

**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 MONDAY, AUGUST 3, 2026
AT 7:00 P.M.**

A MOMENT OF SILENT PRAYER, CENTERING OR REFLECTION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

**Public Hearing Meeting Minutes for July 16, 2026
Regular Meeting Minutes for July 16, 2026**

COMMUNICATIONS – COUNCIL:

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

ADMINISTRATIVE ITEMS:

- Request for One Southern Indiana presentation - Dickey

**MEETINGS OF A COMMITTEE OF THE WHOLE, AS OTHERWISE
PERMITTED AND APPROPRIATE:**

**REPORTS – COMMITTEES, EXCLUDING ORDINANCES ON 2ND READING
(WHICH SHALL BE MADE DURING CONSIDERATION OF ORDINANCES
ON 2ND READING) 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:

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**

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

THE NEW ALBANY CITY COUNCIL HELD A PUBLIC HEARING ON THURSDAY, JULY 16, 2026 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, Mr. Phipps, Mr. FitzGerald, Mrs. Gohmann, Mr. Blair, Mrs. Griffith, Mrs. Murphy, Mr. Unruh and President Dickey.

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

President Dickey called the public hearing to order at 6:52 p.m. He asked if anyone would like to speak on the following:

**Z-26-03 An Ordinance for the Vacation of Public Way
Pursuant to a Petition Filed by Robert Wheat
and Reservation of Permanent Utility Easement**

Mr. Justin Endres, Young, Lind, Endres & Kraft, stated he was present on behalf of Discovery Developers, who has recently, as you all know, had a primary plat approval from November of 2025. He said on November 18th, the Plan Commission approved a preliminary plat for Discovery Developers that is just contiguous to the proposed vacation. He said really, why we're here, he believes there's a 102-year-old alleyway that was platted on a publicly recorded plat and is an alleyway that's been in existence for 102 years. He stated the vacation happens to occur soon after that the opponents failed to appeal the Planning Commission's approval, and this is a second or third bite at the apple to disagree with the Planning Commission's approval and his client's vested rights to that. He said on November 18th, it was approved and December 18th was the time for judicial review. He explained under the 1600 series, the Planning Commission's statutes, it requires the exclusive review to go to judicial review to the court within 30 days, and if not, they waive them, so they've waived them. He stated they did file a declaratory judgment action in February, a couple months late and that is pending, and the Plan Commission is a part of that, he believes. He said because their judicial review is likely foreclosed, because of the untimely filing among other things, they filed a petition to vacate. He also said in their declaratory judgment, they state under penalties of perjury that the approved plat is dependent on using this alleyway as ingress and egress, and in their proposed vacation of the alleyway, in fact, the preliminary plat that's approved has a one-way street that goes out and uses a portion of this alleyway that was approved and is at vested right of my client. He stated so under the vacation statute, the ordinance that they have filed under 36-7-3-13B, it says that the body, considering this, shall deny the petition when there's no other convenient or reasonable means of ingress or egress, and this, according to their own petition, the preliminary plat uses this as ingress and egress. He said so not only, forget the fact that this is a contested vacation, but this cuts off everybody's access for a 102-year-old right-of-way that's in a plat that's been in existence for a long time and not disturbed, so it cuts off everybody's access. He stated also here in fact, again, the statute's clear you cannot approve and it says you shall deny when it restricts that access and their own judicial review petition acknowledges that is part of that approval. He said we appreciate your consideration, but we do ask that you deny the vacation of the plat as both violation of the vested rights and required by the statute, and quite frankly, it's just not good policy to vacate contested, platted access that has been in existence for a long period of time. He added if you have any questions, he'll be here and his client is here as well if you'd like any clarification of anything. He thanked the council for their time.

Mr. Robert Dean Wheat Sr., 2033 DePauw Avenue, stated we don't have an attorney here, so please give him a little latitude. He said he is really glad to see the buyer camp here, but is confused on why because this is a city issue and a George Daniels issue. He stated he has been at his residence for 48 years and Mr. Daniels has been at his residence for 47 years. He added Mr. Daniels has maintained that area, that grassy area, what we call an alley. He stated we didn't even know it was an alley; we always called that George's yard. He added until this came up, we didn't know what a vacation even was, so, for us to vacate this or run this before all this coming to light, we didn't know it was a thing. He said now that we know it's a thing, we're going to try to vacate this alley and give it to the man that it properly belongs to, George. He stated by all rights,

it's an alley on paper that has not been developed since the Scribner Brothers landed here. He said there are two 90-year-old trees there, and about 35 years ago, George poured a gravel driveway on that paper alley, and has maintained it. He added that George is a snowbird and he'll fly to Florida here in a couple weeks, and when he's gone, he takes care of his property, but the city of New Albany has never cared for that property. He added George has within the last five years, paid a tree trimmer \$2,500.00 just to come in there and cut the dead out of those 90-year-old trees. He also added once we found out about this whole alley thing, he said, why didn't you ask the city? He said George replied, well, it was just easier for me to do it because I've been taking care of the property all this time. He stated like he said, he's glad to see the buyer camp here, but he is confused on why they're here, because this really doesn't have anything to do with them. He said we had a meeting with David Bauer, and he said ingress and egress, back alleys and all that, is all up to the city, and so that's what we come down here thinking. He added we do have an attorney, but he's not here. He said the one thing that he figured out about attorneys by listening to them is that they speak a matter-of-factly. He also said they can tell you that carpet is deep red and say it's a matter-of-fact, and you tend to believe them. He stated with all that being said, it's kind of good that we slide back to, number one, we're protecting two big trees that the tree board is even interested in protecting. He said as far as their ingress and egress, these guys are professionals at what they do, and they'll figure out something else. He stated they'll either do something where they come in and out of the cul-de-sac, or, they can buy a house on Beechwood or Vance and knock down a house and make them an egress. He added there are ways around that. He said it's kind of really surprising to him that they're here. He then said the last time we were all here, you all approved the Conservation District, and we really appreciate that in our neighborhood, but there was a question asked that was kind of like totally off topic. He stated Mrs. Griffith asked Scott Wood that one of her constituents said that this was in a flood zone, and Scott Wood, being the expert, said, no, it is not in a flood zone and that the flood zone is placed on the St. Mary's side of the line. He said if you want to look it up, it was January 15th, minute 48 is exactly where it starts. He added Mr. Wood may have been confused, because here is a preliminary plan approval that Mr. Wood's office has approved, and he pointed out the stamp where it was received by the city. He stated down here in the corner in very, very small print, it basically says, it's a subject property that lies in the flood zone per FIRM number 180.43-C-0-1-4-1-E effective April 16th of 2014. He said this is on the plat approval that he approved, but with him speaking matter-of-factly, we're just trusting the experts and we think that it isn't in a flood zone. He added when he said it, it triggered in his mind and he had to do a little homework, but he found it. He stated he would pass it around if everybody wants to see it, and with that, he closed.

