

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA, WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON MONDAY, APRIL 20, 2017 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:**

Public Hearing Meeting Minutes for April 3, 2017  
Regular Meeting Minutes for April 3, 2017

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

**COMMUNICATIONS – COUNCIL:**

**COMMUNICATIONS – MAYOR:**

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

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

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES:**

**READING**

<b>G-17-02</b>	<b>Ordinance Amending the City of New Albany Code Chapter 30 Section 15 Concerning Submitting Items to the City Clerk for the Common Council Agenda</b>	<b>Blair/ Caesar 3</b>
<b>G-17-04</b>	<b>An Ordinance Regarding Approval of an Amended and Restated Lease Agreement and a 2017 Lease, Each Between The New Albany Redevelopment Commission and The New Albany Redevelopment Authority; Approval of the Issuance of Bonds Approved by The New Albany Redevelopment Commission; Approval of the Issuance of Bonds by The New Albany Redevelopment Authority; Pledge of Local Income Tax and Certain Other Funds</b>	<b>Caesar 3</b>
<b>X-17-01</b>	<b>An Ordinance Annexing Territory into the City of New Albany, Indiana on Petition by all of the Owners of Such Territory Pursuant to the Provisions of IC 36-4-3-5.1</b>	<b>Knable 3</b>

**INTRODUCTION OF RESOLUTIONS:**

<b>R-17-06</b>	<b>Resolution regarding Certain Commitments Regarding Summit Springs Planned Unit Development District</b>	<b>Caesar</b>
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**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 332 OF THE CITY/COUNTY BUILDING OR BY CALLING 948.5336**

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,  
HELD A PUBLIC HEARING IN THE THIRD FLOOR ASSEMBLY ROOM OF THE  
CITY/COUNTY BUILDING ON MONDAY, APRIL 3, 2017 AT 6:45 P.M.**

**MEMBERS PRESENT:** Council Members Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. Nash, Mr. Blair, Mr. Aebersold, Mr. Barksdale, Dr. Knable and President McLaughlin.

**ALSO PRESENT:** Ms. Stein, Police Office Korte, Mr. Wood, Mr. Duggins, Mr. Gibson and Mrs. Glotzbach

**Mr. McLaughlin** called the public hearing to order at 6:45 p.m. and asked if anyone was there to speak on the following:

**X-17-01      An Ordinance Annexing Territory into the  
City of New Albany, Indiana on Petition by all  
of the Owners of Such Territory Pursuant to the  
Provisions of IC 36-4-3-5.1**

**Mr. John Kraft, Young, Lind, Endres & Kraft**, stated that he is representing the applicant and as the council is aware, this public hearing is on the annexation of the Stonecrest Development, LLC, project which is a planned unit development district and contains 15.17 acres. He also stated that Mr. Wood passed out to the council the ordinance as it relates to the planned unit development district and he is here this evening because the annexation ordinance is on tonight's agenda and to answer any questions that the council or the public may have. He said that he also has Mr. Steve Thieneman with him who is the owner of Stonecrest Development, LLC and is the primary only member of that entity.

**Dr. Knable** asked if Mr. Thieneman is still the 100% owner of the entity.

**Mr. Kraft** replied yes, that is correct.

**Dr. Knable** asked if this is being handled as a super voluntary or voluntary annexation.

**Mr. Kraft** stated that he is the 100% owner of the entity and it is voluntary. He then said that he is not certain that he understands the super voluntary request.

**Dr. Knable** stated that it is his understanding when he looked into this that there is a different timeline for super voluntary versus voluntary.

**Mr. Kraft** stated that Mr. Thieneman is the 100% owner of the entity which is a 100% owner of all of the real estate that is included within the request.

**Dr. Knable** then asked if it needs to be handled as a super voluntary to make sure that all of the I's are dotted and the T's are crossed and follow that timeline rather than the voluntary which he understands is slightly different with regards to public notification and having to wait 14 days from tonight to have the secondary vote.

**Mr. Kraft** stated that the annexation ordinance is on the agenda for the regular meeting to be voted on by the council for first and second readings tonight, but likewise, it will carry forth to the second meeting of this month for the passage of the ordinance based upon the time period in order to pass the ordinance in full.

**Dr. Knable** asked if the 30 day remonstrance will be thereafter.

**Mr. Kraft** stated that they have the capability of doing that but normally we can tell by virtue of the public hearing whether or not any of that will occur.

**Dr. Knable** stated that he just wanted to make sure that we are in line on the 14 days because sometimes the meetings fall closer together.

**Mr. Kraft** stated that it will be after that time period based upon the date of the next meeting.

**Dr. Knable** stated that technically he thinks under the basis that this was brought together it is a super voluntary but we are within guidelines.

**Mr. Kraft** stated that we are within the statutory confines of what we need to be in for the voluntary request.

**ADJOURN:**

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

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Pat McLaughlin, 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 THIRD FLOOR  
ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON MONDAY, APRIL  
3, 2017 AT 7:00 P.M.**

**MEMBERS PRESENT:** Council Members Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. Nash, Mr. Blair, Mr. Aebersold, Mr. Barksdale, Dr. Knable and President McLaughlin.

**ALSO PRESENT:** Ms. Stein, Mr. Duggins, Mrs. Moeller, Mr. Warren Nash, Mr. Wood, Mr. Hall, Police Officer Korte, Mr. Gibson and Mrs. Glotzbach

**Mr. McLaughlin** called the meeting to order at 7:00 p.m.

**MOMENT OF REFLECTION**

**PLEDGE OF ALLEGIANCE:**

**ROLE CALL:**

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

**Mr. Caesar** moved to approve the Work Session Meeting Minutes for March 16, 2017, **Mr. Phipps** second, all voted in favor.

**Mr. Phipps** moved to approve the Regular Meeting Minutes for March 16, 2017, **Mr. Barksdale** second, all voted in favor.

