

# **COMMITTEE MEETING**

The Common Council of New Albany, Indiana, will hold a Committee Meeting of the Development & Annexation Committee to discuss G-25-05 An Ordinance Adopting the Provisions of Indiana Code: 36-7-36 Pertaining to the Abatement of Vacant Structures and Abandoned Structures on Thursday, December 18, 2025 at 6:15 p.m. in the Council Conference Room at New Albany City Hall. Should you have any questions about this meeting, please see the City Clerk in Room 114.

Vicki Glotzbach, City Clerk

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,  
INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE COUNCIL  
CHAMBERS AT NEW ALBANY CITY HALL ON THURSDAY, DECEMBER 18,  
2025 AT 7:00 P.M.**

**INVOCATION:** To be given by ministers of different faiths, if present. If none are present, then a moment of reflection.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Work Session Meeting Minutes for November 24, 2025 (Comprehensive Plan)  
Public Hearing Meeting Minutes for December 1, 2025 (Integrity Signs Solution)  
Public Hearing Meeting Minutes for December 1, 2025 (ERA Daisy Summit)  
Public Hearing Meeting Minutes for December 1, 2025 (Appropriation & Transfer)  
Regular Meeting Minutes for December 1, 2025**

**COMMUNICATIONS – COUNCIL:**

**COMMUNICATIONS – MAYOR:**

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

**ADMINISTRATIVE ITEMS:**

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

- Development & Annexation Committee Report - Dickey

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES FOR FIRST READING:**

<b>G-25-05</b>	<b>An Ordinance Adopting the Provisions of Indiana Code: 36-7-36 Pertaining to the Abatement of Vacant Structures and Abandoned Structures</b>	<b>Phipps 1</b>
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**Action Taken:** Referred to Development and Annexation Committee.

**INTRODUCTION OF ORDINANCES FOR SECOND READING:**

**COMMUNICATIONS PUBLIC:** G-25-05 Vacant and Abandoned Structures

**COMMUNICATIONS PETITIONER:** G-25-05 Vacant and Abandoned Structures

<b>G-25-05</b>	<b>An Ordinance Adopting the Provisions of Indiana Code: 36-7-36 Pertaining to the Abatement of Vacant Structures and Abandoned Structures</b>	<b>Phipps 2</b>
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**New Albany City Council Members**

Jennie Collier; Member; Appointing Authority: Elected; Term: 01/01/2024 - 12/31/2027  
Adam Dickey; President; Appointing Authority: Elected; Term: 01/01/2024 - 12/31/2027  
Greg Phipps; Member; Appointing Authority: Elected; Term: 01/01/2024 - 12/31/2027  
Chris FitzGerald; Member; Appointing Authority: Elected; Term: 01/01/2024 - 12/31/2027  
Louise Gohmann; Member; Appointing Authority: Elected; Term: 01/01/2024 - 12/31/2027  
Scott Blair; Member; Appointing Authority: Elected; Term: 01/01/2024 - 12/31/2027  
Stefanie Griffith; Member; Appointing Authority: Elected; Term: 01/01/2024 - 12/31/2027  
Elaine Murphy; Vice President; Appointing Authority: Elected; Term: 01/01/2024 - 12/31/2027  
Don Unruh; Member; Appointing Authority: Elected; Term: 01/01/2024 - 12/31/2027

**INTRODUCTION OF ORDINANCES FOR THIRD READING:**

**INTRODUCTION OF RESOLUTIONS:**

**BOARD APPOINTMENTS:**

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

**ADJOURN:**

**INDIVIDUALS WITH DISABILITIES WHO MAY REQUIRE SPECIAL ASSISTANCE TO ATTEND THE ABOVE-MENTIONED MEETINGS MAY MAKE THEIR REQUEST KNOWN BY CONTACTING THE CITY CLERK IN ROOM 114 OF THE NEW ALBANY CITY HALL OR BY CALLING 948.5336**

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**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,  
HELD A WORK SESSION AT NEW ALBANY CITY HALL IN ROOM 100 ON  
MONDAY, NOVEMBER 24, 2023 AT 12:30 P.M.**

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

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

**CALL TO ORDER:** Vice President Murphy called the meeting to order at 12:30 p.m.

**Mr. Wood** stated that today the staff of the Planning Commission and the Redevelopment Commission would like to introduce you to key elements of the City of New Albany and Unincorporated Two-mile Fringe Area Comprehensive Plan for Year 2045, which describes a vision for the future development of New Albany over the next 20 years. He said today's meeting is provided to City Council with a brief overview of the significant components in the 2025 comprehensive plan. He also said the draft plan was made publicly available online on Monday, September the 29<sup>th</sup> and copies were distributed to the City Clerk on Thursday, November 13<sup>th</sup>. He stated the Planning Commission held a special meeting on Monday, October 29<sup>th</sup>, during which it made a favorable recommendation to the City Council and the next City Council meeting for consideration is December 1<sup>st</sup> at 7:00 p.m. He said if adopted, the staff will shift its focus to the zoning ordinance with the goal of the Planning Commission and City Council consideration of that ordinance in early 2026. He added for background, in 1981, Indiana began requiring adoption of comprehensive plans as a prerequisite to implementing local zoning and established three mandatory elements for a comprehensive plan. He stated the first was a statement of objectives for future development, the second was a statement of policy for land use development, and the third was a statement of policy for development of public ways, public lands, and public utilities. He said the enabling laws also allowed for other optional elements as well, including parks and recreation, elimination of blight, preservation of natural resources, flood control, and numerous other community development issues such as education, health, community character, environment, and more. He stated additionally, the plans were to be suitably long-range, specific to the community, general in nature and integrated with community zoning ordinance. He added lastly plans are to be regularly updated and New Albany adopted its first required comprehensive plan in 1983 with subsequent versions in 1999 and 2017, which is the current plan. He said both the original and 1999 plans focused on industrial development in areas outside 265, on downtown revitalization and on transportation infrastructure among other familiar topics. He stated the current draft plan was formed out of the work of numerous interested parties in the city, including more than 250 survey respondents. He said we'll touch briefly tonight on seven chapters of the plan and two focus areas. He stated these are housing and neighborhoods, economic development and quality of place, land use, natural resources, transportation, utilities and infrastructure, resiliency and adaptation, and downtown west and Charlestown Road focus areas. He said up first to present housing and neighborhoods is Ms. Claire Johnson.

**Mr. Blair** asked if they want them to ask questions during the discussion or just wait until the very end?

**Mr. Wood** said if we can wait until the end, he thinks it will flow better. Okay.

**Ms. Johnson** started the presentation to the council. Mr. Wood and Mrs. Miller also participated in the presentation. Said presentation is on file in the City Clerk's Office.

**Mr. FitzGerald** joined the meeting at 12:36 p.m.

**Mr. Phipps** joined the meeting at 1:04 p.m.

**Mr. Wood** stated at our last council meeting, Mr. Phipps made a comment about what this plan is and is not. He asked Mr. Phipps if he would mind to repeat that?

**Mr. Phipps** stated it's a template and not a roadmap. He said in other words, it's a guide for future development. He also said if a plan commission or other entities will determine whether this fits with the comprehensive plan, it doesn't mean that everything in here is going to get accomplished. He stated there's no way we could do that, but it's the guide.

**Mrs. Griffith** said that was very helpful to her at the last meeting.

**Mr. Blair** stated he has just two overall types of questions, and he wants to see the mindset of maybe the community input and of the steering committee. He said the first one is, as we know, Origin Park is being developed on the Ohio River, and we have areas over there such as Loop Island Wetlands and Silver Creek that could be collaborated with Origin Park as far as development. He asked if there were any thoughts or statements as far as working with Origin Park and developing that side and sort of make a seamless pathway going into Origin Park from New Albany and coordinating our efforts with them?

**Mr. Wood** stated we looked at Silver Creek, we looked at our shoreline, and looked at particularly Loop Island Wetlands, and we're proposing that the zoning ordinance acknowledge that those areas are floodplain floodway as well, and that they should be passive recreation areas that are protected. He also stated that we have to recognize flooding and what kind of effort the street department goes through every time the Ohio River comes up and there's a mess to clean up afterwards and those types of issues. He said to the extent that we can coordinate with Origin Park, we're not opposed to that by any stretch. He added our vision of our riverfront is more of a passive recreational area for like quiet reflection, a place to walk, a place to enjoy yourself and he thinks Origin Park is looking at more of an active recreation area, and to the extent we can make those two work, he thinks they will do that. He stated one of the concerns we have right now is what the traffic impacts are going to be if they meet their expected visitation goals, because a certain percentage of that, probably a large percentage of it, is going to come through New Albany, and there's only one way to get there, and that's Spring Street. He said that could have a pretty serious impact, so we're looking at that and how to mitigate any kind of impacts from that.

**Mr. Blair** stated because we've mentioned some other entities and so forth, he thinks it would be proper to mention the fact that it's Origin Park and know that it's being developed. He added it's going to impact us whether we work with them or not, so we might as well accept that and prepare and develop for that. He also added there are some active areas in Origin Park, but he understands there are some very passive areas they are building with it such as floodways and so forth in mind. His concern is that we don't transition smoothly between it and all of a sudden there's a distinct difference between the New Albany piece of it and the Origin Park piece of it. He thinks it's going to be very confusing to individuals using it for recreational activities, and there are things that would benefit us from working with Origin Park and there are probably things they can benefit from us. He said it just makes sense to him to coordinate some efforts with them and he would like to see that in the plan.

**Mr. Wood** said we vision our riverfront, our Silver Creek frontage as a public asset versus a private asset in Clark County, so there's a different expectation on our side in terms of what we develop for the community benefit there, but working with Origin Park is certainly something we can achieve.