Ms. Patricia Winn, DePauw Avenue, said she's with Dean on saving the trees.

Mr. Tom Bailey, 1131 Burton Avenue, stated he moved here from south Florida about a month ago, and he chose his address because of the properties around there. He said everyone has beautiful yards they've invested a lot of time, money and love into as well as the trees, etc. He stated the one thing that struck him was the big old trees. He said he could have chosen to go anywhere in New Albany, but when he saw that property, it just took his heart. He added he doesn't know anything about all the legal things that have gone on before, but it would just be a terrible thing for trees that beautiful to be taken down because of all the years it took to create that beauty. He stated he is very fortunate that he lives in an area that has protected all of those old trees, and he certainly is against cutting those down. He said there has to be a better way to, not only keep the trees, but get whatever development is going to go in beside that or behind that. He thanked the council for their time.

ADJOURN:

There being no further business before the board, the meeting adjourned at 7:10 p.m.

Adam T. Dickey, President

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 THURSDAY, JULY 16, 2026 AT
7:00 P.M.**

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

ALSO PRESENT: Mrs. Manning, Mr. Wood, Mr. Gibson and Mrs. Glotzbach

President Dickey called the meeting to order at 7:14 p.m.

A MOMENT OF SILENT PRAYER, CENTERING OR REFLECTION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Phipps moved to approve the Regular Meeting Minutes for June 18, 2026, Mrs. Murphy second, all voted in favor with the exception of Mrs. Collier who abstained.

COMMUNICATIONS – COUNCIL:

Mrs. Murphy stated she wanted to encourage everyone to go online to the New Albany Floyd County Schools website and make sure that you look up all the registration information, because it's time to register kids for school. She said school will be starting soon and we are fortunate to have wonderful, wonderful public schools in Floyd County. She stated also at the Head Start board meeting today, they are in need of people to volunteer for their in-kind portion of their federal grant, so if you like to work with kids, if you have a talent that you could share, you can go online to community@fcheadstart.com and sign up to volunteer and help work with some kiddos.

Mrs. Griffith stated just last week we had some crazy rains come down and she thinks everybody was pretty much affected by that throughout the community, unfortunately. She said they always say when it comes in fast, it doesn't last, and that's exactly what happened, but when it comes in that fast, sometimes our drains can't keep up, so thank you all for the patience of people driving slowly going through the city. She knows there were some issues on Linda Drive, and she appreciates the city getting out there along with the fire department, getting all that cleaned up. She does want to say kudos to the city for making sure all that goes in effect, but on the flip side, she's hoping that we're keeping notes on the areas that have been affected, so we can make sure that's top of mind for fixing going forward. She heard something about Elm Street and she doesn't think she has ever seen that flood before.

Mr. Blair stated sort of along those lines, it is required that our department's to do an annual review, and he knows the sewer department has, but we have not heard from storm water in quite a long time. He thinks it's time that we add them to the agenda and invite them to this meeting for a review.

Mr. Dickey stated he was going to speak to that.

Mrs. Gohmann stated the cooling station is open again next week, Sunday, Monday, and Tuesday. She said thanks to the Public Health & Welfare Committee, we were able to get the bus passes, so we're hopeful we'll have a lot more people being able to get out there to Culbertson Baptist Church. She stated if you'd like to volunteer, there's a sign-up sheet and we'd love to have you come out and volunteer. She also stated that the Public Safety & Traffic Committee had a listening session, which was our second one at the library. She said we do this quarterly and she is waiting to hear back from Chief Bailey so we can

go over the information and the concerns that were given to us. She has reached out to the chief but he's busy, so we'll get together with him, and then she'll have a report.

Mrs. Collier stated she actually did have the opportunity to stop into the cooling station a couple of days ago. She was looking for Pastor Russell to just tidy up a couple issues, but there were a few people there, and they were very happy to be there, so she's glad that we were able to help them get some resources to have that available for those that need it. She thanked everyone for their support of that. She said this month the Public Health & Welfare Committee is in the process of receiving funding presentation requests through the entire month of July. She added anyone that wants to apply for consideration for the next round has the opportunity to get the funding packet off the clerk's page on the website or there are hard copies available in the clerk's office that can be picked up during regular business hours. She stated she did check her mailbox, and unless Madam Clerk got something in from when she was in contact with Miss Milburn earlier, we haven't received anything yet, but they're not due until the end of the month, and she is hopeful that we will start to see some of those coming in.

Mr. Dickey stated with regards to storm water-related issues, he just wanted to echo everyone's good grace and patience. He said that rain was a pretty exceptional event, and if he understood staff correctly, when they calculated it, they saw it as at least a thousand-year storm event, so that is unusual, but it does reflect changes in climate change. He added as a result of that, with some of the preparatory work that the administration has done the last several years, we are working through the need to see where our systems have deficiencies and to address those. He wanted to commend the work that Superintendent Phil Aldridge and the crew have done because they have been working exceptionally long hours. He said there are a number of issues on their work plan that they are trying to work through, and he would ask that there just be patience. He added obviously, for council members, if you receive additional concerns, please make sure you turn those in, and encourage citizens, more importantly, to turn those in directly to the stormwater department so that they can get work tickets on those, but it is a work in progress. He will talk to the administration about having maybe an update in connection with storm water if that's desired by everyone. He then stated that he wanted to make one note from a redevelopment standpoint. He said obviously you have the Redevelopment Commission minutes come to you and whatnot, but at this last meeting we did approve some funding in connection with the historic clock at the Town Clock Church. He stated that is very much in good work with the rest of the community who has donated substantially and grants that that organization has gotten to repair the clock. He wanted to thank Mayor Gahan for his help and leadership on this issue, and looks forward to seeing that clock fully functional and once again being a centerpiece that we hear throughout our downtown. He then said just a reminder, we did extend the youth council application period because we know school is getting ready to start, so we wanted to try and give some of those students a little bit longer. He stated there are five positions there, so if you know of a young person in high school in the city of New Albany, please encourage them to apply.

