development and acknowledged Mr. Jacob Arbital for a brief presentation outlining the property and their request. It was noted if approved by the council, the owner would follow all appropriate development steps including plat approval, development standards and a commitment limiting the development to only single-family residential.

No public testimony was taken on this matter as it was scheduled for a public hearing for September 5th @ 7:00 p.m.

After a brief discussion, Mr. FitzGerald motioned to recommend for council consideration X-24-02 to the full council. Mr. Phipps seconded, and the motion carried 3-0. Regarding Z-24-02, Mr. Dickey suggested that given the information received from Plan Commission Director Wood on the impact of Z-87-206, it may be appropriate for legal counsel to review the proposed ordinance for recommended changes outside the committee meeting and refer those changes as part of the Sept. 5th Council meeting. Mr. FitzGerald made the motion to recommend for council consideration Z-27-02 with Mr. Dickey's stipulation. Mr. Phipps seconded the motion, which was approved by a vote of 3-0.

With no further business, the committee adjourned.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES FOR FIRST READING:

G-24-05 **An Ordinance Amending 30.22 of Chapter 30 of Title III of the Code of New Albany** **Murphy 1**

Action Taken: G-24-05 was referred to the Rules Committee.

Z-24-02 **Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV Chapter 156** **FitzGerald 1**

Action Taken: Z-24-02 was referred to the Development and Annexation Committee.

X-24-02 **An Ordinance of the Common Council of the City of New Albany, Floyd County, Indiana Annexing Certain Real Estate Into the City Pursuant to Petition For Voluntary Annexation** **FitzGerald 1**

Action Taken: X-24-02 was referred to the Development & Annexation Committee.

INTRODUCTION OF ORDINANCES FOR SECOND READING:

COMMUNICATIONS PUBLIC: X-24-01 ANNEXATION OF REAL PROPERTY LOCATED NEAR REAS LANE

COMMUNICATIONS PETITIONER: X-24-01 ANNEXATION OF REAL PROPERTY LOCATED NEAR REAS LANE

X-24-01 **An Ordinance of the Common Council of the City of New Albany, Floyd County, Indiana Annexing Certain Real Property Located near Reas Lane in Unincorporated Floyd County, Indiana into the City** **FitzGerald 2**

Mr. Blair motioned to keep the agenda as presented, **Mr. FitzGerald**, all voted in favor.

Mr. FitzGerald motioned to table X-24-03 for the third reading until October 7th pursuant to state statute regulations for forced annexations, **Mr. Phipps** second, all voted in favor.

Mr. Dickey said that technically they are on the third reading for this because they have already done the second reading. He added that he thinks this was a misprint on our part on the agenda.

Mr. FitzGerald thanked **Mr. Dickey** for the clarification. He stated that they are on the third reading that is back to them from the first and second readings.

Mr. Dickey asked if the council wants to proceed with the agenda as printed or make a motion to bump this to the end?

Mr. FitzGerald stated that he would like to keep it as is.

Mr. Blair stated that he agrees.

Ms. Johnson stated that the meeting in June was the introduction of the ordinance so this would be the first and second readings tonight.

Mr. Dickey stated that is not how our processes work after December of last year. He said that you couldn't have it here on first reading so you are technically on the third reading. He stated that he wanted to take a recess to make sure that there are no procedural errors on this.

The meeting recessed at 8:34 p.m.

The meeting reconvened at 8:49 p.m.

Mr. Dickey apologized for the delay. He stated that what is appropriate here is that this item is on third reading, however, what is controlling is state statute regarding a forced annexation. He asked Mrs. Manning to provide the explanation on this.

Mrs. Manning stated that with an involuntary annexation, state statutes provides that after the public hearing happens, the council must wait at least 30 days to adopt the ordinance but no longer than 60 days. She said that means we need to have this on the agenda for the October 7th meeting, so we will be listing this item for third reading on that agenda.

Ms. Murphy stated that is Reas Lane, correct?

Mr. Dickey that is correct.

COMMUNICATIONS PUBLIC: X-24-02 ANNEXATION OF REAL PROPERTY LOCATED ON BUDD ROAD

Mr. Wayne Zinner, 327 Powderhouse Lane, stated that he went through this list of items and he will go through those again if anyone has any questions. He said for two weeks before the plan commission, his neighborhood and a lot of people have said they would chip in to hire a lawyer to represent them. He stated that they have been trying to hire one but it has been impossible. He said they have called he doesn't know how many lawyers to get representation and no one will take up their cause. He doesn't know if there is some relationship here with all of the lawyers in town or what, but it is really disheartening that they cannot hire representation. He stated that someone suggested going to Indianapolis but they haven't contacted anyone yet. He said for them to spend almost six weeks trying to hire a lawyer and not being able to is just not fair. He stated that he is going to respectfully request that the council either tables this thing or vote against it to give them time because they already have a group of people that want to purchase this property. He said they are trying to work with the realtor that represents the seller and the realtor that represents him to get this taken care of. He doesn't know if they need a lawyer or not for that but trying to get a lawyer to represent them is impossible.