**Mr. Blair** asked if the steering committee brought up Origin Park? He said this was developed as a community aspect, community of mind and he would have been the first person to say this needs to be on the plan. He stated there are people here that were on the steering committee and asked if that was not brought up or discussed?

**Ms. Johnson** stated there were concerns brought up about the impacts of visitor ship and the traffic, and Mr. Wood mentioned the impacts that would have in New Albany, but as far as the entities that are listed within this plan, she believes they're all entities that are located within New Albany so the focus really was on New Albany.

**Mrs. Griffith** asked on page 71, under natural areas and parks, could we just make an amendment to have it listed in there? She added that lists Charlestown, Clark State Park, Deams Lake, Falls of the Ohio, etc.

**Mr. Blair** asked if we can't just acknowledge it?

**Ms. Johnson** said those are in the section of regional natural areas, preserves and parks but there is no mention of coordination with these different entities.

**Mr. Blair** stated that he would like to see it acknowledged, at least because that would get us a little bit further than we are today that it's happening.

**Mr. Unruh** asked Mrs. Miller as far as the Charlestown Road corridor, you mentioned fewer curb cuts, and how do fewer curb cuts help with increased residential areas, multi-use developments and commercial development?

**Mrs. Miller** said she thinks the curb cuts are pertaining to the walkability of the area. She stated the pedestrian pathway right now, with the number of curb cuts, has significant interruptions where pedestrians have a sidewalk, but then they have to walk across traffic. She said the idea of trying to minimize curb cuts as much as possible, while still encouraging commercial development, is really to focus on that pedestrian pathway

**Mr. Unruh** stated so it's not one over the other, it's just trying to get a good in-between?

**Mrs. Miller** stated that she thinks the focus area calls for an access management and control ordinance so a more detail-focused plan to really look at movement throughout that corridor.

**Mr. Phipps** stated while we're on the Charlestown Road corridor, he has a question as well. He can kind of see how there's logic in keeping that portion of Vincennes Street part of the corridor, but now look at areas like DePauw and some of the residential areas like behind Hazelwood and so forth. He asked why that was chosen to be linked to the Charlestown Road corridor? He asked if it is just because it didn't fit well somewhere else or are the needs similar?

**Mr. Wood** stated from the high school south, the uptown neighborhood really has a commercial feel to it and has almost an urban environment as well. He said buildings are closer to the street and after you get past the high school, everything starts to spread out and become a little bit less urban in nature, and we thought that that kind of fit well with the rest of Charlestown Road as well from Klerner Lane, so that's why we included it there. He stated we also saw some vacancies that we thought we could fill in with some new housing in that area and kind of strengthen that as well.

**Mr. Phipps** said you're talking about Charlestown Road?

**Mr. Wood** said both.

**Mr. Phipps** stated he was talking more about the part that's not connected to Charlestown Road, that's deeper in the neighborhood.

**Mr. Wood** said so you're talking about Vincennes Street?

**Mr. Phipps** replied no, he's talking about the areas that aren't on Vincennes or on Charlestown Road. He said like DePauw Avenue or Lindberg Court and those areas behind Hazelwood that are pretty much exclusively residential except maybe a couple of places on Silver Street or something like that?

**Mr. Wood** said probably 10 years ago when there was a public meeting about redevelopment of the Colonial Manor Plaza, we did some research there and found within a mile walking distance, which is a pretty good distance but it's a doable distance, something like 45%-55% of the population would live within a mile of that shopping center. He stated we're trying to encourage that redevelopment and part of the curb cut issue is making it more pedestrian-friendly, bicycle-

friendly, and really build on that kind of momentum by trying to get it to have a renaissance by making it linked to those neighborhoods.

**Mr. FitzGerald** said he thinks that area is very New Albany High School centric and permeates throughout that neighborhood. He added especially if they continue to buy a plan for parking lots across the street with incense and in your backyard, that expands into the DePauw and to the Lindberg area.

**Mr. Phipps** said he would agree it's centric, but he doesn't know that it's a good thing that it is. He stated that in the area he's looking at, you've got it all designated as residential. He just thought it was kind of odd that that residential was connected to a much more commercial corridor. He thought maybe there was a reason for it, like a census tract or a TIF district or something like that.

**Ms. Johnson** said he thinks it's really about connecting neighborhood services, something really at a neighborhood scale for those rooftops there.

**Mr. Blair** asked wouldn't that apply to other neighborhoods along Charlestown Road in that area? He stated, to Greg's point, you could bring in a lot of residential areas into that if you're bringing those neighborhoods.

**Mr. FitzGerald** asked if it is just because it's sort of the postage stamp between Charlestown Road and Vincennes, the geography of it all? He asked if there are not any other additional areas and neighborhood areas within this map, is it just because of the geography of having it being the intersection of Vincennes and Charlestown Road?

**Mr. Wood** said the corridor is missing sections of sidewalk so you've got that to deal with, you've got remnant industrial still there, and you've got places where there's no curb cut at all and it's just one continuous opening between the roadway and the street. He stated right now, motor traffic is what defines what happens in that neighborhood, so we want to take a look at how we can create a more pedestrian-friendly environment, a safer environment for pedestrians and bicyclists, and enhance the commercial opportunities that are there. He added there are lots of buildings that have been vacant for a long time and when the license branch went into Colonial Manor, what a difference that made, so you'd think there's opportunities to reinvigorate some of these commercial uses through the corridor as well, and we're trying everything. He added we have tools to try to get that done and the zoning ordinance will be a pretty helpful element in that as well.

**Mrs. Griffith** thanked them for the plan and said that was a lot of work. She then asked when the zoning ordinance is going to be updated? She knows they're working on that now, but do we have a target date of when the new one will come out?

**Mr. Wood** stated our hope is for February or March to have it to the council. He said his staff and he have gone through the definitions section of current zoning ordinance, which we've found to be pretty lacking and have added quite a bit of definitions to that section. He stated we've also rearranged the development section, which the previous consultant had done in an alphabetical manner, which he guesses works, but we also thought it would be better to keep related topics near each other so we've been working on that as well. He said we're pretty far along and he's pretty hopeful that schedule will get it to the council probably for first reading at your second meeting in February.

**Mrs. Griffith** stated that's good to hear because she knows a lot of this goes hand in hand. She then asked when you say granny pods, are you encouraging people to have smaller like rental homes? She was kind of confused on that. She likes the granny pods, but then she was reading somewhere and she didn't know if that was something that you're kind of encouraging with larger lots to put a rental home on.

**Ms. Johnson** said no, it doesn't need to be a larger lot. She said the beauty of an ADU is that it can be built in the backyard of someone that owns the front home, and it allows for more

attainable home ownership, and that if it's someone that they're renting to in the ADU, it can supplement their monthly mortgage payment. She asked if that is what she is referring to?

**Mrs. Griffith** said yes, she was wondering if that's what you were encouraging more for like mother-in-law suites or if we were really encouraging having rental homes, because she feels like we really need to have our ordinance and our code enforcement up and going for that. She thinks that's going to open a can of worms for some.

**Mrs. Murphy** asked what ADU stands for just for clarification?

**Mr. Wood** said ADU stands for accessory dwelling unit. He stated we're looking to try to provide a broad range of housing to meet a whole community worth of needs. He then stated that he is 65 and spent four hours Saturday and four hours Sunday reglazing windows and repainting windows. He discovered that his feet don't like being on the ladder for four hours at a time, so at some point he is going to be ready for a smaller home that has less maintenance. He said at the same time, he has two kids who are in the workforce and trying to save up enough money for that first home, and we're trying to make sure we've got all of those elements covered in the community. He also said we just want to make sure we're trying to provide a wide range of housing for everybody in the spectrum in the housing community, whether it's rental, whether it's owner-occupied.

**Mr. Blair** asked are you thinking all zoning districts or just certain zoning districts for that?

**Mr. Wood** replied no, we can't regulate occupancy by zoning.

**Mr. Blair** said he is talking about building a detached unit.

**Mr. Wood** said yes, you can do that.

**Mr. Blair** said first of all, there are going to be deed restrictions to that in a lot of neighborhoods and so forth, so he can see a lot of pushback in neighborhoods. He thinks at the least if we do it, it should be an exception and they have to go for a special exception, and go to Board of Zoning Appeals in order to get that approval.

**Mr. Wood** stated currently, they are a special exception. He said he thinks there are neighborhoods where they could be by right or a conditional use, something like that, but that's for the zoning ordinance, and we're going to get to that. He stated right now we're looking at the comp plan and suggesting that all of those elements should be on the city's plate.

**Mr. Blair** said he can see attorneys now standing up in front of the Board of Zoning Appeals saying, well, the comprehensive plan supports this, so we should be allowed to do that. He also said they're going to be guided by this.

**Mr. Wood** said the zoning ordinance will handle those on a case-by-case basis, and we can make a case that this lot is much larger than any other lot in the neighborhood so it could accommodate another dwelling unit on it. He added we can work through that.

**Mrs. Gohmann** stated we use the term affordable housing, affordability, affordable, etc., and asked if there is a definition of what is considered an affordable and if it is a percentage of the average income or something? She added affordable housing to the average person who makes maybe \$20.00 an hour is not going to be a \$250,000.00 or \$300,000.00 home, and she doesn't know how you could build a new construction, even a small one, for less than that.

**Mr. Wood** explained that HUD creates an income eligibility guideline based on the metropolitan statistical area, Louisville, and all of the counties in Indiana and the Louisville side. He doesn't have that handy right now, but you can find it on HUD's website and it'll have one family, two family, one-person, two-person family, three-person, four-person, and so forth and it'll have those eligibility limits for HUD programs, and that's generally what we consider to be affordable.



**Mrs. Gohmann** asked if they take the average of all the counties in Indiana and figure it that way?

**Mr. Wood** said it's Louisville and Louisville's metropolitan counties. He said in Indiana, it's Clark, Floyd, Harrison, Scott, and Washington Counties, so those five counties are part of the Louisville MSA, and they average out those numbers and that's how they come up their table, which they publish annually.