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

**COMMUNICATIONS – COUNCIL:**

**Mr. Blair** stated that he passed out the Mt. Tabor Road Drainage Review Report and that he really appreciates the council's support in funding the review. He also stated that he didn't pass out the entire package but if anyone wants it, just let him know. He explained that the engineer reported that there will be an additional .2 acres of impervious surface because of the reconstruction of the road which will not be significant enough to cause additional flooding in the Farmgate and Meadowview neighborhoods. He said that issue can now be put to rest. He then stated that in part two of the study we asked for other options to alleviate some of the flooding in that area and they did identify a potential site on the IUS property. He explained that it is on Hausfeldt Lane between the baseball field and tennis courts where the small creek runs in. He said that they said their study showed that area could potentially solve a lot of problem issues in those neighborhoods. He is going to pursue this with the storm water board to raise that issue because we have a storm water plan but this area was not identified as in immediate need of storm water relief so it is not a priority. He said that IUS could be approached to see if they will work with us in some capacity in order to put a detention basin there. He added that there are about a dozen or so houses that do experience flooding and he would like to try to help them.

**Mr. Nash** asked if they identified exactly what it would take to remedy the problem.

**Mr. Blair** stated that it would be a fairly large basin (1.5M cu. ft.). He said they feel that is the size that would be needed in order to reduce the flooding substantially.

**Mr. Aebersold** stated that he thinks we should make this report available to the residents that have been here several times and let them know that the reconstruction of road will not cause more flooding.

**Mr. Blair** stated that he has been in communication with some of the residents but wanted to share the report with the council first. He added that he may get in touch with the Tribune to see if they will run something on it.

**Dr. Knable** asked if it has been shared with storm water yet.

**Mr. Blair** replied no, but he plans to.

**Mr. Caesar** asked if he wants any support from the council as a vote of confidence for the report to take to storm water.

**Mr. Blair** replied no and stated that he wants to pursue the IUS option and see where that takes him.

**Mr. Barksdale** asked if this is something that could go up on the website.

**Mr. Blair** replied yes and stated he would provide Mr. Gibson with a copy.

**Mr. Aebersold** stated that he has received several calls on striping on numerous roads as well as stop bars at intersections and asked if there is a plan in place for striping.

**Mr. McLaughlin** stated that he has too and the council should possibly have a work session with the street department to discuss this and see what their plan is going forward.

**Mr. Caesar** stated that he knows there is a lot of paving to take place this summer and asked the council members to write down some of the areas, especially around schools, that need to be restriped and give them to the street department.

**Mr. Barksdale** stated that he has had several constituents come to him about several streets as well so he called Mr. Ham and he took care of one area for him. He suggested that Mr. Aebersold call him.

**Mr. Phipps** stated that the warm weather is here so the yard sales are starting and the yard sale signs are being posted on the public utility poles and he just wanted to remind people that is illegal and some people are known to take those down. He also stated that with the conversion of the streets taking place, the new stop lights at Pearl Street and Market Street are galvanized poles which are hideous in the center of our downtown so he thought that maybe we could replace those with something a little more decorative or possibly convert that intersection to a 4-way stop. He added that he knows it is simply aesthetics but sometimes aesthetics are important particularly when we want our downtown to look inviting. He also added that maybe the city or the council could find some funds to do this so he just wanted to throw that out there to see if anyone else would be interested in it and he may pursue some numbers on it.

**Dr. Knable** suggested that he speak with Mr. Ham and Mr. Thompson on that matter and stated that he would be happy to try to help find funds for that. He also stated that he has been in contact with them regarding lighting in front of The Exchange which was plumbed for two fixtures and the fixtures were ordered but there is a search being done on them because somewhere between the ordering and the warehouse they have become unaccounted for.

**Mr. Caesar** stated that he did bring it up at redevelopment the other day and will follow up on it again.

**Mr. Barksdale** stated that he has been approached by three different property owners, two in the downtown area, regarding discarded syringes and possible drug dealings going on so he called Police Chief Bailey today and he said that they would get right on it. He

also said that chief told him if you see a drug transaction going on right in front of you to call 911 or the direct line into the police department and you can keep it anonymous.

**COMMUNICATIONS – MAYOR:**

**Mr. Hall** stated that Mayor Gahan wanted to thank The Horseshoe Foundation for their generous gift of \$5M and look forward to implementing into some projects downtown and on the greenway. He said that the mayor also wanted to express his thanks to all of those who worked on those projects through city council, redevelopment or The Horseshoe Foundation.

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

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

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES:**

**READING**

<b>G-17-04</b>	<b>An Ordinance Regarding Approval of an Amended and Restated Lease Agreement and A 2017 Lease, Each Between The New Albany Redevelopment Commission and The New Albany Redevelopment Authority; Approval of the Issuance of Bonds Approved by The New Albany Redevelopment Commission; Approval of the Issuance of Bonds by The New Albany Redevelopment Authority; Pledge of Local Income Tax and Certain Other Funds</b>	<b>Caesar 1&amp;2</b>
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**Mr. Caesar** introduced G-17-04 and moved to approve first and second readings, **Mr. Barksdale** second, all voted in favor with the exception of **Mr. Blair** who recused himself.

**Mr. Caesar** stated that in 2006 we issued bonds in this same manner when money was coming from The Horseshoe Foundation to the redevelopment authority and the redevelopment authority gets the money and then tells the redevelopment commission that they can spend x amount of dollars. He also stated that the redevelopment authority and redevelopment commission have already voted on this and they are okay with so tonight the council has to vote on it because there is a pledge of EDIT money and local income tax money that was there for the 2006 bond issuance also. He explained that we will be doing away with that lease and bonds but we will be issuing new bonds to carry forward until 2029. He then turned it over to **Mr. Duggins**.