Mrs. Karen Freiberg, 2206 E. Arrowhead Drive, stated that she teaches and for 37 years, 180 days a year, her students and she (middle schoolers) stand and say the Pledge of Allegiance. She said that they ask her why in the world they have to do this. She stated that she tells them because it says "one nation", but in reality, we are not one nation. She said that we are the hundreds of thousands of communities that have to work together. She stated that you are an elected governing body, however, the majority of the people here didn't have the right to vote for you. She said that they live in the county, yet you are making a decision that affects our lives. She stated that their happiness, their pursuit of happiness and their liberty are at stake here but they didn't get to vote for this council. She teaches locally so she has been talking to the council's constituents, those people who voted for them, and asked them to tell her about the council members. She has asked them what they know about the members and why they voted for them. She said that it is not party line. She stated that they all told her the same thing and that was because they think the members have the integrity to do the right thing, which is exactly what she tells her eighth grade students. She said that is how government works and how she tries to

run her classroom. She stated that when you have 185 eighth graders all day long, you have to teach them to get along, accept each other's differences and to consider the other person's point of view. She said this is their lives. She stated these are our families, these are our children. She stated that her husband spoke, and when he says he is an expert, he is downplaying it. She said he was a Lieutenant for the Louisville Metro Police Department for so many years. She stated that he retired. She also stated that he ran Derby, Thunder and all of the major events; every traffic problem you can imagine, we lived through. She said that he almost stroked out after Valhalla so she told him to retire. She stated that when he tells you that this is going to cost human lives, he knows what he is talking about. She said that he has held the hands of those men and women who have died and delivered those messages to family. She asked the council if their constituents are right? She asked if they have the integrity to at least think about this and delay it to look into it? She asked if this was their community and these were their children, would they put this next door to them without investigation? She stated that when she goes back to her students, she wants to say "this is how it works" or just turn on the TV and watch what really happens.

Mr. Elisha Shannon, 312 Marianna Drive, stated that he had one point that he didn't get to bring up earlier. He said that he doesn't know how much power the council has over this but instead of building more housing, if they could vote on making living more affordable, that would be better. He stated to make it easier for people his age, would be better. He said that he is 27 years old and he got very, very lucky buying his house from the 3.5% that he got to the 9.0% that it is now. He stated that if we could make living more affordable instead of just building more houses to be vacant, it would be a lot better for everyone.

COMMUNICATIONS PETITIONER: X-24-02 ANNEXATION OF REAL PROPERTY LOCATED ON BUDD ROAD

X-24-02	An Ordinance of the Common Council of the City of New Albany, Floyd County, Indiana Annexing Certain Real Estate Into the City Pursuant to Petition For Voluntary Annexation	FitzGerald 2
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Mr. FitzGerald introduced Bill X-24-02 and moved to approve the second reading, Mrs. Gohmann second, all voted in favor with the exception of Mr. Blair and Mrs. Griffith who voted no.

Mrs. Griffith motioned to table Bill X-24-02, Mr. Blair second, all voted no with the exception of Mr. Blair and Mrs. Griffith who voted yes.

Mr. FitzGerald stated that unlike the previous annexation, this is a voluntary annexation and the property owner has come before the plan commission and he would like to invite Mr. Wood to present the plan commission report.

Mr. Wood stated that regarding the question about whether the site is in the two-mile fringe area or not, his understanding was in a conversation with Floyd County Plan Commission that about two or two and a half years ago, they believed that the property was in fact in the two-mile fringe area. He went back and researched a 1971 zoning ordinance and zone map, and in 1971 was when the city and county divided their area plan commission and went back to separate plan commissions. He said that it did not show this area in the two-mile fringe area. He stated that they had a request from one of the speakers tonight for a copy of the fringe area in the southwest portion of New Albany. He said that they sent them a map and they said maps can be wrong and asked if he could find a written description of it? He asked his staff to look at it and they found Docket 82-87. He stated that the plan commission on its own motion purposed to amend the city zone map to establish zone districts for fringe area Broeker Lane. He said that it was pretty clear from that, that in fact, the property was taken into the two-mile fringe area in 1987 and this particular piece of ground was zoned R-1, which is suburban residential.

He stated that at that time, it would have been one dwelling unit per 12,000 sq. ft. if it was not on sanitary sewer and one per 9,600 sq. ft. if it was on sanitary sewer. He said that they amended the zoning ordinance in 2019 and the property was then zoned LDR (Low Density Residential). He stated that zoning district permits lots of 60X120, 7,200 sq. ft. and that is a net of six dwelling units per acre. He said that the applicants are requesting a change from MDR (Mixed Density Residential) and permit single family on 40X100 lots, 4,000 sq. ft., which is 10 dwelling units gross per acre.