**Mr. FitzGerald** stated also in addition to that, if there are like inclusionary zoning units, depending on the number of people in each unit, it can be an income level. He said it can be like 40%, 60%, 80% of AMI, which is the area medium income and that's the thing that gets everything because the average medium income is higher than what is affordable to a family.

**Mrs. Gohmann** said it would be very difficult for the average, even couple, to be able to afford \$1,500.00 a month for rent and try to save to buy their first home.

**Mr. FitzGerald** thinks that's one of the factors in why we started with the down payment assistance and trying to come up with other ways as well. He thinks that as we continue to have more tools and ideas presented that hopefully will increase that.

**Mrs. Murphy** stated we talk about the Louisville metro area, and in her past life, she came across a lot of families that have come from Oldham County and see New Albany as more affordable because of the East End Bridge now. She added that's impacted affordability as well.

**Mrs. Griffith** asked if anyone else read that we're going to try to do away with vouchers in housing? She asked if she read that correctly? She also asked if New Albany isn't one of the larger housing areas?

**Mr. FitzGerald** asked if we are talking about public housing units or vouchers for other affordable units that are not in public housing?

**Mrs. Griffith** replied both.

**Mr. Blair** stated it's on page 39, and it says, that based on the recommendations of the city of New Albany and New Albany Housing Authority, do deconcentrate and slowly phase out low-income subsidized housing.

**Mr. Wood** stated historically, New Albany's Housing Authority saw easy money at HUD to build numerous housing units, and we got way out of alignment with the rest of the Indiana CountiesMSA, so we're hosting about 65% of the public housing rooftops in New Albany. He said David Duggins has been reducing that number through the voucher programs formerly known as Section 8 and through reconstruction of units. He stated our goal is to right-size the public housing portfolio in New Albany.

**Mrs. Murphy** asked when you say 65%, are you saying 65% of the state of Indiana?

**Mr. Wood** said 65% of the counties of the Louisville metro in Indiana which include Clark, Floyd, Harrison, Scott and Washington. He said so two-thirds of the public housing in all of those five counties are based in the city of New Albany.

**Mr. Blair** said he gets that but this says phase out which to him means eliminate. He asked if the word should be reduced?

**Mr. Wood** stated that they get vouchers and they can take those vouchers anywhere. He said for the most part, they stay in New Albany.

**Mr. Blair** asked if they stay in those same housing units that are available?

**Mr. Wood** said housing units don't need vouchers. He stated the vouchers are for market-rate housing that you can rent as long as the landlord will accept the federal government paycheck, a

rent check, and it meets the housing quality standard. He added anybody can rent a Section 8 unit and anybody can own and operate them essentially.

**Mr. Blair** asked what happens to the new homes that we built at Beechwood Terrace?

**Mr. Wood** said those are still qualified units if they're a HUD unit, and as long as you meet the income requirements that HUD established for the MSA, then you're qualified for those units.

**Mr. Blair** said so people would stay in those units but they're just using vouchers, right?

**Mr. Wood** said no, those are publicly owned and they're income qualified. He added one of the slides we had today is limit on our housing repair program, so if you're a family of four and you're earning less than \$77,000.00, you qualify for that program. He stated it's the same type of thing. He said the Housing Authority operates Beachwood apartments and Beachwood homes, so if you're qualified to live in a public housing project, you can live in one of those units; they're not using vouchers for that.

**Mr. Blair** said but that's what it's saying, phase out those units.

**Mr. Unruh** said no, the vouchers.

**Mr. Wood** stated the population that has been reduced by the lowering of the number of units have gotten vouchers, and those people can go anywhere in the United States that a voucher is accepted to live.

**Mr. Blair** said he guesses maybe it's the wording that he is struggling with more than the concept because when he reads slowly phase out, to him, that means no more. He stated he would have used the word reduce but maybe that's not the right word either.

**Mr. Wood** said we'll take a look at that language and see if it needs to be changed.

**Mr. Blair** asked if that is acceptable to HUD for us to continue along that path? He thought there were some restrictions of how many we could reduce and so forth.

**Mr. Wood** stated that Mr. Duggins would be better at explaining what the HUD rules are with it, but there's two things. He said first of all, deconcentrate public housing because it's just never a good idea to concentrate a large group of low-income people in one place.

**Mr. Blair** said he agrees because we've been warehousing, and that's the term we've been using.

**Mr. Wood** stated that the idea is to phase these units out in terms of the excess number, not all of them, with the idea that if you're in a phased-out unit, you get a you get a voucher and you can go anywhere you want with that voucher. He said when we tore down the high rise, everybody got vouchers that was in there so they could go somewhere else if they're if they didn't want to stay in a public housing unit. He added we're trying to right size that.

**Mr. Blair** said he is not disagreeing; he just thinks the word right size or something in there instead of phase out or something to that effect would be better. He then stated that he didn't see in the plan anything about dangerous driving. He said that's a comment he hears all the time, such as speeding, avoiding traffic signs and driving just in general. He stated the only place he really saw anything about traffic calming was in the Charlestown Road specific area. He would like to see something that covers the whole city regarding reducing the amount of speed, etc.

**Mrs. Miller** stated complete streets implementation as well as the traffic safety enhancement zones are in the transportation section.

**Mr. Blair** stated he may have missed it and asked what page it is on?

**Mrs. Miller** stated that it is in chapter nine.

**Mrs. Griffith** said along those lines, when we're talking about the traffic trucks, we do have issues with larger trucks going on some of the main roads. She stated she didn't remember reading that in there, and she assumes that it's going to be in there. She then asked if that is something we need to put in, making sure that our industrial places give their trucks the proper route to get to them through one of the main roads versus the side roads?

**Mr. Dickey** stated he thinks on that subject, Mr. Blair needs to have a conversation with Chief Bailey because there are some legality issues to that idea.

**Mrs. Griffith** said he just knows with some of the neighborhoods being added and other industrial spots around it, we're going to run into it, so let's put something in there.

**Mr. Wood** said Mrs. Jonson had the slide about complete streets on the concept of making a street a resource for everybody, including bikes, including pedestrians, and slowing traffic down. He stated all of that is a very important element that we have included in the comprehensive plan. He added one of his pet peeves is the striped areas where there's a turn lane and then there's the approach and there's nothing but asphalt there. He said take that out and put in an island, get some trees growing in it and handle some drainage that way. He thinks those are important things that we're getting better at, but we still have a long way to go. He stated another personal grievance is Charlestown Road from Klerner Lane out to 265. He said being a five-lane section, it's an invitation to go really, really fast, and it shouldn't be that way. He also said INDOT decided that's what it was going to be, and we're left with correcting that and getting that taken care of. He stated the plan addresses those ideas, and hopefully we'll be in a position to get funding to do that and take care of that. He thinks they've addressed the traffic calming concepts throughout, and certainly, his friend John Rosenberger absolutely drilled that into us as an important element for the community.

**Mrs. Murphy** stated going out Charlestown Road right before you get to 265, where the Purdue Extension is, now we have the Pain and Spine Center, Optum Health and the dental office there. She has been told that INDOT owns that section of the road and asked what the chances are of a crosswalk at that area to connect the Kohl's side of the road with that side of the road?

**Mr. Wood** stated it's a possibility. He said it's always been a matter of working with INDOT, and for the past decade or longer, INDOT has been relinquishing urban highways. He stated they don't want to have them and they don't want to be responsible for maintaining them. He said in that particular instance, it's part of the limited access right-of-way of Interstate 265 and they're not going to relinquish that; they're always going to hold on to it. He stated it means working with that bureaucracy and getting them to come on board.

**Mrs. Murphy** asked if there has been no further discussion with Industrial Road or whatever the road is that goes in between the Optum and the Paine Center that goes back to Payne Kohler Road. She said at one time there was discussion of joining Payne Kohler into Charlestown Road, and that has gone away as well?

**Mr. Wood** said there's still the hope to connect Payne Kohler up through the Purdue campus to the traffic signal at the Kohls entrance there and avoid making that signal on the old Sam's site the de facto way to get to Charlestown Road.

**Mr. Blair** stated back on major roads, we have State Street as a secondary arterial road and not a primary road like Grant Line, Charlestown Road and Spring Street. He would think State Street would be a primary arterial road and it's classification is probably through INDOT, but he doesn't understand why it's classified as a secondary arterial road.

**Mr. Phipps** said he thinks it's its own category, a nightmare.

**Mr. Blair** stated he'd like to go back through some of the subsections and on page 36, at the very last dot point, it says, encourage tenants to create a union to educate renters about their rights and responsibilities. He asked what that means?

**Ms. Johnson** stated in other cities, there are tenant unions, and they can advocate for their rights together as a group. She said rather than that being an entity of the government, we just thought it would make sense to have something in your statement that those folks get together and create an organization such as a tenant's union.

**Mr. FitzGerald** said sometimes it's not called a union per se, but it's an organizing unit of tenants and it helps definitely when you have a big slum lord.

**Mr. Blair** then said on page 59, it says, mandate that group homes and transitional housing be distributed evenly throughout the planning area with minimum separation requirements. He asked how you try to get them evenly disperse throughout the community?

**Mr. Wood** stated you can use zoning to create separation requirements. He also stated you can say you can't have two group homes within 1,000 feet of each other, and 1,000 feet might sound like a lot, but it's basically three blocks, three urban blocks, about 300 feet each. He added so you could say 2,500 lineal feet. He said you can use zoning that way. He added you can't prohibit them, but you can prohibit clustering them all together in a neighborhood. He stated part of the issue was that downtown had, over the years, a lot of nonprofits that were buying up deflated property value and locating in downtown. He added that the Midtown District has a lot of service providers like that, which if they're run well, they're great, but if they're not run well, they can destabilize the neighborhood.