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

ADMINISTRATIVE ITEMS:

MEETINGS OF A COMMITTEE OF THE WHOLE, AS OTHERWISE PERMITTED AND APPROPRIATE:

REPORTS – COMMITTEES, EXCLUDING ORDINANCES ON 2ND READING (WHICH SHALL BE MADE DURING CONSIDERATION OF ORDINANCES ON 2ND READING) OR OTHER OFFICIALS AS REQUESTED BY A MAJORITY VOTE OF THE COUNCIL:

APPROVAL OF CF-1 FORMS:

Clark Foods, Inc. (RE), Compliance with
Statement of Benefits referencing R-23-06

Clark Foods, Inc., (PP), Compliance with
Statement of Benefits referencing R-23-06

Logandarby, LLC on Behalf of Advance Fabricators Inc. (RE)
Compliance with Statement of Benefits referencing R-14-05

MP Global Products, LLC, (PP) Compliance with
Statement of Benefits referencing R-21-05

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

Progressive Materials, LLC (PP), Compliance with
Statement of Benefits referencing R-18-06

PTG Silicones, Inc. (PP) Compliance with
Statement of Benefits referencing R-21-02

Samtec, Inc. (PP) Compliance with
Statement of Benefits referencing R-25-01

Sazerac of Indiana, LLC DBA Northwest Ordinance Distilling (RE),
Compliance with Statement of Benefits referencing R-18-04

Sazerac Company, Inc, DBA Northwest Ordinance Distilling (PP),
Compliance with Statement of Benefits referencing R-18-04

Sazerac Company, Inc, DBA Northwest Ordinance Distilling (RE),
Compliance with Statement of Benefits referencing R-20-08

Sazerac Company, Inc, DBA Northwest Ordinance Distilling (PP),
Compliance with Statement of Benefits referencing R-20-08

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

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

Sazerac of Indiana, LLC DBA Northwest Ordinance Distilling (PP),
Compliance with Statement of Benefits referencing R-22-15

Sazerac of Indiana, LLC DBA Northwest Ordinance Distilling (RE),
Compliance with Statement of Benefits referencing R-25-16

Sazerac of Indiana, LLC DBA Northwest Ordinance Distilling (PP),
Compliance with Statement of Benefits referencing R-25-16

Sunnyview, LLC (on Behalf of Chester Pool Systems, Inc.)
(RE), Compliance with Statement of Benefits referencing R-14-12

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

TG Missouri Corporation (PP), Compliance with
Statement of Benefits referencing R-21-10/11/12

TG Missouri Corporation (PP), Compliance with

Statement of Benefits referencing R-24-02

United Investment Group LLC (RE) Compliance with
Statement of Benefits referencing R-18-06

Young Cimtech, LLC (PP), Compliance with
Statement of Benefits referencing R-19-09

Young Holdings, Inc. (RE), Compliance with
Statement of Benefits referencing R-22-03

Young Cimtech, LLC (PP), Compliance with
Statement of Benefits referencing R-22-03

ZAM Properties, LLC (RE), Compliance with
Statement of Benefits referencing R-16-06

Mrs. Murphy moved to approve the above CF-1 forms subject to a friendly correspondence with Clark Foods, Logandarby, MP Global, and PAAR requesting additional information with regards to their numbers and further explanation just for our information, Mrs. Gohmann second, all voted in favor with the exception of Mr. Unruh who abstained.

Mrs. Fischer stated she was present tonight to ask for your approval on the 26 tax abatements, and actually, Sazerac has nine of those 26. She said if you noticed on your Excel spreadsheet where all the companies are listed, since 18 pay19, which was the earliest on the sheet that the abatements came, we've gained actually 984 new jobs and we have a reported investment of \$276,568,395.00, so tax abatements are a wonderful tool for recruiting. She added that the council asked last year for the average salaries at each of the companies, and she has put that on this year's chart, so you have it.

Mr. Phipps stated as he looked over the starting jobs, the projected jobs, and the current jobs, and the vast majority of them met or exceeded their predictions with the exception of the first four at the top. He said some of those were off, what he can say, considerable numbers from what they had projected. He asked if there was any explanation or did the companies provide any explanation why they didn't meet the increase that they predicted?

Mrs. Fischer stated she knows that Clark Foods has not added the manufacturing lines yet, which is part of the reason for theirs, and Logandarby, she believes was COVID that slowed them down tremendously, so they're still working to catch up on their employment numbers. She said she is not sure about MP Global and then PAAR was also COVID that really sent them behind on their manufacturing, so they're still working to bring the numbers up, but it's just not going to happen overnight.

Mr. Phipps told Mrs. Fischer this isn't meant to be critical of her, but in the future reports, if she could show those in a negative column or something, that would make it easier. He also told her that he thinks it may not be a bad idea to contact those companies and have them provide justification for continuing it or a sufficient explanation for why they didn't meet those goals. He added he doesn't know how other people feel, but these just jumped at him this year.

Mrs. Fischer stated she does have some letters upstairs from them, but they were letters dated from last year giving that explanation. She also stated she stays in pretty regular contact with those too.

Mr. Dickey stated just to clarify, remember on the CF1s, we have the option if we would like to ask them to come forward and appear before the council.

Ms. Johnson stated she just has to note that she does believe that some of the companies over-projected in hopes of receiving incentives from the city, so what Mrs. Fischer and

she have advised to companies is to be realistic and to be conservative in those projections.

Mr. Phipps stated he thinks especially if there's been say repeat offenders and we've seen the same pattern like in more than one year; we need some accountability. He said that's his opinion. He added that some of these are phenomenal and they've exceeded and those are really impressive, so kudos to those companies that have done that.

Mr. Dickey stated in conversations with our partners at 1si, they continue to talk highly about what we have going on here, specifically in New Albany and the performances there. He said we continue to be an attractive location for both current business development and reinvestment as well as new development and reinvestment. He said overall, he would say he thinks the performance here is quite admirable.

Mr. Blair stated he agrees with Mr. Phipps and thinks there needs to be some accountability, and he'd like to hear from those four companies what their explanations are. He also stated in the case of Clark Foods, are we not abating dollars that they have not spent yet, correct?

Mrs. Fischer stated the majority of it has been.

Mr. Blair asked if they've already made capital expenditures for their additions?

Mrs. Fischer replied yes.

Mr. Blair stated he would like to hear from those four and he can make a motion or revise a motion, but he would like to hear from those four what the issues are.

Mr. Dickey suggested to Mrs. Murphy to change her motion to approve subject to a friendly correspondence with Clark Foods, Logandarby, MP Global, and PAAR requesting additional information with regards to their numbers and further explanation just for our information.

Mrs. Murphy agreed.

Mrs. Collier wanted to just kind of concur with Mrs. Fischer and make it clear from her perspective. She said when she worked for redevelopment, she processed the CF-1 forms and got them ready for the council, and if on their initial application for a tax abatement they overestimated for whatever reason, it gets off track, it's going to stay off track. She also said that she does think this summary sheet is great, but maybe if we could add some columns just so the original numbers are on there, so it's easier to see instead of just having to flip through each individual CF-1 form. She stated lastly, she just wanted to say that she knows some people feel strongly one way or the other about tax abatements, but she thinks the summary sheet just depicts to her that we have a wonderful tool and what it does for our community, because these jobs and the number of dollars that are coming in, we might not otherwise have if it wasn't for this tool. She thinks it's great that we have it.

Mrs. Fischer said it's a great recruiting tool to get companies to move into the area.

Mrs. Collier added she is happy that we have it because it definitely makes a difference if a company has a choice between a community that will offer them tax abatements and one that doesn't.