Mrs. Griffith asked for clarification if there is a copy of the map?

Mr. Wood stated that the survey map is included. He added that he didn't bring copies of the map for everyone but it is a copy of the fringe area expansion. He pointed out on the map the existing city limits and the expanded two-mile fringe area as well as the property for the site.

Mrs. Griffith asked since that is not in the 2019 plan, does that need to be amended before they can go further?

Mr. Dickey stated that he thinks what was determined is that part of this requires or is a zoning request and that is the second ordinance. He said that at present, our main piece is talking about the annexation ordinance, which is a voluntary annexation and he believes that what Mr. Wood wanted to clarify is the discrepancy since those two are related. He thinks that is why Mr. Wood is trying to address that issue up front.

Mrs. Griffith said so that is the next conversation coming up?

Mr. Dickey replied yes.

Mr. Blair asked if the yellow pieces are in city limits?

Mr. Wood replied yes. He then stated that part of the reason that they sought to bring in the two-mile fringe area, when they did not believe it was in there, was that with a voluntary annexation, if the council chose to annex this particular piece of property and it was not part of the two-mile fringe area, the developer would be in a development limbo for a period of basically two years. He said that is because we would have no zoning jurisdiction on the property and the property would not become part of the city until the second January 1st after the first one, which would be 2025. He stated that the property would not be developable under city regulations, even though it would be in the city, until after January 1, 2026 so that's why they did that. He said that they discovered that the two-mile fringe area was already in place and now that part of it is moot.

Mr. Dickey said so from the standpoint of the annexation, he believes there was a presentation from the developer/owner interest and asked if that is correct?

Mr. Wood replied yes.

Mr. Dylan Fisher stated that he will hold his comments for the zoning discussion then related to the lot sizes and the developer restrictions. He said that he is present as the petitioner's land owner and he does have the property under contract, and as part of the contract, they agreed to file for voluntary annexation. He stated that as part of the rezoning process though, he is willing to make the written commitment upon closing and taking ownership of the property, there will be a single-family designation on the property restricted to that single-family detached housing. He said that minimum lot sizes would be 5,000 sq. ft. instead of the 4,000 sq. ft. that is permitted under MDR. He stated that he will talk about those again during the rezoning ordinance discussion.

Mr. Dickey asked Mr. Zoeller if he had any additional items to discuss on the annexation with the council?

Mr. Zoeller stated that he doesn't believe so. He said that the process on this annexation is that you will do the first couple of readings tonight and then you will have a third reading later.

Mr. Dickey stated that as a voluntary annexation, the statute differs between voluntary and forced annexation. He asked Mr. Zoeller to just give council a little clarity to make sure they are all aware of those differences.

Mr. Zoeller stated that Reas Lane is involuntary so there are several outreach sessions that you have with neighboring land owners that is required under statute. He said that with a voluntary annexation, the landowner is willing to come in and there are no outreach meetings necessary and less public hearings as well as less wait periods. He stated that Reas Lane has a requirement that you cannot take final action until 30 days after and you don't have some of those things in a voluntary situation.

Mr. Dickey stated that associated with this too is the adoption of the fiscal plan.

Mr. Zoeller stated that is correct.

Mr. Dickey stated that the fiscal plan considers the property as it is currently.

Mr. Zoeller stated that is correct.

Mr. Blair asked when the third reading would take place?

Mr. Zoeller stated at the September 19th council meeting.

Mrs. Griffith stated that she wanted to make a motion to table this item until the next council meeting since there are so many unanswered questions.

Ms. Johnson stated that she thinks it is important to note that the stage in this process now is annexation only. She said that many of the comments that were brought up tonight are relating to a development plan that would go before the plan commission ultimately for approval, and then primary and secondary plot to the council as well. She thinks that it is important to note that tonight is for annexation only. She said that by right the property in the fringe as LDR can build at the density that Mr. Wood talked us through just a moment ago. She stated that by right those houses could be built today, so what is being asked on the rezone matter is to increase density by 1,000 sq. ft. frontage.

Mr. Blair stated from 4,000 sq. ft. to 5,000 sq. ft.

Ms. Johnson stated that is roughly 10 homes, so tonight is annexation and a fiscal plan. She asked the council to please remember that and to remember that there are several other processes that this development will go through to consider things like traffic impact, environmental concerns, etc.

Mr. Blair asked Mr. Fisher why he just didn't go through the county and their process? He also asked why he brought it to the city?

Mr. Fisher stated that the property is in the fringe so he would go through city processes regardless. He also stated the availability of city services is why he wants to annex into the city.

Mr. Blair asked if this will likely be a TIF District?

Ms. Johnson stated that she has been including this project within their applications for READi 2.0 for example. She said that they have a very aggressive goal with our growth initiative to increase homeownership, and get to that 60% rate, they would need about 1,000 new homes built within the City of New Albany. She stated that in 15 sq. miles, that is going to be difficult so she thinks it is important that they identify parcels such as

this where the opportunity to build new homes is available. She said have they started a residential TIF process on this, no, but does she think it would be beneficial to do so should this property receive all the approvals needed, she does. She stated that there are obviously infrastructure needs that are needed in this area and a residential TIF would allow them to provide those services to this area and around the area.