**Mr. Blair** said he is familiar with several in the 6th District, and they seem to be run well. He said there was one that wasn't, but we took action and got it to clean up its act so he gets that.

**Mr. Dickey** stated that he would be leaving the meeting for an appointment, but said it would be helpful if individuals that have comments or questions about things make sure they follow up with the staff prior to the meeting on Monday, December 1<sup>st</sup>.

**Mr. Dickey left the meeting at 2:00 p.m.**

**Mr. Blair** said that on page 49, the last stop point, it talks about connecting to the Louisville loop. He asked if we are still trying to think about using the railroad bridge off of Vincennes Street and doing a connection?

**Mr. Wood** said that's one alternative and certainly the bridge in Jeffersonville would provide a link as well. He stated in the entirety of his career, K&I has not been available because Norfolk Southern has said don't get on our bridge.

**Mrs. Griffith**

**Mrs. Griffith** said don't give up, keep going. She then stated there were a lot of great goals that she saw listed that he was happy to hear, like out by Samtec extending Reese Lane to Obama Way. She saw that in there, and thanked them for putting that there, because she thinks that'll be huge, too.

**Mr. Blair** stated he is back into land use, and the one concept that was introduced was form-based ordinance, form-based code. He asked if they could give them a little more detail on what that means?

**Mr. Phipps** stated he has concerns about that as well and expressed that at the Plan Commission meeting.

**Mr. Wood** stated form-based code is a zoning regime that is more focused on the aesthetics of the built environment rather than land use. He doesn't think that's necessarily appropriate in New Albany, at least not now. He said maybe in the future but right now he thinks more control over land use is important. He thinks what they're trying to get at here is a blend of the aesthetics of a form-based code and creating an urban form reinforcing that urban form. He stated when the YMCA was first proposed, the YMCA people wanted it back next to the railroad and all the parking out front, and we said, no, no, no, turn it around, get the building out front and the parking behind. He said they said but everybody needs to know there's plenty of parking.

He stated there are runners, bicyclists and exercise people who are not going to mind walking from the parking behind to the YMCA. He stated that's the kind of form-based that we're talking about here, not a true form-based code in the planning regime; things where land uses are less important than aesthetics.

**Mr. Blair** asked if we are leaving ourselves open to a legal challenge if we don't define it a little more definite in how we're using it? He said again, he really gets concerned with what an attorney's going to do.

**Mr. Wood** stated as Mr. Phipps said, this is a template, not a roadmap so we're not forcing ourselves into any one particular position with adoption of the comprehensive plan. He said we're setting a vision for it and the policy document is the zoning ordinance. He added the zoning ordinance is not going to be form-based, it will have a very strong urban design component to it, but it will not be a form-based zoning ordinance.

**Mr. Blair** said so we can still put restrictions and different requirements and so forth in our zoning ordinances?

**Mr. Wood** replied yes.

**Mr. Phipps** stated he supports what you're talking about in that regard, like the parking in the back of the Y instead of in the front, so he thinks the more we can encourage that in the zoning code to keep with the urban aesthetic or the residential aesthetic or whatever, so please put that in there. He said he guesses in a strict true form-base, and he's just using this hypothetically, somebody can put a tattoo shop in a Victorian home irrespective of what neighborhood it would be in.

**Mr. Blair** stated that's his concern because he gets a lot of calls about businesses and neighborhoods and so forth, and he just doesn't want to open that can of worms. He said if we're going to strengthen our residential neighborhoods, we can't just have that everything goes in a neighborhood.

**Mr. FitzGerald** said with the context of we're landlocked, our development is more infill. He stated again, hypothetically, say someone wants to develop a plot of land behind an established neighborhood, and it's not cohesive at all with the established neighborhood, would the form base that you're thinking of help make it more streamlined and more compatible with the existing neighborhoods?

**Mr. Wood** replied yes and stated the intent with the zoning ordinance will be to be so far back from the right away. He said now we're going to say things like this is the line we want you to build to the line. He also said so there's a house here and there's a house here and they're lined up, so build up and get right in line with those guys. He stated we don't want them to be way back and don't want them to be way forward. He said it's going to be very context-sensitive, and he thinks people will appreciate it.

**Mr. Blair** stated shouldn't we say it's more like aesthetically compatible with the existing, instead of using the word form-based?

**Mr. Wood** stated form-based has a definition that's recognized by planners and he doesn't think it locks us into any particular position if we say form-based. He said we'll take a look at it and see, but again, the comprehensive plan is not a policy document; it's a guidance document. He added the zoning ordinance is where you'll see the rubber hit the road.

**Mr. Blair** stated he understands that piece of it, but he just thinks that there'll be people who pick this document up that haven't gone through these meetings and these discussions, and they're going to read it based on the wording that they see on the page.

**Mr. Wood** said he gets that.

**Mr. Phipps** said but be more so if you had ambiguity in your zoning code. He stated if the zoning code is really firm and strict, he thinks you'd have less of a concern about it.

**Mr. Blair** said he agrees that it's going to be in the zoning code.

**Mr. Phipps** said so that's what we need to scrutinize.

**Mr. Blair** stated that the other thing on that page talked about annexation. He asked if we are going to look at like we have done in the last year or so, we just annexed neighborhoods that have been newly built or developed or are we are looking at annexing existing neighborhoods that we think could benefit from the services of the city?

**Mr. Wood** said in Indiana annexation it is a four-letter word.

**Mr. Blair** said he has read through it because he was pointed that way, and he's disappointed in the effort it takes to annex something.

**Mr. Wood** said he thinks the intent there is what we have seen most recently, and that is voluntary annexations. He stated when you're already contiguous to the city, and you're upgrading from a couple of homes to an assisted living facility type of thing, then a voluntary annexation makes sense and goes forward from there. He said hostile annexation, he doesn't think, is what we're endorsing with the comprehensive plan.

**Mr. Blair** asked if we should use the word voluntary annexation?

**Mr. Wood** stated there could be some instances where an involuntary annexation makes sense, but that would be the exception rather than the rule.

**Mr. Phipps** stated he doesn't think you would want to limit it to say simply voluntary in case there was one of those exceptions.

**Mr. Blair** said yeah, you're probably right. He stated we probably need to leave it vaguer. He is just reacting to what our intent is more than that but you're right about that. He then said on page 61, second to the last stop point, it says contain hospital expansion with coordinated land use policies.

**Mr. Phipps** said he thinks that means hypothetically because you wouldn't want an institution continually wiping out neighborhoods for parking, airplane landing strips or something like that.

**Mr. Blair** said but what happens if they want to add a new state-of-the-art facility and we've said no?

**Mr. Phipps** said they can always build parking garages and then build on the land that they would have if we were hypothetically talking about a landlocked situation as opposed to continuing to take blocks and blocks of a neighborhood and wiping out housing.

**Mr. Blair** asked if that should be broader than just hospital? He stated it sounds like we're picking on the hospital.

**Mr. Phipps** replied yes, it probably should be broader.

**Mr. Blair** said on page 63, the second to last stop point says nominate new sites and districts for inclusion to the National Register to protect properties from inappropriate federally supported undertakings. He asked what that means?

**Mr. Wood** stated that means that property that is listed in the National Register of Historic Preservation as it currently exists is protected from federally funded projects. He said so if the feds were to come in and say we want to build a new bridge next to the Sherman Minton to handle additional traffic, we would want to make sure we had national registered districts in place where we have the historic resources so that the federal government would be required to

ameliorate any adverse effects from a new bridge over the Ohio River, for example. He added National Register does not impact local ownership, so if you own a National Register home and you're not in a local historic district, you can put vinyl siding on it, paint it any color you like, tear it down, etc. He said but with federally funded activities, the project is required to minimize any adverse impacts. He added we have a lot of neighborhoods in New Albany that are now eligible for the National Register. He said Post-World War II neighborhoods, 1960s, 1970s, 1980s, are now eligible for the National Register, so that means pretty much everything inside 265.

**Mr. Blair** stated on page 94, under Utilities and Infrastructure, the very last dot point, it says acquire residents constructed in the floodway and restore the site to pre-construction configuration where appropriate. He said then it turns around and says prioritize homes in the floodway

**Mr. Wood** stated there were a lot of homes that were built before the flood studies were published in New Albany around 1980-81, so there are a few homes that are in the floodway and we would encourage prioritizing those for acquisition.

**Mr. Blair** said maybe it just needs another word in there.

**Mr. Wood** said right now Indiana does not permit residential construction in a floodway with the exception of a boundary river. He stated we all can think of what a boundary river might be, but you've got to be at least two feet higher than the Ohio River's flood elevation, which would mean on stilts.

**Mr. Blair** stated he just didn't read it that way and he would just like to have another word or two in there just to clarify it.

**Mrs. Griffith** stated at the beginning of the plan it was listed out who's responsible for each goal and to hold them accountable, and we are, as city council people, listed under quite a few of those. She asked if they are supposed to be proactive and help with that?

**Mr. FitzGerald** said he thinks a lot of it's like, it's under our purvey to vote for, whether it's the zone code or that sort of stuff.

**Mrs. Giffith** stated that's what she figured because she knew the vote would come to us. She then said as you all know, she does like to be more active and involved in that process. She didn't know how that would look or if you all thought about that process going forward. She then stated that she really like that you put in there on page 45 how you're working with a lot of the businesses and partnering with a few like the Purdue, IUS, but she didn't notice the Small Business Development Center, who's now located IUS, in there. She said that's just a personal thing for her. She thinks local businesses don't realize the resources that we have with having that office located here at IUS, and just putting it in there for the purpose of putting it in there is all she was thinking on that part. She knows whenever a new small business opens and she goes and visits them, she always makes sure that they know about them for resources, because as a city, she doesn't feel that our business services are up there. She just wanted to see if we could possibly add that. She then stated that she knows you talked about the flood areas, so along that line, is the city's goal to purchase the flood areas and the city maintains it as land comes available or what does that look like?