**Mr. Duggins** stated that it is exciting and is a big day for the city and the partnership that we have with The Horseshoe Foundation. He said that everyone will agree that everything that downtown and the region began with this board partnering with The Horseshoe Foundation in building the YMCA and now 10 years have gone by. He explained that there was a savings that was possible through the reissuance and refinance of that original debt so he approached the mayor and asked if we are going to ask to refinance why we don't ask for some more to keep that momentum going. He also explained that once the refinance happens there will be a \$5M project pool that will be issued in a project fund. He said that all of the language is exactly the same and we are just carrying that forward and The Horseshoe Foundation has agreed to pay what they have before which is 5/8 of all the amounts due for the yearly payment. He stated that the renderings of all of the projects are for discussion and the important thing to

remember is that these projects are not set in stone and are works in progress. He started with the greenway because it is the largest project. He said that a big thank you goes to Mr. Brad Seigel who is the CEO of Horseshoe and has been going over this for the last six months. He then said that the \$5M was broken down and the board discussed how we would spend it and how the projects would flow. He stated that \$2.5M will go to the western portion of the Ohio River Greenway Project. He explained that the east portion is under construction and is the final portion with New Albany and Clarksville per the original greenway conception that was done by the Corp of Engineers 25 years ago and we are now almost to completion. He said that the western portion which is basically from the amphitheater all the way to Falling Run Creek has always been something that we wanted to do but was outside of that original conception. He stated that once this funding became available along with the purchase of the QRS property, we are on the verge of being able to do something that is truly transformative to that area of town. He presented a rendering and reviewed it with the council and stated that it was actually in the park's masterplan and a lot of amenities seen are still conceptual but they all came from the 162 responses to the park's master survey. He said that we will basically be taking over a much blighted area of our riverfront and incorporating it back into green space. He explained that Falling Run Creek creates a natural border and we are in discussions about the properties that surround it because they are also blighted and damaged but the main focus is to reconnect the citizens and the region back to the river and also the creeks. He said that some of the amenities include a new boat ramp, parking for the boat ramp, family picnic areas, play areas, bathrooms, etc. He added that some of the things that came up in the park's survey were kayaking, camping sites, RV parking, etc. He stated that it is all green space and will continue on the six mile tract with walking paths that connect to the Ohio River Greenway and is a project that enables us to heal that area of town. He also stated that Falling Run Creek is beautiful in that area but is just surrounded by a lot of junk. He has also approached the Tourism Bureau for \$1M for this section and he will know about that by the end of April.

**Mr. Nash** asked about the timeframe.

**Mr. Duggins** stated that it will take the remainder of this year to design then bid out at the first of next year and completed by the end of 2018 or the first part of 2019.

**Mr. Phipps** asked what road is on the right.

**Mr. Duggins** replied W. 10<sup>th</sup> Street. He added that flood control controls all of that area which is another benefit to our greenway because we have a built in financial ability to maintain it through our ability to mow and do other things.

**Dr. Knable** stated that in previous mockups there was more green space rather than forestry and asked who will make the final determination.

**Mr. Duggins** replied redevelopment, the administration and costs of course.

**Dr. Knable** asked if they will do any type of tree survey to salvage any mature specimen type trees.

**Mr. Duggins** replied yes and stated that they will work closely with the tree board on all of that and want to keep as many of the mature trees as they can.

**Dr. Knable** stated that the money came from The Horseshoe Foundation Floyd County asked if it will be New Albany City Parks or Floyd County Parks.

**Mr. Duggins** stated that it will be controlled by the New Albany Parks Department. He also stated that it is the city's and redevelopment's debt only and the county's portion is

still on the old debt from the YMCA but not on this. He added that in 2023 the old debt rolls off.

**Mr. Blair** asked what the funding for the property was.

**Mr. Duggins** replied that a portion of the 30 acres was purchased through the sewer board for possible expansion of clarifiers.

**Mr. Blair** asked if there are sewer facilities there.

**Mr. Duggins** replied no and stated that the discussions included expansion of the clarifiers and some other things.

**Mr. Blair** asked if the sewer department purchased land for recreation.

**Mr. Duggins** replied no and stated that they purchased property on the riverfront for possible expansion in the future. He then moved on to the Loop Island Wetlands and explained that they are going to continue the semi-surface walking paths to get people down there because it is a very beautiful part of town that no one knows is there. He stated that concludes the \$2.5M portion of the funds.

**Mr. Caesar** stated that many of the council members would like to see these concepts as they are being developed just so we really know what is going on.

**Mr. Duggins** stated that he will be happy to do updates. He also stated that they have an agreement with The Horseshoe Foundation for monthly updates and quarterly live interviews so maybe he can do that presentation for the council as well.

**Dr. Knable** stated that when he was on The Horseshoe Foundation Board last year, they really never talked about Loop Island being part of this and he knows that a couple of days after the announcement last week, there were a few individuals that said they were surprised to see that in the press release. He asked if that came back to redevelopment in January and February as being one of the projects.

**Mr. Duggins** stated that 99% of the \$2.5M will go to the western portion of the Ohio River Greenway Project but it will cost very little money to do what they want to do to the Loop Island Wetlands so if they get the money from tourism, some if it will go to that.

**Dr. Knable** stated that it just caught the folks from The Horseshoe Foundation off guard that it was in the press release.

**Mr. Duggins** stated that The Horseshoe Foundation has allowed \$1M to be spent on the façade improvement program for the downtown historic district. He explained that this discussion began four or five years ago and has been near and dear to his heart. He stated that when a new business comes in the city does a lot of things to help them with things like tax abatements but doesn't have a lot of lead way in helping an established business. He explained that the façade improvement program did \$50,000.00 of work last year with and with this program which was a 50/50 match of up to \$2,500.00 and now they will offer at a \$.25 match on the dollar. He added that the facades will take longer because of all the details that have to be taken into account but the whole goal is to help the larger buildings and this money will go a long way to solidify the downtown corridor. He explained that when they come back to the board they will do before/after and they will track the assessed values and how many companies were pre/post which will be a good way to justify the spending.



