

Work Session

The Common Council of New Albany, Indiana, will be having a Work Session to discuss G-15-05 Ordinance Adopting Chapter 160: Rental Housing Code on Monday, March 7, 2016 at 6:30 p.m. in the third floor Assembly Room of the City County Building. Should you have any questions regarding this meeting please see the City Clerk in Room 332.

Vicki Glotzbach, City Clerk.

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, MARCH 7, 2016 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:

Regular Meeting Minutes for February 18, 2016

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

G-15-05	Ordinance Adopting Chapter 160: Rental Housing Code	Phipps 1&2
Z-16-02	Ordinance Amending the Code of Ordinances of New Albany, Indiana Title XV Chapter 156 (Docket P-01-16 Thorntons, Inc., requests a PUDD at 2250 State Street)	Phipps 1&2

INTRODUCTION OF RESOLUTIONS:

R-16-01	Resolution of the Common Council of the City of New Albany, Indiana, Approving the Order of the New Albany Plan Commission and the Amendment by the New Albany Redevelopment Commission of the Declaratory Resolution for the Park East Industrial Park Economic Development Area	Caesar
----------------	--	---------------

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 REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY ROOM OF
THE CITY/COUNTY BUILDING ON THURSDAY, FEBRUARY 18, 2016 AT 7:00 P.M.**

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

ALSO PRESENT: Mr. Lorch, Mr. Thompson, Mrs. Moeller, Mr. Hall and Mrs. Glotzbach

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

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Phipps moved to approve the Regular Meeting Minutes for February 1, 2016, Mr. Caesar second, all voted in favor.

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

COMMUNICATIONS – COUNCIL:

Mr. Barksdale passed out a flyer for the St. Marks Neighborhood Health Fair and explained that it is an annual event for the whole community and asked that they pass this on to any constituents that they may think would benefit from it.

Mr. Phipps stated that the committee met regarding the rental registration ordinance and they made some suggestions to Mr. Gibson. He explained that he has tweaked the document and they are pretty close to completing the final document and he hopes to bring it back at the March 7th meeting.

Mr. Coffey stated that one issue they have downtown is that the sidewalks are no longer handicap assessable because the restaurants have moved too far out onto the sidewalk so wheelchairs are unable to get through. He explained that he has brought this up during the redevelopment meetings and he thinks that they need to really look at this issue.

Dr. Knable asked Mr. Phipps if they ever added any landlords to that committee.

Mr. Phipps stated that they decided not to use any landlords but they do have two realtors (Chris Fox and Angela Bower) as well as one person from the community (Steve Pacciano).

Dr. Knable reminded the board that Mr. Blair is still working on the retreat and trying to find individuals that will help them with it and will follow up at the next meeting. He stated that he had a couple of constituents ask him about two lighting issues. He explained that the first is on Main Street near the YMCA and Mr. Thompson has looked into it, and while the wiring is good the globes are inaccessible on many of them so he will drill them out and replace them. He stated that the second issue is in front of the federal building and is a little more complicated. He explained that he spoke with Todd Young about it yesterday and they are going to have to get Duke and the contractor together to see who is responsible for digging it up and repairing the conduit.

Mr. Barksdale stated that he saw someone out in the bucket truck today replacing the bulbs.

Mr. Phipps stated that there is a light pole at the back of the post office that is leaning on the Oak Street side and asked Dr. Knable if he could mention that since he is working with the federal government.

Mr. Aebersold explained that he was at the Animal Shelter this afternoon talking about the dog park and the animal control group was wondering how they fit in. He stated that he was surprised that they weren't involved from the beginning but they are willing to help out the Parks Department in any way that they can.

COMMUNICATIONS – MAYOR:

Michael Hall stated that the Mayor wanted to extend his appreciation with regards to allowing Ecotech to take on a larger role with trash collection. He explained that it will free up personnel to focus on more aesthetic work around the city and they hope to see results by midsummer.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mrs. Moeller passed out city financials for January 2016.

Mr. Thompson explained that the state called him regarding the sewer line and once they determine that it is okay then work will start and as far as he knows the schedule is still the same.

Mr. McLaughlin asked what goes into the pipe.

Mr. Thompson explained that his understanding is that a creek was redirected and that is why they piped it and it comes from West Street.