**Mr. Wood** stated part of the reason we included returning it to its natural habitat is to try to reduce any kind of maintenance issues with it, but certainly, there would probably be something for flood control or storm water to be involved with in terms of maintenance of those types of properties.

**Ms. Johnson** said she just thinks it's important to understand that flood control is a separate taxing entity.

**Mrs. Griffith** stated that the other one was on the storm water, again. She likes how you all were doing the rainwater because when she was walking, there are a lot of places, a lot of people,

residents, that do not like that ditch in their front yards. She said rental homes don't maintain the ditch because it's not homeowner based, so addressing that is great. She then said the zoning ordinance is going to be a lot and asked if they will have a work session with the zoning ordinance?

**Mrs. Murphy** said not at this point but that may be something that we want to request.

**Mr. Blair** asked if there is a committee for that? He said the last time we did this, we had a committee.

**Mr. Phipps** stated he was on the committee last time.

**Mr. Blair** said it was Mr. Phipps, himself and Dr. Knable.

**Mr. Wood** stated that they will definitely have a work session with the council with the zoning ordinance. He said it's a pretty complicated document, so he wanted to make sure you guys are on board with that.

**Mrs. Murphy** said you said it would be ready probably in February, so maybe in January have some kind of work session?

**Mr. Wood** said late January.

**Mr. Blair** asked what about a committee?

**Mr. FitzGerald** asked if it would just go through the planning annexation committee?

**Mr. Phipps** stated it's probably too late at this point to bring a committee in because you pretty much have it probably three quarters done or finished, don't you?

**Mr. Wood** stated we're not replacing the existing ordinance just doing like heavy reconstruction, so a lot of it you're going to be already familiar with. He also stated he wants to get it to them in a full form as early as possible so that you guys have plenty of time to read it, and we can answer questions about what our intent is with that. He said at this point, he just can't give a firm date on when that will be. He said certainly, if it's going to be a committee, if it's going to be groups, however, he is open to whatever is necessary to make sure everybody is comfortable with it.

**Mr. Blair** said he just thinks a committee would help. He stated some of what we had was just help with clarifying things, and another set of eyes is always good on any document. He knows that the last time we did that, he thinks he had 100 changes or something. He asked Mr. Phipps if he remembered that?

**Mr. Phipps** stated he didn't remember specifically but he remembers they spent a whole lot of time working on it.

**Mr. Blair** said yes, we did and a lot of it was just clarification but he thinks it saved a lot of time once it got to the approval process by having the committee and sort of going through some of these issues that we're talking about today. He then asked as far as making several of these changes, what should we do?

**Mr. Phipps** asked if those would be amendments, or can we make amendments before we vote on it?

**Mr. FitzGerald** asked if it needs to go back to the Plan Commission at that point?

**Mr. Blair** stated it would have to go back to the Plan Commission.

**Mr. Wood** stated that would be a question for Mrs. Manning.



**Mr. FitzGerald** said we definitely can't make amendments right now because this is just a work session so we can't make any changes.

**Mr. Blair** said he is just trying to figure out the process because there are several things in here that need attention.

**Mrs. Murphy** said she is sure Ms. Johnson and Mr. Wood have made notes of all that, and they can discuss it with Mrs. Manning and let us know the legal standings on that.

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 2:25 p.m.

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Elaine Murphy, Vice President

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Vicki Glotzbach, City Clerk

**THE NEW ALBANY CITY COUNCIL HELD A PUBLIC HEARING ON MONDAY, DECEMBER 1, 2025 AT 6:30 P.M. IN THE COUNCIL CHAMBER, ROOM 100, NEW ALBANY CITY HALL, 142 E. MAIN STREET.**

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

**ALSO PRESENT:** Mrs. Manning, Ms. Johnson and Mrs. Glotzbach

**President Dickey** called the public hearing to order at 6:30 p.m. He asked if anyone would like to speak on the following:

**R-25-18      A Resolution to Waive Late Tax Abatement  
Compliance with Statement of Benefits Real  
Estate Improvement Tax Form**

**Ms. Melissa Hobbs, M&M Empire on behalf of Integrity Sign Solutions,** stated that she didn't know if council wants her to get into the reasoning as to why we were late filing our forms right now, or if they want her to wait until the formal meeting.

**Mr. Dickey** said it's truly up for your discretion here.

**Mr. Blair** asked if he could speak?

**Mr. Dickey** replied yes, you want to provide a little bit more, that's fine.

**Mr. Blair** stated Integrity Sign Solutions has always been a local company, and as far as the small business goes, they have been located in Floyd County, moved to the New Albany Industrial Park and received a tax abatement. He said this past year, they failed to file their CF1 form and he will say that the City of New Albany, Claire and Tanya, did a nice job of reaching out to them and telling them deadline was coming. He said they made them aware through emails and tried to get them to make sure they filed a form, but it wasn't filed. He added we all make mistakes, and he thinks sometimes you've got to give people the benefit of the doubt when things happen, so he encouraged Melissa to go ahead and just follow the process. He didn't know what the process was when she contacted him as far as how she would seek to get this reinstatement of the abatement, so Claire walked them through it and Melissa is going through the process. He feels like everybody should at least be able to tell their story, give their reasoning, have due diligence, be able to speak on behalf of what happened and why they think that's important. He added he thinks that as a city, we've done a good job of helping our small businesses, local businesses, and sometimes with abatements, we tend to be a little bit loose at times. He said the good thing is they are in compliance. He stated they filed a CF1 and they have met and exceeded their job requirement and also their expenditure as far as amount of real estate. He also stated they're on their eighth or ninth year as far as the abatement goes, so it's going to phase out here pretty quickly. He said with that, he told Melissa that he would go through the process a little bit, but it's up to her as far as the reasoning and why the form was not filed. He then asked Ms. Hobbs if she wanted to provide any more information herself?

**Ms. Hobbs** stated that the first year that we didn't file in 2024, the forms were due in the spring.

**Mr. Dickey** stated if he could, he thinks it would be sufficed to say as there were some personal issues and that will suffice for the record here.

**Ms. Hobbs** stated that at the end of 2023, she hired a new bookkeeper. She said hers moved to Texas, and she was amazing at keeping her on task with all of the filings and everything that was to be done. She said the person that we hired to take her place quit on her last day after we spent all that time training, and then the new bookkeeper did her best, but there were things that fell through the cracks. She stated in the spring of 2024, she had some major personal issues and in December 2024, her divorce was final and she chose to buy out her now ex-husband. She said in 2025, she just forgot because they didn't do it in 2024. She stated that's pretty much the crux of

it, but now it is on her radar and on her calendar. She said for future years, she will have a reminder set because she lives by that Google Calendar.

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 6:36 p.m.

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Adam T. Dickey, President

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Vicki Glotzbach, City Clerk

**THE NEW ALBANY CITY COUNCIL HELD A PUBLIC HEARING ON MONDAY, DECEMBER 1, 2025 AT 6:45 P.M. IN THE COUNCIL CHAMBER, ROOM 100, NEW ALBANY CITY HALL, 142 E. MAIN STREET.**

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

**ALSO PRESENT:** Mrs. Manning and Mrs. Glotzbach

**President Dickey** called the public hearing to order at 6:45 p.m. He asked if anyone would like to speak on the following:

**R-25-19        A Confirmatory Resolution of the Common Council of the City of New Albany, Indiana Declaring an Economic Revitalization Area and for Real Property Abatement**

**There was no one to speak.**

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 6:48 p.m.

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Adam T. Dickey, President

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Vicki Glotzbach, City Clerk

**THE NEW ALBANY CITY COUNCIL HELD A PUBLIC HEARING ON MONDAY, DECEMBER 1, 2025 AT 6:45 P.M. IN THE COUNCIL CHAMBER, ROOM 100, NEW ALBANY CITY HALL, 142 E. MAIN STREET.**

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

**ALSO PRESENT:** Mrs. Manning and Mrs. Glotzbach

**President Dickey** called the public hearing to order at 6:48 p.m. He asked if anyone would like to speak on the following:

**A-25-11      Ordinance for Appropriation and Transfer  
of Funds**

**There was no one to speak.**

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 6:50 p.m.

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Adam T. Dickey, President

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Vicki Glotzbach, City Clerk

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,  
INDIANA, HELD A REGULAR COUNCIL MEETING IN THE COUNCIL  
CHAMBER AT NEW ALBANY CITY HALL ON MONDAY, DECEMBER 1, 2025  
AT 7:00 P.M.**

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

**ALSO PRESENT:** Mrs. Manning, Ms. Johnson, Mr. Hall, Mr. Gibson, Police Chief Bailey, Mr. Wood, Mrs. Miller and Mrs. Glotzbach

**President Dickey** called the meeting to order at 7:03 p.m.

**MOMENT OF REFLECTION:**

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Phipps** moved to approve the Public Hearing Meeting Minutes for November 20, 2025, Mrs. Murphy second, all voted in favor with the exception of Mr. FitzGerald who was not present.

**Mr. Phipps** moved to approve the Regular Meeting Minutes for November 20, 2025, Mrs. Murphy second, all voted in favor with the exception of Mr. FitzGerald who was not present.

**COMMUNICATIONS – COUNCIL:**

**Mrs. Gohmann** stated with the impending weather, it's important that everybody pay attention. She said slow down your driving and be mindful that there may be a lot of new drivers out on the road this very first snow, because of kiddos who got their licenses over the summer, and have never had the experience of driving in snow and ice. She stated please be patient, please be mindful and please be careful.