Mrs. Fischer stated absolutely. She said she stays in regular contact with these companies as well, and they're all very easy to work with, so she'll get the information that the council wants.

Mr. FitzGerald thanked Mrs. Fischer for the new spreadsheet this year that is easier to read.

Mrs. Griffith stated she appreciates Mrs. Fischer because since she came on council, she feels like each year she is giving the information to us better and better. She also stated she loves what Mr. Phipps just suggested about having that column so that we don't have to go back knowing why they were negative because that kind of happens. She stated she also appreciates the information that's given on a regular, the same information year after year, so it's easy to compare.

Mrs. Fischer told them they are welcome.

INTRODUCTION OF ORDINANCES FOR FIRST READING:

Z-26-03 An Ordinance for the Vacation of Public Way FitzGerald 1
Pursuant to a Petition Filed by Robert Wheat
and Reservation of Permanent Utility Easement

Action Taken: Referred to the Public Works Committee.

INTRODUCTION OF ORDINANCES FOR SECOND READING:

COMMUNICATIONS PUBLIC: Z-26-03 Robert Wheat Vacation (DePauw)

Ms. Patricia Winn, DePauw Avenue, stated to please save the trees.

Mr. Robert Dean Wheat, Sr., stated he has lived at 2033 DePauw Avenue for 47 years. He said the one thing that he did hear that was presented in a matter-of-fact way by Mr. Endres, who is the attorney for the buyer, was something about this being null and void basically because we have missed the deadline on the court system. He said that's not necessarily true because right now, if that's true, somebody needs to tell Judge Brown in circuit court that this isn't happening. He added we have a lawsuit in circuit court over this exact thing and it's not just the ingress and the egress. He stated now we've got five or six issues with this project that are based on state laws that back us up, and he has a real good gut feeling this is going to be kicked back to day one. He said that doesn't mean they're necessarily going to give up, but the plat approval that they have isn't going to fly. He has been told by Mr. Wood himself in a conversation that this development will not proceed until this lawsuit is settled. He added the lawsuit is not what we're here about, but we've got letters from Indiana Department of Environmental Management to the buyer camp saying, look, before you stick a shovel in the ground, you need to talk to us. He also added we've got flood zone issues. He said there's a state law that says you cannot build within a hundred foot of a cemetery property line, and that property borders on the cemetery line. He also said there are issues with the lot size, which is also in the New Albany ordinances and these aren't laws that our attorney has dreamed up or we have fabricated; these are things that we have read.

Mr. Dickey told Mr. Wheat that his three minutes were up.

Mr. Wheat said okay, regarding the ingress and the egress, there's a problem with the ingress and the width of it. He said this was our neighborhood before they got here and we're trying to preserve our neighborhood and he is trying to talk for George Daniel. He then asked the audience that anybody that is there for DePauw Avenue to raise their hands. He added that they have about seven families that are on vacation right now.

Mr. Justin Endres, Young, Lind, Endres & Kraft, stated he would not repeat what's in our written remonstrance or what he has said before, but he would like to respond to just two things. He said one, when he was up here the first time, he said that this was about a third bite at the apple or attempt to overturn a Plan Commission's decision, which is not in front of this body. He stated it's not really about a vacation and the response comments did confirm that. He added one of the quotes from Mr. Wheat was, the lawsuit is over the exact thing and he agrees. He said all of his substantive comments were, we don't like the development that is approved. He gets that, but we're not here for that; that's not within your purview to address because that's been addressed already. He stated the second point from the public comments was, and he mentioned this to begin with, 36-7-3-13b. He

explained sometimes this body has discretion on approving or vacating things, and it's usually not a good idea to vacate a public way that's been in existence a long time, but sometimes you have discretion, and in this case, you don't. He said he set out why in his opening public comments that when you leave no other convenient or reasonable means of ingress or egress via another public way, this body shall deny, so you don't actually have it within your discretion to grant the petition. He added you don't have to rely on him saying that's what you're doing; you can rely on the applicant's comment saying that one, this is a one-way plan of approval and the only way that they can get access, according to him, was to knock down a house or figure something out. He stated to him, that fits squarely within no other reasonable means of ingress or egress if we have to knock down a house to do that. He added it's not what he is saying, but it's what the applicant is actually confirming, that you don't have discretion to grant this. He stated finally, he mentioned the same sentence consistent with his other stuff and it's paragraph 42 in his own pleading that he filed when he sued both the developer and the Plan Commission. He said that states that the proposed development's preliminary plat contains an alley adjoining the point of view that is planned to provide the ingress and egress into the proposed development. He said again, consistent with what he said, we don't have another way to do this; this is what is proposed, what's approved and the approval of that is not before this body. He stated the vacation alleyway is a clever attempt to try to smuggle it back in there, but it's really not about vacating alleyway. He disagrees with the decision that's been made, and there's other ways to challenge that, and that's pending. He then thanked the council for their time.

COMMUNICATIONS PETITIONER: Z-26-03 Robert Wheat Vacation (DePauw)

Z-26-03 An Ordinance for the Vacation of Public Way FitzGerald 2
Pursuant to a Petition Filed by Robert Wheat
and Reservation of Permanent Utility Easement

Mr. FitzGerald introduced Bill No. Z-26-03 and moved to approve the second reading, Mrs. Murphy second,

Mrs. Collier moved to table further consideration of this matter on second reading until deemed appropriate and requested back from our counsel, Mrs. Murphy second, Mrs. Collier, Mr. Phipps, Mrs. Murphy, Mr. Unruh and Mr. Dickey voted yes, and Mr. FitzGerald, Mrs. Gohmann, Mr. Blair and Mrs. Griffith voted no. This item was tabled.

Mr. FitzGerald stated he did receive an email from Matt Bizzell and he did want to communicate that as a public record. He read the following email into the record:

I live at 1726 DePauw Avenue, and I'm on the New Albany's tree board. I support the vacation of the alley at the end of DePauw Avenue to George Daniel. This alley is part of a blind intersection that is already very dangerous and narrow. Vacating this alley to the person who has been caring for it for nearly half a century will prevent making things worse. George and his family have been using this alley to access his property and maintaining the grounds and trees on it for 47 years. Indiana's adverse possession law under code 32-21-7-1 requires 10 years of continuous, open, hostile, exclusive possession. The Daniels' family meets all these requirements. As a member of the tree board, New Albany has made a huge effort to increase and maintain our tree canopy. The two large oak trees in the center of this alley are invaluable to the city and the neighborhood's canopy and aesthetics. These two trees are living proof that the city abandoned this alley shortly after the neighborhood was established. If a vacation of this alley is voted down, these trees will be cut down for future development. DePauw Avenue and surrounding streets are an incredible asset to the city and are impacted negatively by the traffic from the school system. Our neighborhood is in desperate need of a traffic study, more signage, police presence, speed tables, and sidewalks. Thank you for your time and consideration to vote for the vacation at this alley. Sincerely, Matt Bizzell.