**Mr. Coffey** stated that he is talking pre-YMCA and post-YMCA and asked what that means.

**Mr. Duggins** explained that they kept a running tab of how many new businesses have come in since the YMCA moved to the downtown corridor.

**Mr. Coffey** stated that infers that the YMCA brought but it was the liquor license that did that.

**Mr. Duggins** stated that he would definitely agree that the liquor license by far drove the businesses but they just use it as a reference point to track.

**Mr. Duggins** explained that they have directed \$1M for Market Street and they will be looking at the sidewalks, lighting, medians and crosswalks. He stated that they are very lucky to have big sidewalks but they also need to figure out how to make those nice to look at.

**Mr. Barksdale** stated that he wants to mention all the other trees as well that they will be looking into.

**Mr. Duggins** stated that the entire tree canopy on Market Street needs to be completely analyzed.

**Mr. Aebersold** asked if there is anything on State Street.

**Mr. Duggins** stated that in the block of State from Market to Main they will address uses like lighting. He added redevelopment is doing decorative crosswalks and bump out sections on West 1<sup>st</sup> to increase safety in that area. He explained that the last project is the overlook project and presented renderings for the council to review. He explained that there is \$500,000.00 that has been set aside to either make it look nice or to figure out the cost to take it down. He stated that they will contract this out and bring renderings with the cost or the cost to remove it but that is a discussion that will happen at a later date.

**Mr. Coffey** asked if any of this money is going to fund the YMCA again.

**Mr. Duggins** replied no.

**Mr. Coffey** stated that he understands that it is putting them on the hook for more time but asked if it is putting the city on the hook to pay any more.

**Mr. Duggins** explained that if they didn't do this project their commitment of \$137,000.00 would end in 2023 this extends that payment to 2029 so

**Mr. Coffey** stated that he just wants to make sure that the money is going to this project and nothing else.

**Mr. Duggins** stated that the language is in the bond document and clarifies that they are extending it out for 6 years but they are paying 98%.

**Mr. Gibson** referred back to Dr. Knable's earlier question about the green space and explained that it was purchased through the sewer utility because it came up at that time. He explained that the sewer department identified the QRS property as the most reasonable place for the clarifiers. He stated that the buyer approached the city before a lot of this came about and the questions seems to be how they insure that it is still there. He explained that the corner space is being specifically reserved for green space but as far as ownership he anticipates that it will stay in the hands of the sewer board because it

is being designated to the parks department as a right to use the certain areas but if they need it in the future the space is theirs.

**Dr. Knable** asked if it is 10 years or 20 years.

**Mr. Gibson** replied 10 years.

**Mr. Phipps** asked if the clarifies are something that will be disruptive to the park that they create there or would they just landscape around them.

**Mr. Duggins** stated that they would buffer between the spaces.

**Mr. Blair** stated that he is not in favor of the sewer rate payers funding a recreational facility.

**Mr. Gibson** stated that the property will still be in the sewer board's name and if/when an expansion is needed it will be theirs to use as they see fit.

**Mr. Blair** stated that he said that they will only be using a small section.

**Mr. Gibson** stated that they will only be using a small section at this point but they purchased the entire property to use if/when they need it.

**Mr. Blair** stated that they can split up the property now.

**Mr. Gibson** stated that they could but he doesn't see the benefit of it.

**Mr. Blair** stated that they are going through a sewer rate increase and part of that is because of the cash flow to the sewer department and suddenly they will have this additional expense. He said in essence they are asking the sewer users to pay for this park space.

**Mr. Gibson** stated that they are paying for land that the sewer utility has identified as needed and it was available. It will stay in their ownership so that it can be used for that purpose when they need it but they are giving the parks department the right to use it in the meantime.

**X-17-01      An Ordinance Annexing Territory into the      Knable 1&2**  
**City of New Albany, Indiana on Petition by all**  
**of the Owners of Such Territory Pursuant to the**  
**Provisions of IC 36-4-3-5.1**

**Dr. Knable introduced X-17-01 and moved to approve first and second readings, Mr. Barksdale second, all voted in favor.**

**Dr. Knable** stated that in fulfillment of their duties they presented a petition of annexation. He explained that they discussed it as a body back during the approval of the PUDD but that isn't to say it isn't worthy of further discussion. He explained that they will see by state statute there is a companion resolution and they will discuss that later in the evening. He recommended that they make sure this is proceeding under the timeline and provisions of the annexation and Mr. Kraft has satisfied him of that.

**Mr. Caesar** spoke in favor and stated that he sees this as a benefit to the city and to the subdivision.

**G-17-02      Ordinance Amending the City of New Albany      Blair/  
Code Chapter 30 Section 15 Concerning      Caesar 3  
Submitting Items to the City Clerk for the  
Common Council Agenda**

**Mr. Blair tabled this item until next meeting because he and Mr. Caesar are going to meet with the administration.**

**G-17-03      Ordinance Amending the City of New Albany      Blair/  
Code Chapter 30 Section 15 Concerning      Caesar 3  
Special Meeting Procedures**

**Mr. Caesar introduced G-17-03 and moved to approve the third reading, Mr. Phipps second, all voted in favor. Bill G-17-03 becomes Ordinance G-17-03.**

**Dr. Knable explained that he didn't get a restated version of this and asked if it was changed to include electronic communication.**

**Mr. Caesar replied yes.**

**INTRODUCTION OF RESOLUTIONS:**

**R-17-05      A Resolution Adopting a Written Fiscal Plan as      Knable  
the Definite Policy of the Common Council of the  
City of New Albany, Indiana, with Respect to the  
Provision of Municipal Services to Areas that  
are Proposed to be Annexed into its Corporate  
Boundaries**