**Mrs. Griffith** thanked Mr. Wood, Ms. Johnson and Mrs. Miller for the work session on Monday because she appreciates the team taking the time to go over all that with them. She also thanked the city for the post about prepping the roads, she really appreciates that too, and she thinks that's great that we are getting a jump start on it.

**Mrs. Murphy** also thanked Mr. Wood, Ms. Miller, Ms. Johnson, for all their time and effort on the comprehensive plan and working with them for two hours to get all of their questions answered. She then gave a thank you to all the volunteers, city workers, Mayor Gahan and all who worked with Light Up New Albany this past weekend. She said it was a little short because of the rain, but it was a lot of fun.

**Mr. Dickey** stated he thinks it's important that we recognize individuals who do stellar work in our community, and tonight he wanted to call out our New Albany High School theater program. He said this past week, he had the privilege of seeing one of the performances of Come From Away, and he has seen top-notch programming, Broadway-style events and musicals and he would put our students up against any one of them. He stated the performance that he saw was that good. He said this is a very well-done performance and our theater program continues to get accolades and recognition. He looks forward to their next performance and would encourage the community to take that up. He has had individuals, including state senators, from places like Bloomington and Indianapolis who have attended a performance and they have been awed by what our kids are doing, so with that being said, just please remember the theater program and congratulations to each and every one of those performers for that outstanding program.

He then stated in that same note, he will also add that on December 11th, you can go and see another group of our fine high schoolers with the holiday concert that features the New Albany High School Band, the orchestra, and the choir. He said this is a fantastic opportunity to have an evening performance filled with music because they do an awesome job as well.

**Mr. Phipps** asked if he knew the time on that one?

**Mr. Dickey** stated will look that up. He then said that he does want to make sure that we all are aware they are predicting a few inches of snow. He stated the city has put out some information and Mr. Hall may be providing some additional information on that. He said obviously, we want everyone to be safe, use good judgment, and he is sure there will be several of us, in addition to the city crews, who will be checking on conditions throughout the next day or so.

**COMMUNICATIONS – MAYOR:**

**Mr. Hall** stated he just wanted to thank everyone for their support of our Light Up New Albany event. He thought it was a great event this year, we had a bunch of people, and it was a great way to kick off the holiday season and the winter season also, as some of you all mentioned. He then said there is potential for about one to three inches of kind of a wintry mix tonight so crews have been out pre-treating today. He also said we will have some crews coming in in a couple hours as well to work overnight on that snow and keep everybody safe. He stated to please be aware of crews on the roadway and just prepare for winter weather.

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

**ADMINISTRATIVE ITEMS:**

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

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES FOR FIRST READING:**

**INTRODUCTION OF ORDINANCES FOR SECOND READING:**

**INTRODUCTION OF ORDINANCES FOR THIRD READING:**

**COMMUNICATIONS PUBLIC: A-25-11 Appropriation & Transfer of Funds**

**COMMUNICATIONS PETITIONER: A-25-11 Appropriation & Transfer of Funds**

<b>A-25-11</b>	<b>Ordinance for Appropriation and Transfer of Funds</b>	<b>Unruh 3</b>
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**Mr. Unruh** introduced Bill A-25-11 and moved to approve the third reading, **Mr. Phipps** second, all voted in favor with the exception of **Mr. FitzGerald** who was not present. Bill A-25-11 becomes Ordinance A-25-21.

**Mr. Unruh** stated the funds that are being transferred come from the public safety tax that the Floyd County Council enacted in October of 24. He said it will ensure the safety, protection and welfare of all citizens of New Albany. He stated it is going to go to the police department that requires updated equipment and technology to improve officer safety. He also stated it'll go to the fire department for protective gear, equipment, equipment repair, and medical response support as well as to the city communication and dispatch system to update 911 operations. He said it will also go to the street department for salt, which hopefully we don't need this evening or in the morning, and for appropriate wages for all four groups, as stated in their updated contracts.





forward and just hopeful that we can recoup some of what we lost just due to her inattention and inability to act in those moments because it carried over into 2025. She said she appreciates the council willing to hear her case.

**Mr. Blair** stated he didn't hear Ms. Johnson mention the amount and asked if it was a little over \$15,000.00 for 24 pay 25 and then \$11,700.00 for 25 pay 26?

**Ms. Johnson** replied yes, those numbers are correct.

**Mr. Dickey** stated he knows we mentioned in the break, obviously, wanting to make sure that we don't repeat this. He knows Ms. Hobbs has taken some action to try and ensure that doesn't happen from an accounting standpoint and asked if she wanted to mention that at all?

**Ms. Hobbs** replied yes and stated she has all the deadlines entered on her Google calendar, which is her lifeline these days as a business owner and as a single person now. She also stated that her bookkeeper has all of the deadlines on her calendar now and her accounts payable and accounts receivable guy does as well, so between the three of us, we shouldn't have this issue again.

**Mrs. Griffith** stated she just wanted to thank Ms. Johnson for working with Ms. Hobbs too. She said she has only been on the council three years, and she has seen the tax abatement process improve very much over the time. She stated that she is getting all of the details and she thanks Ms. Johnson and Mrs. Fischer for working with the local businesses in the city, and vice versa. She then thanked Ms. Hobbs for being in New Albany.

**Ms. Hobbs** said yes Tonya and Claire were amazing and very helpful.

**Mr. Phipps** stated he just want to make a comment. He said while he is very sympathetic with the situation that Ms. Hobbs has gone through, and he is sure they're a great business, he just thinks we maybe set a dangerous precedent for future if we do this. He stated in the 14 years he has been on the council, he doesn't recall ever doing this before, so he is not going to vote against it, but he can't vote for it, so he'll probably abstain on this one.

**Mr. Dickey** asked Ms. Johnson if she knows of any incidents like this going before the council at any other time?

**Ms. Johnson** replied no and stated that's why she wanted to be sure to detail that process for the council tonight.

**Mr. Blair** stated that he agrees with Mr. Phipps and does not remember this ever happening, but we have overlooked some people who weren't in compliance, didn't have the job numbers or the investment numbers that they've had, and went ahead and gave them abatements for that reason. He knows what Mr. Phipps is saying about the precedent, but the abatements are sort of, in his mind, the benefit of doing business in our community, and that's why he is pretty much for abatements, but he does appreciate Mr. Phipps's thought on that.

**Mr. Phipps** stated Mr. Blair is absolutely right. He said we have let other situations slide where they didn't meet what they promised, so if he does vote in favor of this, it would be because of that reason. He thinks in the future we need to hold those other businesses accountable for meeting those goals that were set. He added that would be the one way he may be able to excuse this one and maybe vote for it. He said he would think a little bit more about it as he hears some comments from other people.

**Mr. Dickey** stated he'll concur with what Mr. Phipps and Mr. Blair are both are basically saying. He thinks as a general practice, we do need our business partners to obviously follow through and he think that comes in many forms, both meeting the obligation of what they set out in terms of investment, in terms of hiring, but also in terms of making

sure the process works. He also acknowledges that there are, unfortunately, times when things go awry whether it be a disaster or personal tragedy that interrupts that ability. He wants to be very clear from his standpoint, if he votes for this tonight, this would be the only mercy that he, as a council member, would apply. He said if there's a failure in the future, he doesn't think at that point he could in good faith waive the rules if it happens again. He is assuming that some of his council members may feel the same way, but he also believes that there are times where a little bit of grace can be extended. He said he does appreciate that we're talking about a business that is operating on the local level and is developed on the local level, and that's exactly why he thinks we as a city have wanted to help grow and maintain our local businesses. He stated we just came out of the Thanksgiving Day holiday and talked a lot about Small Business Saturday, so he is very mindful that he wants our local small businesses to thrive, and sometimes we can play a big role in enabling that to happen.

**Mr. Phipps** said as we move forward on this, maybe this is something that we need to take a look at where we can kind of maybe tighten it up if the state allows us to do that. He added like if a person was X number of days late versus six months, then maybe they get it. He stated if they got it in, let's say six months late, they would get the abatement going forward for those six months, but not for the six months previous. He asked if the state would allow us to make those kinds of tweaks?

**Mr. Gibson** stated that the council would set their own policy or adopt their own policy on how they want to do it.

**Mr. Phipps** stated since we haven't had a policy, that would be another reason he may show some grace on this, and plus the message he heard at church yesterday that we should show people grace. He doesn't talk about his faith often, but occasionally maybe he does need to.

**Mrs. Griffith** stated she does agree with what Mr. Phipps is saying too. She said she was a no before coming in here, too, because she does think that we need to have a process and rules followed. She thanked Ms. Johnson for walking them through that process. She also said since they have been in compliance for pretty much seven, eight years of what it was, and they have met their requirements, she is okay with it now. She added if this was their second or third year, that might have been different, so she thinks it is a case-by-case. She also added still being new to the council, she didn't know this was the first time we've had this request. She thanked Ms. Hobbs for taking her time to come here, too, because she knows that wasn't easy for her to come before us and ask for that. She said that's another reason why she is for that. She stated maybe we should do a policy of some sort, just a quick little guideline so this doesn't happen in the future.

#### **COMMUNICATIONS PUBLIC: R-25-19 Confirm ERA (Daisy Summit Rd.)**

#### **COMMUNICATIONS PETITIONER: R-25-19 Confirm ERA (Daisy Summit Rd.)**

<b>R-25-19</b>	<b>A Confirmatory Resolution of the Common Council of the City of New Albany, Indiana Declaring an Economic Revitalization Area and for Real Property Abatement</b>	<b>Unruh</b>
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**Mr. Unruh introduced R-25-19 and moved to approve, Mrs. Murphy second, all voted in favor with the exception of Mr. FitzGerald who was not present.**

**Mr. Unruh** stated that HyperCars is a locally owned business founded in New Albany in 2015 specializing in high-end and exotic vehicles. He said the company plans a \$10M investment to construct a new 50,000 square foot flagship facility on approximately nine acres at 102-109 Daisy Summit Road. He stated the project will retain 20 existing jobs and create 20 new skilled jobs with an average wage of over \$50.00 an hour. He said there is an anticipated fiscal impact of over \$230,000.00 in new and annual property taxes and approximately \$64,000.00 in annual local income taxes. He said this action that we

take this evening represents the final step in the statutory tax abatement process following the declaratory resolution that we adopted on November 3rd.