Mr. FitzGerald then said tonight we are going over the petition ordinance to vacate the 20-foot alley between 2035 DePauw Avenue to the back of the property lines. He stated he wanted to thank Mr. Wheat for petitioning. He added that there's nothing more basic for citizens to petition their government for change. He stated Mr. Wheat and the residents believe that the vacation of the alley would alleviate some of the issues brought up within our communications here tonight from trees to Mr. Daniel's possession, and yes, even Discovery Development. He wasn't really going to speak to the development at all, but since it's been brought up quite a few times from both sides, he does believe that ingress and egress are very valuable, and yes, the vacation of the alley would close off one of the ways. He said while he would be concerned for the residents on either side of the Myrtle Street entrance, he does believe that if the court decides in the favor of Discovery and the Board of Work approves widening of Myrtle, the developer would still be able to utilize the one entrance as they've done in their development on Trinity Run off of Daisy Lane. He stated beyond that, tonight's purpose for second reading is to approve and confirm the committee report, and he'd like to turn it over to our President Dickey for that report.

Mr. Dickey stated earlier tonight, the committee composed of himself, Mrs. Collier and Mr. Blair did meet and unanimously made a recommendation to further this to the council for tonight's consideration with a caveat that there are some additional legal aspects that are in consideration here tonight. He believes that from that discussion, there may be an interest or recommendation from our council to consider, among other potential actions, tabling the item until some of those legal issues are resolved. He then asked Mrs. Manning if she would like to outline a little bit of the discussion concerning some of the legal aspects?

Mrs. Manning said to kind of recap what she advised earlier, she is aware that there is the lawsuit that has been discussed pending, and it is a challenge to the preliminary plat approval. She stated it is her understanding that the preliminary plat that has been approved shows this as a road. She added it's also her understanding that doesn't necessarily mean that it's approved as shown, but it at least creates a question as to if this council were to approve the vacation, whether that's consistent with the preliminary plat approval. She said as you'll recall earlier when this matter came before the council, we advised that state statute essentially provides that when somebody submits an application and that application is approved, it locks in place the land use and zoning that was in effect. She has not done a deep dive into how that interplays in this particular situation, but she does have concern after receiving this correspondence and finding out about this legal challenge, that taking an action on this while that litigation is pending could potentially expose the city to risk. She said as Mr. Endres said, you can't predict how quickly the court will act but it does sound like the matter is moving forward, and he said he anticipated at least something would happen within the next 60 to 90 days, so she can obviously monitor this proceeding and report back to the council on that. She added ultimately, it's up to the council to make the decision but it's her job to let them know that she does think that there is some potential exposure for taking an action while that lawsuit is pending.

Mr. Dickey stated the other issue that he did want to clarify is we did have a discussion about what was illustrated in the attachment and what was actually being asked to be vacated. He said the clarification that we had was that specifically we were talking about the portion with the trees neighboring 2035 DePauw Avenue and the Aebersold Court properties. He stated the other section of alley would not be included in this request. He also stated we talked about maybe refining the illustration or legal description prior to any further consideration on a third reading, but believe that could be done before that time.

Mrs. Collier stated her question is not directly tied back to the committee meeting, but rather to the email that Mr. FitzGerald read addressing the issue about maybe the right of Mr. Daniel's ownership for caring for the property for as many years as he has. She was wanting to know, is that already something that's included in the current litigation that's going on, and if not, how does all that come into play with the whole picture, actually?

Mrs. Manning stated she has just skimmed the pleadings and there are three pleadings that have been filed, and she did not see that, so no, that is not applied in the lawsuit.

Mrs. Collier said she realizes Mrs. Manning probably doesn't have an off-the-cuff opinion and it's something she would have to look into, but she knows the committee did want some further legal review as the recommendation, and she would ask that we include that aspect in that to see how that would weigh into the situation, so we could consider that with the decision.

Mrs. Manning said absolutely.

Mr. Dickey stated that he knows that as city attorney, Mr. Gibson has at times dealt with unimproved alleys and roadways and his understanding is there's not an adverse possession claim against those because they are platted. He asked Mr. Gibson if he is misspeaking?

Mr. Gibson stated that cities and towns are exempt from adverse possession.

Mr. Phipps said it certainly applies to private property.

Mr. Gibson said that is correct. He also explained that a vacation is a split between the property owners so the vacation of an alley would be split between all of the property owners and it is not one person that gets the whole alley.

Mr. Dickey stated he did want to give Mr. Wood an opportunity to make any comments on this subject as the Planning Commission.

Mr. Wood stated this is a general thing to help educate the city council, our guests, and anybody enjoying the stream of tonight's meeting. He said the property is in a flood zone and it's called Zone X. He explained that Zone X is the 0.2% annual chance flood, what used to be called the 500-year flood, and if you live in New Albany between the foot of Silver Hills and Silver Creek, you're in Zone X. He said some of you are also in Zone AE, which is the 100-year flood or the 1% annual chance flood. He just wanted to clear that up.

Mr. Blair stated as a committee member, he reluctantly agrees to table this. He really thinks the committee's there to make a decision and then pass it on and then recommend it forward to the council as a whole. He is glad we did though because Mr. Wheat was very passionate, and he does appreciate the conversation and the fact that guys have been taking care of this property, and it sounds like they were surprised that it was the city's and didn't realize it until this subdivision process came up. He then said the attorney mentioned the legal liability, so if we vote as no, does that still mean we have legal liability or is it only if we do it affirmative?

Mrs. Manning stated she thinks if you vote as no, it would not be inconsistent with the plat. She said she knows that's maybe not a complete answer, but she thinks any time a council takes action there are various grounds on which people may bring forth a claim, so she can't say that there wouldn't be some other type of claim that she is not contemplating. She added what she was advising on is the consistency between the vacation and how it is currently shown on the preliminary plat.

Mr. Blair believes as council members we're here to make a decision, take a stance. He doesn't like kicking things down the road or pushing it off to the future. He stated if we're decided on something, he thinks we need to make a decision and move forward. He also stated if there's a reason to table it or continue it on, that's one thing, but if we already know in our minds how this should be, he thinks we should take a stance and vote accordingly.

Mrs. Collier stated she thinks that just for the simple fact that our legal counsel is advising that it needs further review is enough grounds to table it at this time and not take action on it. She said many of you know she likes to err on the side of caution and get the

best legal opinion that we can get from our counsel. She also said that's why we have her, and she appreciates her expertise on things that we don't have the expertise in ourselves. She stated she would like to make a motion to table this based on the recommendation of our council for further review and to look over the petition that was submitted.

Mr. Dickey said he just to clarify, we're wanting to put a condition such as the legal case regarding the plat is settled?

Mrs. Collier stated she would like to table it until our counsel feels appropriate to come back to the council after she's been able to weigh in with her opinion.