Mr. Blair asked if we have done anything from a fiscal plan standpoint to determine how much it would cost to improve the infrastructure? He heard a lot of issues around storm water drainage, streets not wide enough, etc. He asked if we have done any kind of analysis to determine if we will have enough money generated from this project in order to support those infrastructure improvements?

Mr. Wood stated those are absolutely legitimate questions and most of what everyone talked about here tonight, other than the actual annexation, are legitimate concerns for the plan commission when they consider the primary plat. He said roadway sufficiency, drainage and all of those issues will come into play at that point in time. He stated that the plan commission will hold a public hearing for the subdivision and that's the primary plat. He said that's when they get their original approval and they then have 18 months to come back to the plan commission for final approval. He stated that they also have to go to storm water for approval, sewer for approval and they have to get board of works approval for all of those public facility types of things. He said there are lots of more opportunities for the public to comment on this development. He stated that the question tonight for the council is annexation and rezoning and those are the only questions before the council. He said that the subdivision does not come back to the council; that is exclusive domain of the plan commission.

Mr. Blair stated that the plan commission sent this to us with no opinion. He said this is their one chance to weigh in on the decision making of this property. He stated that they are elected officials, and unfortunately, the buck stops here. He said that it got kicked to them and they didn't have any kind of opinion or direction from the plan commission. He stated that they had the recommendation from the staff but not a from the plan commission. He said that the reason that he second to table this is because he believes everyone should have the ability to have legal representation. He stated that there are probably circumstances why that didn't happen and he may not agree with the circumstances, but he would really encourage them to get an attorney. He said that we had a change as of Friday as to whether it was in the fringe area or not, so let an attorney get another look at that. He added that he can't believe that they can't go to Louisville and find someone, because as a citizen, he set out there on a zoning change and they had to hire an attorney from Jeffersonville and it was well worth it. He also added that he has been really impressed with the organization of this group. He was also impressed with the email effort because it was on target. He would really like to table this for them to get legal representation, and if they can't do it, it can be brought back next week.

Mr. FitzGerald asked if they vote on a second reading, it still comes back in two weeks, correct?

Mr. Dickey stated that is correct.

Mr. Phipps stated that Mr. Blair asked the developer why he didn't pursue this through the county and he pointed out that it was already in the fringe area, so he would have to come here anyway. He asked Mr. Blair if he is saying that he would rather have a subdivision built in the county and we have jurisdiction over them and they can't vote for us? He said that if we at least annex them into the city, those people will have a voice in voting.

Mr. Blair stated that is only the people who buy a house in that subdivision. He said that the people who live in the fringe area still don't have the right to vote, but we are still affecting their property and their way of life.

Mr. Phipps stated that is a totally different situation. He said this is a voluntary annexation; it's the individual who owns the property asking to come into the city. He mentioned individual property rights and asked what gives someone the right to tell someone else what they can do with their property within reason. He stated that if they want their property within the City of New Albany, that is really no one else's business.

Mr. Blair stated that those are good points and he is not saying yes or no, he is just saying let's table this and give them a chance to get legal representation and bring it back. He said that Mr. Phipp's points are right but part of what he was looking for was that confirmation from the plan commission and they didn't get that. He stated that the plan commission has more expertise and experience with zoning issues than the council does, but they didn't get that guidance at all.

Mr. Phipps stated that he was the one that made the motion to forward it to the council without a recommendation because he thinks they had two other attempts that they didn't get enough votes either way, and they had to act that night. He added that he was going to have to vote on it through the council anyway, so he just took a neutral position so they could get enough votes to move it forward.

Mr. Blair said yes, but you were only one member.

Mr. Phipps stated yes, but they weren't going to get it through either way because they were divided and they had rule one way or another to send it to the council. He said that was the only other option to get it here.

Mrs. Griffith stated that is her reasoning for tabling it because it seems like it's being rushed and there is a lot more information that has been brought to their attention. She said that if they table it, it would go to September 19th and it would have final vote on October 7th. She stated that she has no issue with that.

Mrs. FitzGerald asked Mrs. Griffith what questions haven't been answered about annexation?

Mrs. Griffith stated that she just feels that there was a lot of information brought up tonight and she appreciates everyone that came out because their voices need to be heard. She said that they are trying to get representation and asked why the council can't delay it for two weeks to see if they can come through with that? She stated that she is not normally one to kick it down the road, but in this situation, the council doesn't normally have a full house when they have had to make decisions in the past. She said that they have a full house tonight and she appreciates everyone taking their time to attend all three public hearings. She stated that they have been very consistent and she doesn't mind giving them an extra two weeks as a council to make that decision.