**COMMUNICATIONS PUBLIC: R-25-20 Comprehensive Plan: Year 2045**

**COMMUNICATIONS PETITIONER: R-25-20 Comprehensive Plan: Year 2045**

**R-25-20            Resolution of the Common Council of the City of            Phipps**  
**New Albany Adopting the City of New Albany and**  
**Unincorporated Two-Mile Fringe Area**  
**Comprehensive Plan: Year 2045**

**Mr. Phipps introduced R-25-20 and moved to approve, Mrs. Gohmann second, all voted in favor with the exception of Mr. FitzGerald who was not present.**

**Mr. Unruh motioned to adopt the amendments of Resolution R-25-20 that were received by the council and were set out by Mr. Gibson, Mr. Blair second, all voted in favor with the exception of Mr. FitzGerald who was not present.**

**Mr. Phipps** stated as he pointed out before, the Plan Commission approved this unanimously a couple of months ago. He said we had a lot of good questions about this and concerns that were expressed at the work session that we had last week. He said based on that, he has a list of some amendments that basically have been reviewed by the Planning and Zoning Office and Development Office and they are on board with these. He is just proposing that someone maybe make a motion for an amendment to include these.

**Mr. Blair** stated he does appreciate the team’s willingness to look at some of these items we had questions on. He knows it was a lengthy meeting last Monday, but he appreciated them doing these items. He said he knows that a lot of this is going to flow into more specific and detailed information on the zoning code and asked if he could please be part of that process beforehand? He thinks it would make the meeting go a lot smoother. He stated he has had a lot of experience and has been through a lot of zoning issues, and he'd like to be part of that process before it gets presented to the public or to the approved authorities.

**Mr. Wood** stated we recognize the zoning ordinance is a lot more complicated than the comprehensive plan is and want to get council buy-in at the earliest possible time. He said we are finishing an extensive rewrite of the definitions in the zoning ordinance because we don't think the current definitions are nearly adequate, and he'd like to get those reviewed and approved and to the council so that you can get those early on as well. He stated we're going from about 250 or 300 definitions to about 750 definitions, so it's substantially more complicated than previous. He doesn't want to have a 900-page zoning ordinance when we're done. He'd like to have what they call a 10-minute ordinance and it should take the average person of average intelligence about 10 minutes to figure out how to navigate the zoning ordinance. He added right now, definitions are scattered all over the place and we're trying to bring them all into the same place. He stated if you're looking for various definitions with dwelling, for example, they're all in the same place; we're trying to make it simpler that way. He said then the next section will be the development section and we're working on that. He stated again, we're really trying to get this done before the moratorium expires and doesn't want to ask the council to extend it one more time. He said it's probably going to come in bits and pieces, but the council will have a lot of opportunity with it.

**Mr. Blair** asked if there is a steering committee like there was with the comprehensive plan on the zoning ordinances?

**Mr. Wood** replied no, we're just doing it at the staff level and it'll be up to Council President Dickey to put that in a council committee.

**Mr. Phipps** said while you're mentioning definitions, he thinks the more definitions, the better because that way you eliminate a lot of those gray areas in the wiggle room because you've got it firmly defined.

**Mr. Wood** said it's very frustrating when you're doing zoning enforcement to see something and not find a definition that simply describes what you're seeing. He could give lots of examples, but he's not going to.

**Mr. Phipps** said this is an inside joke that Mr. Wood will understand. He stated to make sure we delineate between a porch and a deck. He said his very first meeting on the BZA many years ago, his stepping stone into politics, there was a long and lengthy debate between the developer and the staff whether something was a porch or a deck because it's going to have totally different rules on it. He added it was an experience, but that's why the definitions are very important for clarity.

**Mr. Blair** stated on item number three, where we're deleting out form-based code, does that show up anywhere else in the document except for page 57? He also thanked them for making all of the changes listed in the amendment.

**Mr. Wood** replied he does believe that is the only place where it is cited.

**Mrs. Griffith** thanked them for explaining more with the ADUs but she just wanted on the record that she understands the benefit that that's going to give to our community, but she does worry what that's going to look like down the road, and that's where she knows the ordinances are going to come in. She said she probably will be questioning that at that point a little bit more just to make sure we're not setting ourselves up for a bunch of tiny homes or anything like that. She again thanked them for taking the emails and taking all of the recommendations when we do the zoning code

**Mr. Gibson** stated as you know, at least this administration has been pretty adamant about trying to reel in rental housing, so it is definitely not our plan or foresight to add to that problem with these. He said Ms. Johnson put together a really good memo that gives you some of the benefits of why we do think it's worth considering modifying the zoning code.

**Mrs. Griffith** stated she agrees with it but just worries, like she said, 10 or 15 years down the road when none of us are sitting in any of the positions that we currently are, what that's going to look like for the city because then you have permanent structures in place.

**Mr. Gibson** said again, he does think we'll be able to reel that in at the zoning level. He said there are different ways Mr. Wood was talking about today, like it's one meter and you're not getting separate meters, it's all tied to the main house. He stated there are different ways that that will be presented that will ensure that it's a much tighter thing than just building apartments in the back of your yard.

**Mr. Blair** stated we have we have nine zones and he thinks that's where you really distinguish it between what you can do in each of the zones. He said because he has had this battle a couple times already in residential neighborhoods, people just get really upset about it, so he thinks that we can sort of put some criteria around it about what you can and can't do in certain zones.

**Mr. Phipps** stated that he would concur with both Stephanie's comment and Scott's comment about having concerns down the road. He said it's one thing when you've got a family living there and it's for the mother-in-law or for the kid, but 25 years from now, when that property sells, that's not to prevent an out-of-state, absent landlord purchasing that and say, hey, well, I've got two rental properties here. He said he would agree we need to kind of tighten the controls on them. He also said in theory, it's a good thing, but he just wants to be on the record that he agrees with both of those comments that were made there. He added hopefully the zoning code will address that.

**Mr. Gibson** asked the council to do their research and help them out to make it tight. He then stated part of the process, and he should have put it in this resolution for your amendment, is that there has to be a rationale for why we're making these changes and that would come from the council. His recommendation, unless Mrs. Manning says something different, is that he kind of goes through these real quick with council, and if acceptable, maybe give the president the authority to sign off on a letter that says here are the reasons as we discussed in this. He said or he guesses you could formally make it part of the resolution. He just didn't think about that when they put it together. He added that's part of the statutory requirement that you tell them what it is and kind of why. He sated these are pretty easy and he thinks he could go through them really quick, put it on the record, and then however you all want to handle that, if Mrs. Manning has a suggestion, he's fine.

**Mr. Phipps** asked if he has a justification for each of the points or just one collectively for the whole thing?

**Mr. Gibson** said he thinks for each of them it's fine, and he kind of put some real quick notes down of what, based upon the notes taken by staff, meaning what the rationale of what these were. He stated we can just go through that real quick and make sure that is correct, and then we just have to convey it from the council to the Planning Commission, just the rationale or reasoning.

**Mr. Phipps** stated that sounds like a good way of handling it to him.

**Mr. Blair** said he agrees.

**Mr. Gibson** stated he would think to him personally, if we get it in the minutes, the minutes will reflect that. He said we'll have the minutes for the council he thinks that's quite sufficient in his legal opinion.

**Mrs. Manning** said she thinks that's fine to take what Mr. Gibson has and put it in the cover letter too.

**Mr. Gibson** said maybe we'll do both, get it in the minutes and she can do a cover letter based upon those minutes that this was the rationale and if that's okay. He then went over the amendments that were passed out to the council members. Said amendments are on file in the city clerk's office. He explained in number one, the change was the rationale that it is just a more appropriate term to use reduce versus phase out. He stated number two was, he thinks, trying to add some additional guidance for small business owners and small businesses. He said number three was just to clean up the process and move away from a form-based code ordinance. He stated number four, again, was maybe using a more appropriate term and language and not so restrictive as just one institution. He said number five was to provide better guidance on what action maybe is necessary to accomplish the floodway and cleaning that and making sure it's nice and safe. He stated number six was just sort of a carryover. He said all the items listed in there are not within our jurisdiction as a city, nor are they within our control, so it just sort of made sense and it would just sort of remove that section. He then said if that is all okay, we've got it in the minutes, as long as you'll vote for it, and then Ms. Manning can put it into a brief letter to us for the Planning Commission, and that will suffice the legal requirements that we will need.

**Mr. Dickey** wanted to add on that passage this is a pretty substantial step for our city, and he wants to thank all of our steering committee members and our staff who have worked countless hours on this. He said it takes a lot to get this done, and he thinks we've produced a pretty fine comprehensive plan, so he just wanted to echo that as a final thought.

#### **BOARD APPOINTMENTS:**

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

**ADJOURN:**

There being no other business before the board, the meeting adjourned at 7:51 p.m.