Mrs. Murphy stated at this point, the city owns the alley, correct? She said straight up, city owns the alley and the developers have not purchased the alley so it does not belong to the developers?

Mr. Dickey stated the alleyway is a platted alleyway, yet unimproved, owned by the city of New Albany as a platted alley.

Mrs. Murphy said but the city has done nothing to maintain that alley or invest any money in that alley or upgrade that alley, correct?

Mr. Dickey replied yes.

Mrs. Murphy said all of the maintenance and upkeep has been done by Mr. Daniels, is that correct? She stated it does sound like a legal issue and she doesn't want to get mired up in legal issues until we have a firm standing, so she agrees with her colleague that we need to table this until we have clarification on the legality of the issue and then move forward. She said she also like to say to the developers to be a good neighbor and design these houses so that they fit in with the aesthetics of the DePauw Avenue area. She stated be a good neighbor and find a way to work that alley in. She is all for adding homes; that's part of our moving things forward, but be a good neighbor.

Mr. FitzGerald stated he would like to explain his vote. He said sort of backing up what Mrs. Murphy was saying, there are fewer acres of developable land in New Albany, and the places where there are developable lands are increasingly within neighborhoods, whether it's two parcels or 20 parcels. He stated there's not anything that's within the city limits that's not close to a neighborhood. He added we can talk about the fringe another time, but being a good neighbor again is making sure that when you're moving in, you are respectful. He understands what the code and zoning says is the bare minimum of what you can do, but there's always room to be better, and there's always room to be the top-notch class of what we're doing. He knows that there's always that friction within society right now as housing as an investment and you need to get your money, but it's also how you create your community and your environment. He said we will continue to wrestle with that friction until we develop everything over what we have right now, but he still thinks that the vacation is a good idea, and he votes no for tabling.

Mrs. Griffith stated she'd like to explain her vote. She was waiting to see what Mr. FitzGerald voted since he is the petitioner and has more of the information, so she's a no.

Mr. Unruh stated he would like to explain his vote. He takes the advice from our attorney, who he thinks is very knowledgeable, and if he heard her right, she said that the litigation in question was moving along fairly quickly, so he votes yes to table.

Mr. Dickey stated similar to his colleagues, he wants to explain his vote in that he is not making a determination with regards to the alley vacation itself, but he does believe it's appropriate to clear the deck from a legal standpoint, and for that reason, he is voting yes.

INTRODUCTION OF ORDINANCES FOR THIRD READING:

COMMUNICATIONS PUBLIC: A-26-03 Opioid Settlement Funds

COMMUNICATIONS PETITIONER: A-26-03 Opioid Settlement Funds

A-26-03 Ordinance Designating the Use of Unrestricted Collier 3
Opioid Settlement Funds

Mrs. Collier introduced Bill A-26-03 and moved to approve the third reading, Mr. Phipps second, all voted in favor. Bill A-26-03 becomes Ordinance A-26-08.

Mrs. Collier stated the Public Health & Welfare Committee recently met last month to discuss appropriating \$15,000.00 to Hope Southern Indiana in an effort to help boost their food pantry, and their efforts to kind of pick up the slack that is now within the community with the substantial change and what the food pantry at the library was offering that's substantially different. She said this is our way to kind of help put a Band-Aid or fill a gap temporarily until a better solution could become a long-term resolution for the families that are in need of that kind of service. She also said it is detrimental for them to not have the library's pantry available, so we ask the council to approve this funding and to ensure the families can have access to the food they need until a better solution is come up with.

Mrs. Murphy stated she would strongly encourage all of our council members to pass this settlement fund. She added that the big, beautiful bill cut \$186 billion in SNAP benefits for families, so our families are struggling. She knows this is definitely a Band-Aid, but \$186 billion was cut, and if we can help out a little bit, let's help out a little bit.

Mr. Dickey stated he wholeheartedly agrees with his colleagues. He said when this issue came up, obviously we did not have a direct voice in some of the matters going with the library, but he certainly appreciated the need, and enjoyed working with his colleagues to make sure that that this occurred and progressed through our processes. He wants to give credit to the committee members on due diligent work there and just commend what we're trying to set up and trying to answer what otherwise would be an outright issue or crisis for the community. He added it is not obviously a permanent solution but it is a way that we can help and put some public dollars to good use, so he would just again echo passage of this.

Mr. Phipps stated he'd like to just comment on what Mrs. Murphy said earlier about the other issue. He said again, you know, the Big Beautiful Bill created the need, and not only should developers be good neighbors, government should be good neighbors. He also said the big beautiful bill was not being a good neighbor, so what we're doing here tonight in a minuscule little way is what we can to be a good neighbor to the least of these of society.

COMMUNICATIONS PUBLIC: Z-26-02 Data Centers Moratorium

Ms. Patricia Winn, 1717 DePauw Avenue, stated just recently, Rancho, Texas mentioned that in the year's time that one was built in their county, there were no live calves, they were all stillborn. She also mentioned, what's that going to do to the children, and there's no special ed money anymore. She thinks they just need to hold on till after the midterms because there's going to be a public outcry because of the groundwater, the electric bills, and the safety of the people and their animals.

Mr. David McOwen, 2213 Beeler Street, stated he is fairly new here, a couple of years but has worked at data centers for around 20 years in various states. He wanted to congratulate New Albany and he thinks you're going to approve what has been in the news. He said you guys may not have been the first, but you're at the very tip of the spear of the moratorium on data centers. He stated New York State just announced that they're going to do a one-year moratorium and it's just so the politicians that pass the laws, both in red and blue states, can fix what they messed up. He thanked the council for their time.

COMMUNICATIONS PETITIONER: Z-26-02 Data Centers Moratorium

Z-26-02 An Ordinance of the Common Council of the Murphy 3

**City of New Albany, Indiana Approving a
Temporary Moratorium on the Construction
of Data Centers**

Mrs. Murphy introduced Bill Z-26-02 and moved to approve the third reading, Mr. FitzGerald second, all voted in favor. Bill Z-26-02 becomes Ordinance Z-26-09.

Mrs. Murphy stated this is just to have a year-long moratorium so that our zoning and planning can do some more research. She said this has gone through committee with a unanimous vote, plan commission with a unanimous vote, and moved on to third reading with a unanimous vote. She wanted to acknowledge Mayor Gahan for bringing this forward, and she would hope that we could all support this ordinance at this time.

Mr. FitzGerald stated he just wanted to thank Mrs. Murphy for shepherding and navigating this through as well.

Mr. Blair asked what happens in the event that somebody comes to us with a development or proposal for a data center or an existing company comes through and said we'd like to add this data center to our facility? He asked if we can approve that even with this moratorium in place, correct?

Mr. Wood said this would be a great question for our plan commission attorney. He doesn't think he can answer a theoretical question like that; he'd need to see specifics about what, where, who, all of those types of development issues that we would expect a preliminary meeting with. He would probably refer that question to Jake Vissing, our attorney, to make sure we're reading it correctly.