Mr. FitzGerald stated that he is very, very receptive to all of the communication that has happened these past few weeks and he has a lot of concerns about infrastructure, but that is not about the annexation.

Mrs. Griffith said she agrees with him but she is just saying hit the pause button and bring it back at the next meeting.

Mr. FitzGerald stated that he has a lot of questions about the development, about infrastructure and drainage. He believes those can be answered, but in regards to what is happening right now, he is going to vote no to tabling this.

Mrs. Gohmann stated that she is going to concur with Mr. FitzGerald because she thinks this is two different issues. She said that the annexation is a voluntary annexation and that is a separate issue from the development, so she is going to vote no to tabling this.

Ms. Murphy stated that the 1987 ordinance brought the area into the two-mile fringe and asked if it is a moot point that we are talking about the annexation?

Mr. Dickey replied no and stated that owner interest is now petitioning to bring the property into the city limits, so they will receive police, fire and other services related to what the city provides.

Ms. Murphy said so that one owner wants to be part of the city.

Mr. Dickey stated that is correct.

Ms. Murphy stated she is voting no to tabling this.

Mr. Unruh stated that he has heard a lot of differences between what a forced annexation and voluntary annexation would be. He said that since it is a voluntary annexation, he votes no to tabling this.

Mr. Dickey stated that he agrees with Mr. FitzGerald. He said there a number of development related concerns that he thinks need to be discussed as part of that process. He also concurs with Mr. Unruh because there is a difference, in his opinion, between a forced and a voluntary annexation. He stated this is only this subject property and he wants to respect the interest of the property owners in this case, those who have the interest to buy and those who currently own in. He said that he will vote no to table accordingly.

Mrs. Griffith stated that she was asking for time so she is not saying no to the property owner because it is voluntary. She said she was asking for time so her vote on the annexation tonight is no.

**COMMUNICATIONS PUBLIC: Z-24-02 AMENDING CODE TITEL XV
CHAPTER 156 BUDD ROAD**

Mr. Wayne Zinner, 327 Powderhouse Lane, stated that for the same reasons that he expressed earlier, he thinks that the zoning should not pass. He said that they have been trying to find a lawyer to represent them and haven't been able to. He stated that he won't repeat anymore and he just thinks that this is not beneficial to their community.

Ms. Angelia Barger, 534 Georgianna Drive, stated that right now they are low density in that area and you have lots that are 7,200 sq. ft. and this takes it down to 4,000 sq. ft., and the developer is saying 5,000 sq. ft. now. She said that it is so much denser and you are looking at that he could just go to five ft. setbacks on the sides and the backs on houses, and you would have 10 ft. between houses. She stated that is outrageous for that kind of an urban suburban area that is not in the city. She said that they have a street that is a dead-end street that is going to be surrounded by the city. She stated city access only with no other way to get out of there other than city. She asked how long is it going to be before you will try and force annexation on her street? She said that they are a dead-end street with 13 houses and they will be surrounded by city limits. She stated that this is way too dense for that area and for the wildlife and everything in that area.

Mr. Kraig Milam, 511 W. Arrowhead Drive, stated that he has some clarifications to say to what he said earlier. He said that it is an arithmetic progression that the increase in the density, which will create the reduction of green spaces, lawns and setbacks, you increase the likelihood of roofs, driveways, extra roads and sidewalks into impermeable zones that increase the amount and likelihood of flooding. He stated that there is a direct relationship between mid-density and low density as to the likelihood of flooding. He stated that this area, only because it is grasslands, keeps some of that back. He said with almost half of that property going over to impermeable zones of concrete, asphalt and asphalt roofs, you'll increase the likelihood no matter what you do to mitigate this. He stated that is the difference between changing the zoning from current to the proposed.

Mr. Travis Ross, 502 W. Arrowhead Drive, stated that he just wanted to reiterate his point earlier which is that once you move this from LDR to MDR, there is no going back

from that potentially. He realizes that the developer has said that he will create 5,000 sq. ft. lot sizes but he believes 7,200 sq. ft. is a reasonable lot size for the property. He said that it is more comparable to what is on Georgianna and Marianna and he doesn't think that it is comparable to what is in Cherokee Heights or what is on W. Arrowhead or E. Arrowhead. He encouraged the council to really think through the zoning change. He thinks it is somewhat unfair that they have not been able to find representation because he feels this is a big issue. He said that voluntary annexation to him is not a huge issue. He stated it is within the contract owner's property rights to be able to ask for voluntary annexation, but this zoning reassignment is a big deal. He said that it reduces the amount of square footage on the property and opens the property to a variety of other potential builds. He stated that if something were to happen with this developer where the property came up for sale again and it was zoned as Medium Density Residential, then we have opened ourselves up to even potential density in the form of duplexes or other living arrangements. He said that is why he is opposed to the MDR and hopes that the council will also see that and he doesn't think that it hurts to leave it as LDR.