**Dr. Knable introduced R-17-05 and moved to approve, Mr. Coffey second, all voted in favor.**

**BOARD APPOINTMENTS:**

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

**ADJOURN:**

**There being no further business before the board, the meeting adjourned at 8:00 p.m.**

\_\_\_\_\_  
Pat McLaughlin, President

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

Bill No. G-17-02

Ordinance No. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CITY OF NEW ALBANY CODE CHAPTER 30**  
**SECTION 15 CONCERNING SUBMITTING ITEMS TO THE CITY CLERK**  
**FORTHE COMMON COUNCIL AGENDA**

WHEREAS, the City of New Albany Common Council (hereinafter "Common Council") is the fiscal and legislative body of the City of New Albany;

WHEREAS, the Common Council has reviewed its rules of procedure and determines some clarifications and additions should be made;

WHEREAS, the Common Council does not have an explicit rule with regard to submitting items to be considered on its agenda at any given meeting and adding a new subsection (D) to section 30.15 of the city code will provide more clarity to the Common Council members and those working with Council members to submit items on the Common Council agenda;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMMON COUNCIL that a new section (D) shall be added to Section 30.15 of the City of New Albany Code as follows:

"(D) This section shall govern the submission of items for the Common Council meeting agenda by Common Council members. For the first Monday meeting of the month, items to be placed on the Common Council's agenda shall be submitted to the City Clerk no later than 12:00 p.m. on the Tuesday preceding the meeting. For the third Thursday meeting of the month, items to be on the agenda shall be submitted to the City Clerk no later than 12:00 p.m. on the Thursday preceding the meeting. If any regular meeting is not on the first Monday or third Thursday, the items to be on the agenda shall be submitted by 12:00 p.m. four (4) business days prior to the date the meeting will be held. Any items on the agenda for a special meeting shall be contained within and delivered in the notice for the call of the special meeting."

SO ORDAINED by this Common Council of the City of New Albany, Indiana, this

\_\_\_\_\_ day of \_\_\_\_\_, 2017.

**COMMON COUNCIL OF THE  
CITY OF NEW ALBANY, INDIANA**

\_\_\_\_\_  
**Pat McLaughlin, President**

*Attested by:*

\_\_\_\_\_  
**Vicki Glotzbach,  
New Albany City Clerk**

**CERTIFICATE OF PRESENTATION TO MAYOR**

The undersigned hereby certifies that on the \_\_\_\_ day of \_\_\_\_\_, 2017, the above Ordinance was PRESENTED by me, as the duly elected Clerk of the City of New Albany, Indiana, to the Mayor of the City of New Albany, Indiana.

\_\_\_\_\_  
**Vicki Glotzbach,  
New Albany City Clerk**

**APPROVAL BY MAYOR**

The undersigned, as of this \_\_\_\_\_ day of \_\_\_\_\_, 2017,  
and as the duly elected Mayor of the City of New Albany, Indiana, hereby APPROVES  
the above Ordinance as evidenced by my signature affixed below.

\_\_\_\_\_  
**JEFF GAHAN, Mayor of the City of  
New Albany, Indiana**

*Attested by:*

\_\_\_\_\_  
**Vicki Glotzbach,  
New Albany City Clerk**

BILL NO: G-17-04

ORDINANCE NO: \_\_\_\_\_

**NEW ALBANY COMMON COUNCIL**

AN ORDINANCE REGARDING APPROVAL OF AN AMENDED AND RESTATED LEASE AGREEMENT AND A 2017 LEASE, EACH BETWEEN THE NEW ALBANY REDEVELOPMENT COMMISSION AND THE NEW ALBANY REDEVELOPMENT AUTHORITY; APPROVAL OF THE ISSUANCE OF BONDS APPROVED BY THE NEW ALBANY REDEVELOPMENT COMMISSION; APPROVAL OF THE ISSUANCE OF BONDS BY THE NEW ALBANY REDEVELOPMENT AUTHORITY; PLEDGE OF LOCAL INCOME TAX AND CERTAIN OTHER FUNDS.

WHEREAS, the New Albany Redevelopment Commission (“Commission”) did establish the State Street Parking Garage Economic Development Area (“Area”) in the City of New Albany (“City”) in accordance with I.C. 36-7-14;

WHEREAS, the New Albany Redevelopment Authority (“Authority”) issued its Redevelopment Lease Rental Bonds of 2006 (the “2006 Bonds”) to finance the construction and leasing of an approximately 30,252 square foot natatorium, parking lot, and percentage of first and second floor lockers, and an atrium, as a tenant in common with the Young Men’s Christian Association (“2006 Project”) and thereafter leased the 2006 Project to the Commission pursuant to an Amended and Restated Lease Agreement dated September 14, 2006 (the “Original Lease”);

WHEREAS, the Authority now wishes to refinance the 2006 Bonds and to generate additional funds for the construction and leasing of new improvements in the Area, including construction of a portion of a greenway and various other public use improvements near the Ohio River, paying the costs of designing and reconstructing an overlook over the Ohio River and other similar improvements in the Area (the “2017 Projects”, and with the 2006 Project, the “Projects”);

WHEREAS, the Commission, after a public hearing, adopted a Resolution (the “RDC Lease Resolution”) on March 30, 2017 approving the execution of a new Amended and Restated Lease Agreement with the Authority, amending and restating the Original Lease (the “Amended Lease”), in connection with the refunding of the 2006 Bonds;

WHEREAS, the RDC Lease Resolution also approved the execution of a new lease between the Commission and the Authority (the “2017 Lease”, and with the Amended Lease, the “Leases”) leasing the 2017 Projects to the Commission;