Mr. Blair stated his concern is that we may be not considering a legitimate, practical good use for a data center by doing this.

Mr. Wood said if he were to deny something, it would be subject to an appeal to the Board of Zoning Appeals, so if somebody comes in with something and says, hey, this isn't really a data center, it's not covered by the moratorium, they can go to the Board of Zoning Appeals and the BZA can conduct a public hearing and say, Director Wood, you're wrong, this should go forward and handle it that way.

Mr. FitzGerald asked if his research over the next year could also include situations like that?

Mr. Blair asked couldn't we rescind this if we had to?

Mr. Wood stated again, it's theoretical, so it's just really hard to look at it and say conclusively, it could be, it could not be. He just doesn't feel comfortable with trying to answer that.

Mr. Blair stated it's only for a year and he gets that it would probably take that long to plan something, but he just wants to make sure we're not preventing acceptable use for a data center.

Mr. Wood stated if somebody is talking about a server room like we have here and like probably most businesses, offices, do in New Albany, that's exempt and is not covered under the moratorium. He said it's when it gets into that 5,000 square foot range and beyond that, that the moratorium begins to trigger.

Mr. Blair said say we have an existing company that says, hey, for us to continue operation, we need a 5,000 square foot data center in our facility and this is in place, so they can't do it for a year.

Mr. Wood said again, they have the right to appeal.

Mr. Blair said maybe he's worried about nothing, but there are acceptable uses and he wants to make sure that we can address those.

Mr. Dickey said he appreciates what Mr. Blair is saying because he equally shares a concern that he doesn't want to stifle good business partners from having the capabilities they need in order to be successful in the information age, but he does agree with Mr. Wood that he thinks the conditions are being put forward to the Planning Commission matter. He said for example, we're kind of hypothetically talking about what he thinks would maybe be an additional server room or some sort of area in an existing floor shop. He stated it would be different if they had a large property and they wanted to build a secondary building for data center purposes. He said those two may not be the same thing obviously, so he also goes back to one other thing which is the discussion in the last meeting about the general time schedule. He also said Mr. Wood seemed to indicate that this would be a priority for the Plan Commission staff and our goal was to try and bring this expeditiously and he thinks we would discuss some timeline at that point. He told Mr. Wood that he doesn't have it in front of him but if he wanted to elaborate on that piece, maybe that would also help abate some of the concerns.

Mr. Wood stated he'd like to try to get a public hearing at the Plan Commission in August, and if all goes well with the Plan Commission in August, it would be September back to the council.

Mr. Dickey said then at that point however long we do our deliberation, you might actually have the ability to lift the moratorium at that point by the end of the year. He stated he wants to keep that part in perspective because we're not trying to be bad stewards by not being accountable with the schedule and the work that has to be done here.

Mr. Blair stated a year's not very long but he doesn't want to just eliminate all possibilities because there may be a good use. He said for example, we may have a spot in our industrial park that makes a lot of sense, and he doesn't want to limit our ability to look at an appropriate project and give approval to an appropriate project. He also said he does appreciate the administration putting this ordinance together. He explained that he thinks it's easier to address the situation when you've got some rules and things in place versus just being open to whatever our current zoning ordinance is saying, which we know is outdated. He stated he just wanted to throw that out there if there is a situation, which he doesn't think there is, and he wants to make sure we don't just lose the possibility and appropriate use of the data center.

Mr. FitzGerald stated he thinks that's probably one of the situations is the fact that we don't have an agreement on what an appropriate data center is at this moment, and a lot of us, he thinks, would feel for environmental reasons, for sound reasons, for a lot of reasons, that those aren't appropriate. He also stated if they come to us and we didn't have a moratorium and they wanted to do a data center, there wouldn't be what we would consider appropriate regulations for mitigating environmental concerns, sound concerns, stuff like that.

Mr. Blair stated this gives us a lot of control, and that's why he is going to vote for it, but does it give us the opportunity to work with somebody and come up with a joint solution with a developer or an operator with this, or is it just, well, you can't do anything for a year, go away, and come back and talk to us later?

Mr. FitzGerald stated we have developments that are here for housing that we would love to have much more of a relationship and joint venture and making sure they're having appropriate conversations with neighbors and such, but they don't have to. He agrees, if we could have those collaborative conversations with corporations and businesses that might want to come and that's the law of the land for us, he would love it. He then said that his follow-up question is sort of what are those conversations for businesses that do want to have that addition and how does that work out in regards to their operation and what they need to apply for as well? He is hoping that will be part of the conversation.

Mr. Blair stated he guesses his thought is hopefully we can do a PUD where it's all negotiated. You know, I mean, that's what I would hope.

Mr. Dickey stated he wanted to interject here because we are kind of drilling down into the hypothetical. He said it can be stated as a principle that Mr. Wood and the city staff as well as Ms. Johnson are going to have conversations anytime a business is looking to locate, expand or do any sort of work. He said they are going to work with those individuals and he doesn't think we're going to just shut the door on someone because they walk in and they got data center on their shirt. He stated we're going to want to make sure that we've got appropriate controls in place to manage that conversation while the work goes on to update the code.

Mr. Wood stated he can't use his discretion for favoritism or anything like that, so if you're a New Albany business, you get to get around the moratorium, or if you're outside, sorry, you don't get to. He is uncomfortable with that, but again, as Mr. Dickey said, there are situations where you want to put a server room in, and maybe it's a big server room at, say, the hospital, we're going to work with you. He said if you are in the hospital and you want to buy some properties nearby and put a server room on another property, that's a different matter entirely, so he thinks Mr. Dickey's example was very good.

Mrs. Collier stated she thinks this moratorium isn't something that anybody needs to be restrictive of any business that wants to have what might be an appropriate use, but she thinks in light of all the environmental concerns that seem to be attached to what we commonly think of as a normal traditional data center, we should pass this temporary moratorium just to allow for our staff to look into it, and actually define what an appropriate use is and what it isn't. She thinks just from the environmental level alone, we owe that to our community to ensure that we figure out what an appropriate use of the data center is and what is not. She encouraged the council to please pass this moratorium.

INTRODUCTION OF RESOLUTIONS:

R-26-02 A Resolution of the City of New Albany, Indiana Murphy
Requesting Funds from the Clark-Floyd Counties
Convention & Tourism Bureau to Pay the Costs of a
Project Designed to Promote Tourism in the City of
New Albany, Indiana

Mrs. Murphy introduced R-26-02 and moved to approve, Mr. Phipps second, all voted in favor.