Mr. Coffey stated that it dumps out into Falling Run Creek.

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

School & Library

Mr. Barksdale introduced the new library director, Melissa Merida.

Ms. Merida gave a brief background. She stated that it has been a great transition so far and she is thrilled with the staff and is very glad to be here.

Police Committee

Dr. Knable stated that himself, Mr. Blair and Mr. Aebersold met with the membership of the FOP and had a preliminary discussion about some of their concerns. He explained that they will report back when there is a more formal list.

Mr. McLaughlin asked who initiated the meeting.

Dr. Knable stated that he believes it was Mr. Blair.

Fire Committee

Dr. Knable stated that himself, Mr. Caesar and Mr. Phipps met with representatives from the fire union last night and they also have some concerns that they will be formalizing to be brought back to the council.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

Human Rights Commission

Paul Kiger – New Appointment

Wendy Stepro – Reappointment

The board appointed Ms. Stepro and Mr. Kiger by a unanimous show of hands.

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

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

Pat McLaughlin, President

Vicki Glotzbach, City Clerk

Bill No. G-15-05

Ordinance No. _____

ORDINANCE ADOPTING CHAPTER 160: RENTAL HOUSING CODE

WHEREAS, the City Administration and the City of New Albany Common Council (hereinafter "Council") has reevaluated its ordinances with regard to the applicability of various issues with respect to rental housing in the City of New Albany;

WHEREAS, the City Administration and the Council feels that the City's ordinances concerning rental housing in the City needs implemented;

WHEREAS, the City's residents and property owner's should have clear standards and guidelines for rental housing in the City;

THEREFORE, the City Administration and the Council desires to implement certain standards for rental housing in the City;

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

The following shall be enacted as Chapter 160 of the City of New Albany Code of Ordinances effective on passage of this ordinance:

(Exhibit A)

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

_____ day of _____, 2015.

**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 _____, 2015, 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 _____, 2015, and as the duly elected Mayor of the City of New Albany, Indiana, hereby APPROVES the above Ordinance as authorized by the provisions of IC 36-4-6-16 and 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

CHAPTER 160: RENTAL HOUSING

Registration and Inspection Program

- 160.01 Purpose
- 160.02 Definitions
- 160.03 Compliance required; application of chapter
- 160.04 Registration of rental units required
- 160.05 Tenant information
- 160.06 Registration permit fees
- 160.07 Registration permits
- 160.08 Complaint-driven inspections and inspections
- 160.09 Inspection fees
- 160.1 Notification of deficiencies to landlord; re-inspections
- 160.11 Probation, suspension or revocation of registration permits
- 160.12 Rental Housing Officer
- 160.13 Truth in advertising
- 160.14 Retaliatory eviction prohibited
- 160.15 Rental Housing Fund established

Rental Housing Code

- 160.3 Rental Housing Code established
- 160.31 Intent
- 160.32 Definitions
- 160.33 Structures
- 160.34 Enforcement authority

160.35 Duties and powers of the Rental Housing Officer

160.36 Notices and order

160.37 Scope: tense and definition of terms

160.38 Applicability of requirements

160.39 Premises condition

160.44 Plumbing facilities and fixtures requirements

160.46 Fire safety

160.47 Relationship to other ordinances

160.99 Penalty

REGISTRATION AND INSPECTION PROGRAM

§ 160.01 PURPOSE.

The purpose of this chapter is to provide for the registration and inspection of rental residential property and to facilitate the prevention and correction of violations of laws and ordinances pertaining to rental residential property so as to protect property values, the public health, safety and welfare of the people of the city including, but not limited to, the following:

(A) To protect the public health and safety by insuring rental units comply with the city's building codes, property maintenance codes and all other applicable regulations adopted by the State of Indiana or other governmental agency.

(B) To protect the character and stability of residential neighborhoods.

(C) To correct and prevent housing conditions that adversely affect or are likely to adversely affect safety, general welfare and health of the persons occupying dwellings.

(D) To prevent the overcrowding of rental units.

(E) To facilitate the enforcement of minimum standards for maintenance of existing residential buildings and thus to prevent slums and blight.

(F) To preserve the value of property, land, and buildings throughout the city.

§ 160.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT. Every person at least 18 years of age or younger if emancipated.