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Adam T. Dickey, President

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Vicki Glotzbach, City Clerk

**AN ORDINANCE ADOPTING THE PROVISIONS OF  
INDIANA CODE 36-7-36 PERTAINING TO THE  
ABATEMENT OF VACANT STRUCTURES AND  
ABANDONED STRUCTURES**

**WHEREAS**, the City of New Albany, Indiana (the "City") is a municipal corporation and political subdivision of the State of Indiana and, pursuant to Indiana Code 36-7-36-1 et seq. (the "Act"), is authorized and empowered to adopt this Ordinance and to carry out its provisions;

**WHEREAS**, the Common Council of the City of New Albany, Indiana ("Council") is the legislative body of the City;

**WHEREAS**, the City has experienced an increase in Vacant Structures and Abandoned Structures (each as defined by the Act), which has had a blighting influence in the City;

**WHEREAS**, Vacant Structures and Abandoned Structures are historically not maintained as well as structures that are occupied;

**WHEREAS**, the Act provides certain procedures by which the Enforcement Authority (defined herein) of a municipality may determine that a Vacant Structure or an Abandoned Structure exists, send an abatement notice and order to the Owner (defined herein) of such a structure, and take certain enforcement actions in connection therewith;

**WHEREAS**, the Act provides that the legislative body of a municipality may adopt the provisions of the Act by ordinance and adopt rules and procedures for its enforcement;

**WHEREAS**, in furtherance of protecting the public health, safety, and general welfare, the Council finds it to be in the best interest of the City and its residents to adopt the provisions of the Act and adopt rules and procedures for its enforcement.

**NOW THEREFORE, BE IT RESOLVED AND ORDAINED** by the Council of the City as follows:

**Section 1.**     **Adoption of the Act.** Pursuant to, and in accordance with, I.C. 36-7-36-7, the Council hereby adopts and codifies under the City's Code of Ordinances the provisions of the Act, which are incorporated by reference herein.

**Section 2.**     **Definitions.** The following definitions shall apply to this Ordinance:

- (a)     *"Abandoned Structure"* shall mean any of the following:

(1) Commercial real property or a vacant structure on commercial real property that is used or was previously used for industrial or commercial purposes, and:

(A) that the owner of the property or structure has declared in writing to be abandoned; or

(B) for which the owner of the property or structure has been given a written order by an enforcement authority to rehabilitate or demolish, and the owner:

(i) has not applied for a permit to rehabilitate or demolish the property or structure; or

(ii) applied for and was granted a permit, but rehabilitation or demolition work has not commenced on the property or structure within thirty (30) days after the date the permit was granted.

(2) Real property that has not been used for a legal purpose for at least six (6) consecutive months and:

(A) in the judgment of an enforcement authority, is in need of completion, rehabilitation, or repair, and completion, rehabilitation, or repair work has not taken place on the property for at least six (6) consecutive months;

(B) on which at least one (1) installment of property taxes is delinquent; or

(C) that has been declared a public nuisance by a hearing authority.

(3) Real property that has been declared in writing to be abandoned by the owner, including an estate or a trust that possesses the property.

(4) Vacant real property on which a municipal lien has remained unpaid for at least one (1) year.

(5) Real estate that a court has determined to be abandoned under I.C. 32-30-10.6.

(b) "Enforcement Authority" shall mean the Building Commissioner of the City.

(c) "Hearing Authority" shall mean the Board of Public Works and Safety.

(d) "Owner" shall mean a person that holds a substantial interest in property in the form of a known or recorded fee interest, life estate, or equitable interest as a contract purchaser.

(e) "Vacant Real Property" shall mean real property that is not being occupied by an owner, tenant, or others authorized by the owner.

(f) "Vacant Structure" shall mean a structure or building that is not being occupied by an owner, tenant, or others authorized by the owner.



**Section 3. Authority of Building Commissioner.** Pursuant to I.C. 36-7-36-2 and I.C. 36-7-9-2, the Building Commissioner of the City and his or her designee is the Enforcement Authority within the meaning of the Act and under Section 150.123 of the City's Code of Ordinances and is granted all powers necessary to administer and enforce the provisions of this Ordinance, including but not limited to issuing fines and civil penalties for violations of this Ordinance, sending an abatement notice and order to an Owner of a Vacant Structure or an Abandoned Structure pursuant to Section 9 of the Act, bringing a Vacant Structure or an Abandoned Structure into compliance with this Ordinance and billing the Owner for the costs incurred in connection therewith pursuant to the provisions of I.C. 36-1-6-2, and taking enforcement actions against a Vacant Structure or an Abandoned Structure pursuant to the provisions of Indiana's Unsafe Building Law, I.C. 36-7-9.

**Section 4. Designation of Hearing Authority.** Pursuant to, and in accordance with, I.C. 36-7-36-3 and I.C. 36-7-9-2, the City's Board of Public Works and Safety is hereby designated as the Hearing Authority within the meaning of the Act and shall further serve as the Hearing Authority under the City's Unsafe Building Law set forth in Section 150.120 et seq. of the City's Code of Ordinances.

**Section 5. Notice; Hearing.**

(a) **Notice and Order; Request for Hearing.** If the Enforcement Authority determines that Vacant Structure or an Abandoned Structure exists, a notice and order ("Notice and Order") shall be delivered to Owner, which shall include the following:

- (i) The name of the person to whom the Notice and Order is issued;
- (ii) The address or legal description of the property subject thereof;
- (iii) The determination that the property is a Vacant Structure or an Abandoned Structure;
- (iv) A statement that the Owner may be subject to civil penalties under this Ordinance and the Act;
- (v) The Notice and Order becomes final ten (10) days after the Notice and Order is given, unless the Owner, by written notice to the Enforcement Authority before the end of such ten (10) day period, requests a hearing before the Hearing Authority; and
- (vi) The name, address, and telephone number of the Enforcement Authority.

(b) Abatement Order. The Enforcement Authority may include within a Notice and Order an abatement order that directs the Owner to:

(i) abate the vacant structure or abandoned structure by cleaning and securing or boarding up the vacant structure or abandoned structure and the premises upon which it is located; and/or

(ii) erect fences, barriers, berms, or other suitable means to discourage access to the Vacant Structure or abandoned structure and illegal dumping or littering on the premises upon which the Vacant Structure or Abandoned Structure exists.

(c) Hearing. If a hearing is timely requested by the Owner, the Hearing Authority shall conduct a hearing on the Notice and Order within sixty (60) days following such request for hearing. Notice of the hearing shall be sent to the Owner via certified mail not later than ten (10) days prior to the date of the hearing and notice shall be published in accordance with I.C. 5-3-1. The Owner shall have the opportunity to present evidence and testimony at the hearing. At the conclusion of the hearing, the Hearing Authority shall either affirm or rescind the Notice and Order. If the Notice and Order included an abatement order, the Hearing Authority may amend or modify the abatement order. If a Notice and Order is affirmed, the Notice and Order is deemed effective as of the date of such affirmation by the Hearing Authority.

(d) Manner of Serving Notice and Order. A Notice and Order must be given to the Owner by one (1) of the following means:

(i) sending a copy of the Notice and Order by registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested;

(ii) delivering a copy of the Notice and Order personally to the person to be notified;

(iii) leaving a copy of the Notice and Order at the dwelling or usual place of abode of the person to be notified and sending by first class mail a copy of the Notice and Order to the last known address of the person to be notified; or

(iv) sending a copy of the Notice and Order by first class mail to the last known address of the person to be notified.

**Section 6. Civil Penalties for Violations of Ordinance.**

(a) An Owner of a property that remains a Vacant Structure or an Abandoned Structure for at least ninety (90) consecutive calendar days following the date on which a Notice and Order becomes final may be liable for a civil penalty in the amount of Five Hundred Dollars (\$500.00) per Vacant Structure or Abandoned Structure, not to exceed Five Thousand Dollars (\$5,000) per structure per year, unless:

(i) documentation has been filed and approved by the Enforcement Authority that indicates the Owner's intent to eliminate the Vacant Structure or Abandoned Structure status of the property;

(ii) the Owner is current on all property taxes and special assessments;  
and

(iii) at least one (1) of the following applies:

(A) The structure is the subject of a valid building permit for repair or rehabilitation and the owner is proceeding diligently and in good faith to complete the repair or rehabilitation of the structure as defined in the enforcement order.

(B) The structure is:

- (1) maintained in compliance with the Act; and
- (2) actively being offered for sale, lease, or rent.

(C) The Owner can demonstrate that the Owner made a diligent and good faith effort to implement actions approved by the Enforcement Authority.

(b) If the structure continues to remain a Vacant Structure beyond the initial ninety (90) days described in subsection (a) and the Owner does not meet any of the exceptions set forth in this section, the Enforcement Authority may continue to assess penalties each year on each structure in the following amounts not to exceed Five Thousand Dollars (\$5,000) per structure per year:

(i) One Thousand Dollars (\$1,000) for the second ninety (90) calendar day period each structure remains a Vacant Structure or an Abandoned Structure.

(ii) One Thousand Five Hundred Dollars (\$1,500) for the third ninety (90) calendar day period each structure remains a Vacant Structure or an Abandoned Structure.

(iii) Two Thousand Dollars (\$2,000) for the fourth and each subsequent ninety (90) calendar day period thereafter each structure remains a Vacant Structure or an Abandoned Structure.

**Section 7.** **Severability.** In case any one or more of the provisions contained in this Ordinance are determined to be invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein and therein shall not in any way be affected or impaired thereby and shall remain in full force and effect.

**Section 8.** **Effective Date.** This Ordinance shall be in full force and effect immediately after its passage, approval, and any publication required by law.

*[Remainder of Page Intentionally Left Blank]*

**SO RESOLVED AND PASSED AND ADOPTED** by the Common Council of the City of New Albany, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

By: \_\_\_\_\_  
Adam Dickey, President

ATTEST:

\_\_\_\_\_  
Vicki Glotzbach, City Clerk

Presented by me to the Mayor of the City of New Albany, Indiana on this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Vicki Glotzbach, City Clerk

Accepted and approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Jeff M. Gahan, Mayor

Attest:

\_\_\_\_\_  
Vicki Glotzbach, City Clerk

*Signature Page to Ordinance Adopting Provisions of Indiana Code 36-7-36 Pertaining to the Abatement of Vacant Structures and Abandoned Structures*