Mr. Elisha Shannon, 312 Marianna Drive, thanked the council for fighting for the interest of the actual owner of the property. He said that means a lot and makes sense. He stated that there has been a lot of clarification on what zoning and annexing is in this, which is why he wishes that there would have been more yes votes on the postponing of this movement, so that there could be more information on how this is going to impact the rest of the zoning. He said that he is no longer against the annexing of it but he would like to know more about the future and what this is going to do. He stated this is not about buildings, but this is just about New Albany being in jurisdiction of this property what the property owner is asking them to do.

Mr. Kevin Freeberg, 2206 E. Arrowhead Drive, stated that he spoke earlier about traffic and emergency services and all of the issues that this particular property has. He said they have heard many proposals from the builder about it and he gave them a letter saying that he wanted to build single-family homes. He stated that is great for him but what if he sells the property to someone else? He said that it happened in Greenville. He stated that a guy bought a piece of property and gave the surrounding residents a letter. He said that he built a few houses and sold the property to his brother, and his brother built apartments. He stated that they came in and said hey, you can't do that because we have a letter. He said that his letter kept him from building apartments but didn't affect his brother and he got away with it. He stated that his request is that if you all decide to change the zoning, which he is adamantly opposed to, please make an amendment to the property that no one can ever come back and build duplexes or apartments there. He said that it can happen because he has seen it happen. He stated that it happens here and happens in Louisville every day. He said that they pass something and someone does a little slight of hand and next thing you know everything they said wasn't going to happen happens. He stated that a lot of people here are very afraid of that. He also stated that no one here wants to deny anyone a home, but the number of homes that you are talking about, the infrastructure and property itself can't support. He said on the other hand, we could have an amendment from the council to that zoning and you all enforce it. He thinks that is a reasonable request.

Mr. Jon Henninger, 410 W. Arrowhead Drive, stated you heard it said tonight that it will be 30-40 houses by several members of the community. He said that is what this man said in the very first meeting. He stated that 3.14 houses per acre is what he drew a circle around in the Marianna Drive area. He stated that the developer said that it is going to be 3.04 houses in the proposed development. He said that he is not a math major but that's not 100 houses in 10 acres. He stated that 3.04 houses per one acre would be 30 houses or 27 houses. He stated that the developer has said they will be 4,000 sq. ft. lots or 5,000 sq. ft. lots and there are 43,560 sq. ft. in an acre, so obviously 4,000 sq. ft. is 10 houses and change per acre. He said that is 100 homes. He stated that this man stood right here and told you that in our neighborhood, we have over 300 acres and approximately 52 houses. He said 300 acres. He then said 10 acres, 100 houses. He stated that he talked about equivalencies, the standard of this and all of this legal jargon, but it is not even close. He stated that his family has owned their property since 1881. He said that the Rosses over

here have been here for four or five generation on 100 acres. He stated that six days ago, they were in this very room thinking we were coming here about the fringe. He said under the cover of darkness, back when Indiana won the last championship, we find out the city fringed way back when. He stated that no one knew this, then less than a week later, we're here. He said that they have been to Attorney John Kraft and over here and over there. He stated that he has talked to developers and they say talk to this guy or that guy. He said that they say they are always the advocate for the other side so we can't take your position. He stated that he understands that we are a small town but we don't know where to go. He said they've called Seymour, Corydon and some people in Louisville. He stated that some of the people in Louisville told them they were going to lose anyway because it is already baked into the cake. He said six days ago they were here and Mrs. Griffith asked to table this so they have a little more time, and that's all they want. He stated that they are not attorneys; they are construction workers, stay-at-home moms, schoolteachers, etc. He said they don't know jack about this stuff but they are trying. He stated that if you think we don't have any money, that's where you are wrong. He said that if they get an attorney, he's not going to be cheap and will be good. He stated that this guy over here better have some deep pockets because we are not allowing 100 vinyl village slums in our nice, 300-acre subdivision with 52 houses. He said that it is just not going to happen and you guys have to understand that. He stated that they are not against anyone, but 100 homes? He said that is ridiculous.

Ms. Stacy Dennison, 1442 Corydon Pike, stated that she has a question because she doesn't get legal jargon either. She asked if she is understanding that one property owner gets what he wants versus all of these property owners? She also said that this property owner that's getting what they want is selling their property and not even going to live there.

Mr. Dickey stated that the request is for a voluntary annexation and an associated zone change.

Ms. Dennison said yes and one property owner requested this, correct?

Mr. Dickey replied yes, that is for the subject parcel only.

Ms. Dennison asked if everyone but two said they agree?

Mr. Dickey stated that the annexation bill passed on second reading. He said that it still has to come back for a third reading at the September 19th meeting.

Ms. Dennison said so it has not passed yet but it is going to pass and asked if that is what he is telling her?

Mr. Dickey stated that it would be on third reading.

Ms. Dennison said just say yes or no.

Mr. Dickey stated that he can't predict the future of what will happen.