DWELLING UNIT. The abode of a family; a single unit providing complete, independent facilities for the exclusive use of the household, including permanent provisions for living, sleeping, eating, cooking and sanitation.

FAMILY. Includes all of the following:

(1) An individual;

(2) Two or more individuals related by genetics, marriage, legal adoption, foster care or guardianship, or other comparable relationship established by law; or

(3) Five or fewer individuals who constitute a relatively permanent functioning group living as a single housekeeping unit.

HABITABLE ROOM. Any room meeting the requirements of this chapter for sleeping, living, or dining purposes excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage places, utility rooms and similar spaces.

HOMESTEAD EXEMPTION. Means an individual's principal place of residence which: the individual owns; the individual is buying under a contract, recorded in the county recorder's office; that provides

that the individual is to pay the property taxes on the residence; the individual is entitled to occupy as a tenant-stockholder (as defined in 26 U.S.C. 216 as may be amended) of a cooperative housing corporation; or is a residence described in IC 6-1.1-12-17.9 (as may be amended) that is owned by a trust if the individual is an individual described in IC 6-1.1-12-17.9 (as may be amended).

MULTI-FAMILY DWELLING. A residential building designed for, or modified to accommodate, more than one independent rental unit.

OCCUPANCY PERMIT. A permit allowing an owner to lease, rent, or otherwise use premises by tenants.

OWNER. Any person having a legal or equitable title in a rental building or premises.

PERSON. A corporation, firm, partnership, association, organization or any group acting as a unit, as well as a natural person. References in the masculine gender include the feminine and the neuter, in the present tense include the future, and the singular includes the plural.

PREMISES. A lot, plot or parcel of land containing a rental building or rental unit.

REGISTRATION PERMIT. The permit issued by the city upon registration of each rental unit.

RENTAL BUILDING. A building containing one or more rental units.

RENTAL HOUSING CODE. Sections 160.30 through 160.47 of this chapter.

RENTAL HOUSING OFFICER. That municipal officer charged with the primary responsibility of enforcement of the provisions of this chapter. As set out in § 160.12 hereof, the City Building Commissioner shall serve as the Rental Housing Officer.

RENTAL PERMIT. The form issued by the City to an Owner upon completing the necessary documentation regarding a Rental Unit.

RENTAL UNIT. Any rented dwelling unit or rooming unit which does not have a homestead exemption on the property.

RENTAL UNIT COMMUNITY. This shall mean one (1) or more parcels of contiguous real property upon which are located one (1) or more structures containing rental units, if: (1) the combined total of all rental units in all of the structures is five (5) or more rental units; and (2) the rental units are not occupied solely by the owner or the owner's family.

ROOMING HOUSE. Any dwelling or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not related by blood or married.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

TENANCY AGREEMENT. Includes all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a rental unit.

TENANT. Any person entitled to occupy a rental unit under a tenancy agreement to the exclusion of others.

§ 160.03 COMPLIANCE REQUIRED; APPLICATION OF CHAPTER.

(A) No person shall occupy or maintain a rental unit within the city unless in accordance with the provisions of this chapter. This chapter applies to all rental units located within the city, but shall not apply to the following:

(1) Occupancy in a single-family, owner occupied dwelling unit with a homestead exemption.

(2) Occupancy in a "group home" or "institutional residential" as those terms are defined by State Statute

(3) Occupancy in federally subsidized and owned housing complexes which have multiple on-site units and which are owned and maintained by the federal government or local housing authority, or scattered site Section 8 housing units administered by a local housing authority.

(4) Occupancy by the purchaser of a dwelling unit under a recorded contract of sale.

(5) Occupancy in a dormitory owned by Indiana University Southeast or other institute of higher learning.

(6) Transient occupancy in a hotel, motel or other similar lodging.

(B) It shall be the responsibility of each person owning or operating a dwelling unit that said person claims is exempt from this chapter to produce such documentation or other information as may be requested by the Rental Housing Officer or his designee so as to permit the Rental Housing Officer or designee to determine whether said dwelling unit is exempt.

§ 160.04 REGISTRATION OF RENTAL UNITS REQUIRED.