WHEREAS, the Authority has been created as a body corporate and politic, in and under the authority of I.C. 36-7-14, I.C. 36-7-14.5 and I.C. 36-7-25 for purposes of financing, constructing, acquiring and leasing local public improvements and economic development and redevelopment projects, including the Projects to the Commission;

WHEREAS, the Commission, after a public hearing, adopted a Resolution (the “RDC Bond Resolution”) on March 30, 2017 approving the issuance of bonds (the “RDC Bonds”) for the constructing and equipping of various public improvements in the Area (the “RDC Improvements”);

WHEREAS, rentals due under the Leases and principal and interest payments on the RDC Bonds shall be payable, on a parity, from a limited local income tax pledge (“LIT Pledge”) and from the Horseshoe Foundation Grant (each as defined in the Leases) and, to the extent the LIT Pledge and the Horseshoe Foundation Grant proceeds are not sufficient, such amounts will be derived from a special benefits tax levied and collected in the New Albany Redevelopment District which is coterminous with the boundaries of the City;

WHEREAS, the Authority adopted a resolution (the “Authority Resolution”) on March 30, 2017 approving the issuance and sale of its Redevelopment Lease Rental Bonds of 2017 (the



“2017 Bonds”), in one or more series, to refund the 2006 Bonds and to construct the 2017 Projects;

WHEREAS, the Authority Resolution also approved the execution of the Leases between the Commission and the Authority;

WHEREAS, the RDC Lease Resolution approves the issuance of the Authority’s 2017 Bonds and the RDC Bond Resolution approves the issuance of the RDC Bonds;

WHEREAS, the Common Council of the City (“Common Council”) is required by I.C. 36-7-14-25.1 and I.C. 36-7-14-25.2 to approve the issuance of bonds by the Authority, the issuance of the RDC Bonds by the Commission, the execution of the Leases between the Commission and the Authority, the form of the Trust Indenture between the Authority and a trustee relating to the 2017 Bonds, as well as various provisions regarding the 2017 Bonds.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA, THAT:

1. The Common Council hereby finds that the execution of the Amended Lease and the 2017 Lease are necessary and wise and are for financing and refinancing Projects that will promote economic development and redevelopment of the Area, will provide services that will serve the public purpose of the City and is in the best interests of the City’s residents, and further finds that the lease rentals provided for in the Leases are fair and reasonable.

2. The Common Council further approves the forms and all of the terms and provisions of the Amended Lease and the 2017 Lease attached hereto, and the execution of the Leases between the Commission and the Authority are hereby approved.

3. Providing for the refinancing of the 2006 Project and the financing, acquisition and construction of the 2017 Projects by the Authority and the leasing of those 2017 Projects to

the Commission are in the public interest of the citizens of this City and are a proper public purpose for which the Common Council agrees to cooperate with the Authority to assist in fulfilling the requirements of all agencies of the Federal, State and City Government.

4. The Common Council hereby approves the issuance of the bonds authorized by the Authority in an amount not to exceed \$9,500,000 and authorizes and approves all prior actions and findings of the Authority and the Commission related to the issuance of the 2017 Bonds, including the form of Trust Indenture, the form of the 2017 Bonds, the RDC Lease Resolution and the Authority Resolution attached hereto.

5. The Common Council hereby finds that the financing of the RDC Improvements are necessary and wise and will promote economic development and redevelopment in the Area and is in the best interests of the City's residents.

6. The Common Council further approves the financing, acquisition and construction of the RDC Projects and hereby approves the issuance of the RDC Bonds in an amount not to exceed \$3,000,000 and authorizes and approves all prior actions of the Commission related to the issuance of the RDC Bonds, including the RDC Bond Resolution attached hereto.

7. The Common Council hereby pledges the LIT Pledge and the Horseshoe Foundation Grant to the payment of the Lease Rentals under the Leases and the payment of the principal of and interest on the RDC Bonds, and to the extent the LIT Pledge and the Horseshoe Foundation Grant are not sufficient, pledges to levy a Special Benefits Tax on all the property in the District to the payment of such amounts due under the Leases and the RDC Bonds.

8. The Common Council further covenants that it will take no action to rescind or repeal LIT or to take any action that would result in the City receiving a smaller distributive

share of LIT than the distributive share of LIT to which it was entitled on the effective date of this ordinance. The City further covenants that it will take no action to rescind LIT or reduce the LIT rate as long as the Leases are in effect.

9. Except as provided in the Leases and the RDC Bond Resolution, the City has not pledged or otherwise encumbered its LIT or the Horseshoe Foundation Grant (the “Pledged Funds”), and there are no prior liens, encumbrances, or other restrictions on the Pledged Funds or on the City’s ability to pledge the Pledged Funds to the payments of the Leases and the RDC Bonds.

10. The Common Council reserves the right to issue additional obligations from the Pledged Funds on a parity with the Pledged Funds under the conditions set forth in Leases.

11. This Ordinance shall be in full force and effect from and after its passage.

12. This Ordinance shall be in full force and effect immediately upon its passage and execution by the Mayor.

[Remainder of Page Intentionally Left Blank]

**CITY OF NEW ALBANY, INDIANA**

\_\_\_\_\_  
Pat McLaughlin, President,  
City of New Albany Common Council

Attest:

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

Presented by me to the Mayor of the City of New Albany, Indiana on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m.

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

Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_  
o'clock at \_\_\_\_\_.m.