Ms. Dennison said two no votes and all of these yes votes, so do you think all of them are going to change their minds? She stated that one property owner is going to sell and leave and we don't want an annexation. She said that we are happy not voting for you people. She stated that they are honest people and they don't want to be part of the crooked city. She said that she is confused on what is happening here and why you want this farm land that everyone considered the west end. She added that no one wants that, but now all of a sudden you do. She doesn't get that.

Mr. Jimmy Padgett, 2612 French Creek Drive, stated that if we go forward with this change, it is going to kill the character of this out here. He said that you heard that the people who live in the city now can't get proper services. He asked that the council table this until they can come back and assure them that the people who already live in the city

will be taken care of, and their systems improved before you put more strain on those systems. He said that if you cannot assure us now that you all want to invest in the infrastructure to take care of the people that you already have, please table it until you can give us that assurance. He stated that 30 houses are not what they want out there. He said it should be like most of them which is an acre and a half per house, not four or five houses per acre.

Mr. Wayne Zinner, 327 Powderhouse Lane, stated that the quick point that he wanted to make is that the only reason that the current owner submitted a request for voluntary annexation is because the developer needed it and asked for it. He said that he told her that he had to have it for his contract to go through.

Ms. Heather Pennington, 414 Powderhouse Lane, stated that she is present on behalf of her mother Mrs. Deborah Klusmeier. She said that she wants to say just two things. She stated that her mom is not selling this property and moving away. She said that her mom still lives at the top of the hill and is not leaving, so this is still going to affect her. She stated that people who keep bringing up her mom to please stop bringing up her mom because she is ready to move on. She said that her dad passed away two years ago and this farm is too much for their family to handle. She stated that it has been on the market for a year and no one was interested. She said that they put in an offer, we accepted the offer and now everyone is mad. She stated that she gets that, but yes, this still affects us. She said she gets that they want it to be tabled, but the next meeting is in two weeks so why can't it just go forward, let them get a lawyer in the next two weeks, come back so we can be eventually done with this? She stated that her mother is having major health issues this. She has now had two legs amputated and she is ready to move on. She said that everyone keeps talking about their houses and how it affects them, but her parents had a house built basically in their back yard. She stated that trees were cut down and you can see in their back yard. She asked if her parents liked it, no, but it wasn't their property and they didn't complain and they moved on.

Ms. Stephanie Grangier Furnish, 354 Chanda Lane, stated that she has known the Klusmeiers all of her life and she used to ride bicycles down Powderhouse Lane with their children. She said that her grandpa owned that land back in the 1800s and they have farmed our land for over 100 years. She asked if they are supposed to just lay down because one home owner wants to affect all of these people in here? She stated that most of them are elderly. She said that she has a long list of health issues and she can't take care of her land, but she is not trying to sell it to rezone and force people into the city limits. She stated that they live out on the county line of Chanda Lane, but right at the top of the hill, it's the city and she just doesn't think that all of them should not have an opportunity to be represented by legal counsel. She also stated that she was out of town recently and was not able to attend the two prior meetings. She said that she agrees with Mr. Zinner that they should be able to have legal representation. She stated that she believes that she knows someone in Louisville who may take it over and her name is Ms. Laura Landwich, and she thinks that they deserve the opportunity to be represented by legal counsel. She said these are their homes and they didn't get to vote for the council members. She stated that they are in the county and had no choice, so she is just asking as a taxpaying citizen to give them an opportunity to fight this annexation.

**COMMUNICATIONS PETITIONER: Z-24-02 AMENDING CODE TITEL XV
CHAPTER 156 BUDD ROAD**

**Z-24-02 Ordinance Amending the Code of Ordinances of FitzGerald 2
New Albany, Indiana Title XV Chapter 156**

Mr. FitzGerald introduced Bill Z-24-02 as amended and moved to approve the second reading, Mr. Phipps second, all voted in favor with the exception of Mrs. Griffith who voted no.

Mr. Blair motioned to amend it to say the subject property shall be developed exclusively for detached single-family residential land use and no more than 40

homes, Mr. FitzGerald second, all voted in favor with the exception of Mrs. Griffith who voted no.

Mr. Blair motioned to suspend the rules to allow for an amendment on second reading to the document as approved through the committee process, Mrs. Collier second, all voted in favor.

Mr. FitzGerald asked if we are still going to do the presentation as well?

Mr. Dylan Fisher stated that they have heard a lot of the similar comments that have been brought up at the other public hearings and he understands them. He understands that a lot of the items that they have addressed this evening that continue to raise concerns are related to the design and the final subdivision plan. He fully understands that it is going to be part of the process with the city. He said that they will have to go through the subdivision plan process and satisfy all of the city's requirements. He stated that the rezoning petition this evening really relates, while they are asking for the MDR, to the width of the lots to allow them to develop the property. He said that the concern is about 100 units. He asked the city council to go on the record this evening to make a written commitment that the development be no more than 40 single-family homes and that there is a minimum lot size of 5,000 sq. ft. He stated those are written commitments that the council can put in place as part of the rezoning that can be binding upon taking possession of the property, and any future land owners associated with that development. He thinks that is a fair offer to try and move this process forward. He added that they will have to address the geotechnical concerns, the floodway concerns, the flood plain concerns, etc. and make sure they are adhered to the city's code of standards. He thanked everyone for coming out this evening and he appreciates the process.