Mrs. Murphy stated this ties into what we've talked about in the past with our Silver Street Park's turf field projects for our soccer fields. She said the original request was \$250,000.00 and the total project is going to be \$2 million. She added the city of New Albany is investing in the Silver Street soccer fields for year-round use, long-term maintenance and increasing the schedule. She said this will be something that will help with tourism in our area. She added IU Southeast can use the fields, local schools can use the fields, etc. She said we have Ms. Johnson with us here tonight if you have any questions or if she has anything to add.

Ms. Johnson stated this is the resolution that the tourism bureau has provided to us. She said they informally refer to this as a grant that's being offered for these projects within Clark and Floyd County, but it does require a bond issuance, so they are doing the bond issuance through the county, and then we are a recipient of the \$250,000.00 toward the Silver Street Park turf fields project. She added that allows us to really not only expand upon just providing a new surface to play, not only soccer, but some additional sports as well, but to look at how we can continue to improve that area with auxiliary buildings or additional storage, things like that, that would not be possible without this support. She stated the financing structure detail is within this resolution as well as there is an exhibit fee to this. She added you'll see that it also references the other projects that are receiving funding which includes Greater Clark County Schools, the Floyd County Park System, as well as IUS for the Monon South Freedom Trail, trailhead, and nose. She also added that

she knows it's kind of a little bit of a different structure than we may be used to with a grant, but in no way are the city's funds obligated with this financing structure that they've outlined here, so she did want to make that clear.

Mrs. Murphy said with all of the World Cup stuff going on, and if you drive past the soccer field, all the families that you see, this would be a good use of tourism money. She added as Ms. Johnson said, we do have a 21-page form of financing and cooperation agreement that she won't read tonight, but she would hope that we would consider passing this resolution.

Mr. FitzGerald thanked Mrs. Murphy for hosting and for sponsoring this resolution as well. He asked will there be updated designs and reworking sort of what the previous plan was because it's really just was one field originally, correct?

Ms. Johnson said there is a full-size field where there's a current grass turf field, which would be replaced with a synthetic turf, and then we would have a smaller practice field that is to the west. She added there is an auxiliary building that would host restroom facilities, water fountains, potentially ticketing or concessions as well as storage added to the press box that's currently to the east of the field.

Mr. FitzGerald stated it's an amazing park and he loves walking and playing around in it. He said it's fun and he is glad to see the enhancements to the project

Mr. Dickey said just a quick observation that obviously we're able to move these projects forward and already have this planned and programmed with redevelopment, but this piece does need to occur in order to receive those \$250,000.00 funds from the tourism bureau, so there is somewhat of an urgency here to make sure that we facilitate all the pieces and transactions in a timely manner, correct?

Ms. Johnson stated it is just keeping everything moving and it's not only the city of New Albany that's being considered here. She said she believes that Greater Clark County Schools or IUS will see a resolution similar to this at their next meeting following ours and just how the timeline worked. She stated then, of course, as long as we stay on schedule, the bond closing can occur, she believes they were projecting for late August. She stated that will allow us to utilize those funds after the county closes on those bonds.

Mrs. Collier stated she just wanted to say that in light of the World Cup, it's just really evident how popular soccer is becoming. She recently traveled down to Mexico and the resort that we stayed in had a dedicated area for anybody that wanted to watch the World Cup. She can't tell everyone how many times during the travel to and from we heard this is where you can watch the World Cup if you want to catch it while you're here. She thinks making these updates at Silver Street Park just really will give us the opportunity to capitalize on that and bring different streams of tourism revenue, and it just will really expand our opportunities in that department, so she is looking forward to a wonderful soccer field.

Mrs. Griffith asked if Ms. Johnson had said at our last update that the turf would be replaced by the end of the year?

Ms. Johnson said the build-out is about a five to six-month build-out of that project, so as long as we can get started on time and coordinate with Ms. Meredith on some scheduling that she may have on the current grass fields now. She added we don't want to have to push anyone out that's planning on utilizing those, so we'll be able to get started and build that out by the end of the year.

Mrs. Griffith congratulated Ms. Johnson and thanked her for working with the tourism bureau and getting that grant in there.

Mr. Blair stated he is a big advocate of soccer and watch most of those World Cup games, but he is understanding, too, that this will be used for lacrosse, and from what he has observed, our parks department is developing a really good programming and

training for lacrosse. He thinks it's great that we're adding another program, another sport that kids can get involved in, and the usage of this field will be important for that use too.

Ms. Johnson said we have the ability to strike it for many different sports, so we're looking at how we can start introducing some other newer sports into the parks program.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Ms. Mindy Johnson, 1573 Meadow Lane, stated she is an active member of a relatively new volunteer organization called Southern Indiana Animal Welfare Watch Dogs, or SLAWW. She, along with some of her fellow volunteers, have spent the past seven months learning more than we care to know about pet stores, the retail sale of puppies, and the ramifications when there are minimal regulations that monitor such businesses. She said Indiana House Bill HEA-1412 prevents local cities and towns from outright banning pet stores that sell puppies. She stated because of this, during this City Council's review of the New Albany Animal Ordinance, she respectfully asks that specific provisions be included to address these stores should one choose to establish residence within the city. She said currently, there appears to be little or no language that establishes clear standards for the care of animals in these businesses or that gives animal control meaningful authority to enforce those standards. She stated a modern ordinance would provide both the business and the enforcement agencies with clear expectations. She explained that at a minimum, she would encourage the council to include requirements for adequate kennel sizes, a maximum number of animals per square feet, daily exercise and socialization opportunities, and continuous access to clean drinking water. She stated these standards should recognize that young puppies may not know how to use the hamster-style water bottles, meaning that the water should be applied in a manner that is actually accessible to the animal. She said the ordinance should also establish very clear veterinary policies and requirements including up-to-date medical and vaccination records that are readily available upon inspection and purchase of said puppy. She added routine veterinary oversight should be required ideally through weekly visits by a licensed veterinarian practicing within the county. She said in addition, there should be a defined emergency response protocol for contagious diseases such as parvovirus or giardia. She added when these highly contagious diseases that threaten animal health are identified, the ordinance should clearly outline actions such as quarantine procedures, sterilization requirements, and temporary closure of the business until the outbreak has been properly remediated. She stated finally, New Albany animal control should be given clear enforcement authority. She added ordinances work only when they can be enforced and inspectors should have explicit guidance on what constitutes a violation, and the ability to issue citations when standards are not met. She added these measures are not about creating unnecessary burdens on businesses; they are about ensuring basic animal welfare, protecting consumers, and giving animal control the tools that they need to effectively safeguard the animals in our community. She was able to meet with Mrs. Gohmann and presented her with quite a bit of information that should be helpful as you guys consider the New Albany ordinance. She said thank you so much, and she looks forward to any progress that is made.

Ms. Patricia Winn, 1717 DePauw Avenue, stated everyone is right about soccer; it is going to take off.

ADJOURN:

There being no other business before the board, the meeting adjourned at 8:51 p.m.

Adam T. Dickey, President

Vicki Glotzbach, City Clerk