\_\_\_\_\_  
Jeff M. Gahan, Mayor  
City of New Albany, Indiana

ORDINANCE NO. \_\_\_\_\_

Bill X-17-01

AN ORDINANCE ANNEXING TERRITORY INTO THE CITY OF NEW ALBANY, INDIANA ON PETITION BY ALL OF THE OWNERS OF SUCH TERRITORY PURSUANT TO THE PROVISIONS OF IC 36-4-3-5.1

Whereas, on or about the \_\_\_\_\_ date of January, 2017, STONE CREST DEVELOPMENT LLC, voluntarily filed a petition before this Common Council requesting the annexation of approximately 15.170 acre tract of real estate, which IS presently located in the unincorporated territory of Floyd County, Indiana, into the corporate boundaries of the City of New Albany, Indiana, pursuant to the provisions of IC 36-4-3-5.1; and,

Whereas, pursuant to the provisions of IC 36-4-3-5.1 (e), a notice of public hearing scheduled before this Common Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, has been published in accordance with Indiana Law at least twenty (20) days before the holding of such hearing, and evidence in the form of proof of publication of such notice was entered into the record at such public hearing; and,

Whereas, this Common Council held such public hearing as scheduled on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, at which the petitioner and all other persons interested in the proposed annexation were afforded the opportunity to speak and address their objections or concerns; and,

Whereas, more than fourteen (14) days have elapsed since the holding of the public hearing on the requested annexation; and,

Whereas, this Common Council now deems it to be in the best interests of the City of New Albany, Indiana, to grant the petition for voluntary annexation by adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by this Common Council of the City of New Albany, Indiana, as follows:

1. The following described real estate is hereby declared as annexed into the City of New Albany, Indiana, *to-wit*:

THE FOLLOWING IS A LEGAL DESCRIPTION PREPARED THIS 4<sup>TH</sup> DAY OF JANUARY, 2006, OF REAL PROPERTY BEING A PART OF FRACTIONAL SECTION 11, TOWNSHIP 2 SOUTH, RANGE 6 EAST, NEW ALBANY TOWNSHIP, FLOYD COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHERE THE QUARTER SECTION LINE INTERSECTS THE EAST RIGHT-OF-WAY LINE OF THE CSX RAILROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE NORTH 175848 EAST 799.55 FEET TO THE CENTERLINE OF A CREEK; THENCE ALONG SAID CENTERLINE AS FOLLOWS: NORTH 862427 EAST 33.84 FEET; THENCE SOUTH 550724 EAST 140.43 FEET; THENCE SOUTH 761037 EAST 59.91 FEET;

THENCE SOUTH 564059 EAST 50.85 FEET; THENCE SOUTH 573147 EAST 52.76 FEET; THENCE SOUTH 473725 EAST 42.48 FEET; THENCE SOUTH 614159 EAST 50.07 FEET; THENCE SOUTH 580009 EAST 61.76 FEET; THENCE SOUTH 605356 EAST 50.16 FEET; THENCE NORTH 855220 EAST 54.47 FEET; THENCE NORTH 771739 EAST 66.48 FEET; THENCE SOUTH 643922 EAST 67.48 FEET; THENCE NORTH 183251 EAST 12.45 FEET; THENCE NORTH 854741 EAST 25.95 FEET; THENCE NORTH 793420 EAST 84.61 FEET; THENCE NORTH 492443 EAST 28.08 FEET; THENCE SOUTH 755736 EAST 89.98 FEET; THENCE NORTH 813737 EAST 32.33 FEET; THENCE SOUTH 523414 EAST 36.24 FEET; THENCE SOUTH 715319 EAST 39.04 FEET; THENCE SOUTH 673242 EAST 37.34 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD #111; THENCE LEAVING SAID CENTERLINE ALONG SAID WEST RIGHT-OF-WAY LINE SOUTH 064704 WEST 497.24 FEET; THENCE NORTH 890437 WEST 1188.18 FEET TO THE POINT OF BEGINNING, CONTAINING 15.170 ACRES, MORE OR LESS.

BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY OF RECORD.

2. This Ordinance shall take effect thirty (30) days after its passage and adoption by this Common Council, and upon the filing and recording of the Ordinance as required by Indiana law, in the absence of an appeal under IC 36-4-3-15.5.

3. The City Clerk is hereby directed to publish notice of the adoption of this Ordinance in *The News and Tribune*, one (1) time within thirty (30) days after the adoption of this Ordinance in accordance with the provisions of IC 5-3-1-2 (h).

4. In the absence of an appeal against this Ordinance filed pursuant to IC 36-4-3-15.5, the City Clerk is hereby directed to do the following within ninety (90) days after to adoption of this Ordinance.

A. File a certified copy of this Ordinance with each of the following:

(1) The Floyd County Auditor, together with seven (7) additional copies that the Auditor may use to forward in accordance with the provisions of IC 36-4-3-22 (d) to (a) the Floyd County Highway Department, (b) the Floyd County Surveyor, (c) the Floyd County Plan Commission, (d) The Floyd County Sheriff, (e) The New Albany Township Trustee, (f) the office of the Indiana Secretary of State, (g) the office of census data established by IC 2-5-1.1-12.2.

(2) The Clerk of the Floyd Circuit Court;

(3) The Floyd County Board of Voter Registration;

(4) The office of the Indiana Secretary of State;

(5) The office of census data established by IC 2-5-1.1-12.2.

B. Record a certified copy of this Ordinance in the office of the Floyd County Recorder.

So Ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**COMMON COUNCIL OF THE  
CITY OF NEW ALBANY**

By: \_\_\_\_\_

By: \_\_\_\_\_

Attest:

City Clerk:

\_\_\_\_\_

RESOLUTION NO. R-17-06

BEFORE THE COMMON COUNCIL OF THE CITY OF NEW ALBANY, INDIANA

**RESOLUTION REGARDING CERTAIN COMMITMENTS REGARDING  
SUMMIT SPRINGS PLANNED UNIT DEVELOPMENT DISTRICT**

WHEREAS, the Mayor's Office worked with the Developer and local citizens regarding the Summit Spring PUDD and the Council was presented with certain Statement of Commitments approved by the New Albany Planning Commission and agreed to by the Developer regarding the Summit Springs Planned Unit Development and the Council hearing information regarding the same.