Mr. Blair asked if the minimum size of MDR is 4,000 square ft. so he is going another 1,000 sq. ft. greater than what the requirement is?

Mr. Wood said that's right. He stated that he has to apologize to the council because he thought they understood that they had a commitment from the plan commission's recommendation to the council that this would only be for single-family development, and that would hold any successor to that as well.

Mr. Blair stated that it runs with the land.

Mr. Wood stated that the second point is the MDR only permits single-family and duplexes. He said that multi-family beyond duplexes is not permitted in that zoning district, so apartments are something that are never going to happen on that property without additional zoning approval.

Mr. Dickey stated that his understanding, from looking at the site and looking at the transmission lines that run through it and some of the other slopes related, is that there is likely going to be a considerable part of this that is undevelopable. He asked if that is correct?

Mr. Wood stated that one-third of it is encumbered with a high utility transmission easement.

Mr. Dickey asked if he is understanding it correctly that part of the request for this particular category of zoning relates to the fact that those portions are not going to be developable, and this mechanism with the provision for it to be single-family detached only is all designed with the idea of constricting and keeping the use to what is more appropriate bearing in mind that we do have the limitations on the developable envelope?

Mr. Wood stated that is correct.

Mr. Dickey stated that he is assuming also that the plan commission, as part of the development plan, is going to take significant evaluation of some of the considerations

with regards to both the existing right-of-way, opposed right-of-way and the maintenance in use with regards to any common spaces.

Mr. Wood stated that is correct as well.

Mr. Unruh stated that Mr. Dickey talked earlier about the process going forward that there would be hearings as far as what the actual development would look like.

Mr. Wood stated that for the primary plat approval, the developer will come in with a drawing that shows us a number of things. He said it will show how each lot would be laid out, where the street system would be, how the property be drained, including concepts for how the site would be graded, and then how they would meet various ordinances that the city has. He stated that those include where the sewer easements would be, how wide would they be, where the drainage retention basin would be, etc. He said that the plan commission approves the primary plat and the developer then goes out and completes their detailed engineering drawings that shows how they meet all of those requirements, and they go to the board of works to get their approval for all of the curb cuts and roadways, etc. He stated that they will go to the storm water board to get their storm water approval, and that requires a third-party review, which is a neutral reviewer who has no interest in it and says, yes, it meets the city's ordinances or no, it doesn't. He said they won't let it go on to the storm water board until it meets the city's storm water ordinance. He stated that just for the sake of clarity, post development runoff cannot exceed pre-development runoff, so you have a farm there now and most of that percolates down into the ground. He said that the post development is going to have to hold all of that water until the ground, creeks and streams around it can handle that water; it can't go there until that criteria is met. He stated that they have to show sewer capacity, they have to meet the fire department's requirements for water lines, fire hydrants and public safety measures like that. He said that all of those things have to come together and then they have to post a bond for the roadway, get approval from the city engineer, then they get their final plat recorded and they can then sell lots or start building on lots themselves. He stated that is a period of 18 months from the beginning to the end of that process.

Mr. Unruh said there are public hearings, right?

Mr. Wood stated that the secondary is not a public hearing but the primary is a public hearing. He said that the secondary is a public meeting and the public is invited to be there and participate.

Mr. Blair stated that they are the only elected board that you have to get approval from; every other board is appointed. He added we are the only ones that are accountable to the citizens and elected by the citizens. He said that he heard the developer say that he was willing to commit to 40 houses and we already have in writing in the ordinance that they are going to be detached single-family residential houses. He stated that he would like to make a motion to amend the ordinance to say that it can be no more than 40 houses on that property. He said that will run with the land so they can't sell it someone else to build multi-family or anything unless they come back for another zoning change.

Mr. Dickey asked Mr. Blair where exactly he wants that amendment to be added.

Mr. Blair stated that it is on the second page, item 1.

Mrs. Manning stated that her understanding is that this is on second reading and so what is in order is for the council to either accept the committee recommendation as is or not accept it. She does think on third reading an amendment would be appropriate, but under the ordinances, it specifies that the action on second reading is to accept the committee report or reject the committee report. She said that the amendments that were provided today, were amendments suggested by the committee so amendments by the council are in order for third reading but not on second.

Mr. Blair asked if that is just on zoning?

Mrs. Griffith stated that she is going to vote yes on this resolution only because it is the property owner.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 10:17 p.m.

Adam T. Dickey, President

Vicki Glotzbach, City Clerk