THEREFORE, the City Council agrees, approves and adopts the Statement of Commitments attached to this resolution.

**COMMON COUNCIL OF THE  
CITY OF NEW ALBANY, INDIANA**

\_\_\_\_\_  
PAT MCLAUGHLIN, PRESIDENT  
COMMON COUNCIL, NEW ALBANY

*Attested by:*

\_\_\_\_\_  
**Vicki Glotzbach, New Albany City Clerk**

**CERTIFICATE OF PRESENTATION TO MAYOR**

The undersigned hereby certifies that on the \_\_\_\_ day of \_\_\_\_\_, 2017, the above Resolution was PRESENTED by me, as the duly elected Clerk of the City of New Albany, Indiana, to the Mayor of the City of New Albany, Indiana.

\_\_\_\_\_  
Vicki Glotzbach, New Albany City Clerk

**APPROVAL BY MAYOR**

The undersigned, as of this \_\_\_\_ day of \_\_\_\_\_, 2017, and as the duly elected Mayor of the City of New Albany, Indiana, hereby APPROVES the above Resolution authorized by the provisions of IC 36-4-6-16 and as evidenced by my signature affixed below.

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

*Attested by:*

\_\_\_\_\_  
**Vicki Glotzbach, New Albany City Clerk**



Legal Description: See Exhibit A, attached hereto and by this reference and incorporated herein (the "Real Estate").

#### STATEMENT OF COMMITMENTS

In consideration of secondary review PUDD approval of Phase I of the Summit Springs Development, which is acknowledged by signing this document, these COMMITMENTS are given by and shall be binding on Pam and Pat Kelley ("Owner"), and any subsequent owners of the Real Estate and any other person acquiring an interest therein, adjoining landowners and any subsequent owners, the New Albany Planning Commission ("Commission"), and the City of New Albany. These COMMITMENTS may be after acceptance by all parties only modified and terminated by a decision of the New Albany City Council ("Council") made at a public meeting after notice has been provided. These Commitments apply only to the real estate now remaining in Phase II of the Summit Springs Development, pursuant to a Planned Unit Development District ("PUDD") under New Albany City Ordinance Z-08-18.

These COMMITMENTS contained in this instrument shall be effective upon the adoption or approval by the Council and Commission and are in addition to any conditions imposed. The Owner, Commission, and Council by approving at a public meeting and signing by the Owner agree that Phase II of the Development shall be considered an amendment to the original PUDD. The amendment shall proceed under City Ordinance 156.107(B)(6).

These COMMITMENTS do not obligate the Commission and/or Council to adopt, approve, favorably recommend or vote for approval of the Owner's request.

These COMMITMENTS may be enforced jointly or severally by:

1. The City Council
2. The City of New Albany
3. The Planning Commission
4. Owners of all parcels of ground adjoining the Real Estate. Owners of real estate not adjoining the Real Estate have no standing for enforcement of these COMMITMENTS.

The Owner imposes and consents to the COMMITMENTS for use and or development of the Real Estate with respect to Phase II, and that it shall proceed under City Ordinance 156.107(B)(6) as an amendment to the original PUDD.

The adjoining landowners consent to approval of the secondary review of Phase I of the Summit Springs Development and waive any legal standing to challenge such approval of real estate and use in Phase I that received secondary PUDD approval.

An action to enforce a COMMITMENT may be brought in Circuit or Superior Court in Floyd County, Indiana and applicable rules. A permitted party bringing an action to enforce a Commitment may request mandatory or prohibitory injunctive relief through the granting of a temporary restraining order, preliminary injunction or permanent injunction.

The Owner hereby authorizes the Commission or any of their agents or representatives to record this Statement of Commitments in the office of the Recorder of Floyd County, Indiana upon approval and adoption of the Commission and Council.

IN WITNESS WHEREOF, the Owner has executed this instrument this 9 day of March, 2017.

Owner/Authorized Representative

Name: Patrick W Kelley  
Title: owner

STATE OF INDIANA )  
                                  )SS:  
COUNTY OF Floyd )

Before the undersigned, a Notary Public, in and for the said County and State, Patrick Kelley appeared and acknowledged the execution of the foregoing.

WITNESS my hand and seal this 10 day of March, 2017.

Amy Kelley-Guilford  
NOTARY PUBLIC  
Printed: Amy Kelley-Guilford  
Resident of Floyd County, Indiana  
My commission expires: August 23, 2017

Document prepared by:

Shane L. Gibson, Corporate Counsel, City of New Albany, 311 Hauss Square, Rm. 316, New Albany, Indiana. Telephone Number: 812-948-5333.

AFFIRMATION:

I affirm under the pains and penalties of perjury that I have taken reasonable care to redact each social security number in this document unless required by law.

Shane L. Gibson  
Shane L. Gibson

STATEMENT OF COMMITMENTS AS APPROVED BY THE NEW ALBANY PLANNING COMMISSION AT THEIR  
MEETING OF DECEMBER 20, 2016 ARE APPROVED AND ACCEPTED BY:

Signature: \_\_\_\_\_

Adjoining Owner: Aaron Hellems

Address: 2229 Fawcett Hill Road  
New Albany, IN 47150

Signature: \_\_\_\_\_

Adjoining Owner: Aaron Hellems

Address: 2229 Fawcett Hill Road  
New Albany, IN 47150

Signature: \_\_\_\_\_

Adjoining Owner: John Gonder

Address: 602 Captain Frank Road  
New Albany, IN 47150

Signature: \_\_\_\_\_

Adjoining Owner: Ruthanne Wolf

Address: 602 Captain Frank Road  
New Albany, IN 47150

Signature: \_\_\_\_\_

Adjoining Owner: \_\_\_\_\_

Address: \_\_\_\_\_

New Albany, IN 47150