(A) No owner of real estate within the city shall use said real estate for the purpose of erecting or maintaining a rental unit thereon after January 31, 2017, without registering each rental unit with the city and obtaining a Rental Permit. All existing rental units shall be registered and obtain a Rental Permit with the City by January 31, 2017. The registration shall be affected by furnishing to the city a complete and accurate application upon forms prescribed by the city, setting forth the following information:

(1) The name of the owner;

(2) Address of the owner;

(3) Street address of the rental unit;

(4) The number of rental units on the property;

(5) If the owner is not a resident of Floyd County, Indiana, or a county contiguous to Floyd County, the name, address and telephone number of the owner's agent authorized to receive notification of complaints, damages, emergencies, substandard conditions or other communications, including service of process. The address of any and all agents shall be within Floyd County or a contiguous county. Any owner who does not reside in Floyd County, Indiana, or a contiguous county shall be required to designate an agent.

(6) A current email and telephone number of the owner and/or agent.

(B) The registration application shall be signed by the owner. Whenever ownership of a rental unit or group or complex of rental units' change, the new owner shall have the responsibility to report the change in ownership to the City. Upon completion of an initial registration of the unit, a Rental Permit shall be issued for the rental unit and shall remain valid and not expire until a change of ownership. Previously issued Rental Permits shall automatically expire 30 days following transfer of title to a registered property.

(C) Notification to the owner or his or her agent at the address shown on the registration application shall constitute sufficient notice pursuant to any provision of this chapter. Registration of a rental unit shall be evidenced by issuance of a Rental Permit.

§ 160.06 ANNUAL REGISTRATION FEES.

There shall be a \$5 annual registration fee assessed for each rental unit, except as provided in Indiana Code 36-1-20-5 (as may be amended), located within the city after the initial registration and obtaining of a Rental Permit. The above-referenced registration fee shall be paid on or before January 31 of each year following their obtaining a Rental Permit.

§ 160.07 REGISTRATION RENTAL PERMITS.

All rental units in the City shall obtain and maintain a valid Rental Permit, except for a rental unit community which is required to obtain one Rental Permit for the complex as per Indiana Code 36-1-20-3.5 (as may be amended). For all registered rental units, the City shall issue a Rental Permit stating the date of the unit's registration. The owner of each rental unit shall be responsible for continuously maintaining a copy of the certificate. Each owner shall provide the Rental Housing Officer or his or her designee with a copy of the Rental Permit upon request. A Rental Permit shall otherwise remain in effect and not expire until suspended or revoked as set forth in this chapter. The issuance of a Rental

Permit is not evidence that a property meets the requirements of this chapter or is otherwise fit for human habitation.

§ 160.08 COMPLAINT-DRIVEN INSPECTIONS AND INSPECTIONS.

(A) Each rental unit and/or rental premises within the city may be subject to a calendar year inspection by the Rental Housing Officer or his or her designee in accordance with this chapter and as permitted by Indiana State Statutes. The City adopts Indiana Statute 36-1-20-4.1 (as amended) with respect to inspections for rental units which are provided exemptions therein. To comply with the exemptions of State Statute, an owner shall provide any reports referenced in the above mentioned Codes by January 31st of each year calendar year with their annual registration. Upon violation of the above reference statute (including non-registration, annual registration, and no Rental Permit), the Rental Housing Officer may conduct an inspection of the rental unit or premises.

(1) Upon receipt of a complaint or a visual inspection reveals potential housing violations or maintenance violations, the Rental Housing Officer shall notify the owner at the provided contact information on the Registration Permit of the alleged issue and provide the owner with the appropriate time to remedy the matter as permitted by ordinance and/or statute. The Owner and/or agent shall provide the Rental Housing Officer with necessary documentation to substantiate compliance. If documentation is insufficient or another complaint is received or another housing or maintenance violation occurs within 6 months, the Rental Housing Officer or agent shall conduct an inspection.

(B) Unless waived by either the owner or tenant, the following procedure shall be used to obtain entry to rental units and premises for the purpose of inspection. The Rental Housing Officer shall cause written notice to be mailed to the owner or his or her agent of the rental unit or premise setting forth the date and time scheduled for the inspection together with the appropriate inspection application. The owner or his or her agent shall have ten days from the notice issuance date in which to submit a complete and accurate inspection application to the Rental Housing Officer.

(C) The owner shall be responsible for granting access to each rental unit or premise to the Rental Housing Officer or his or her designee. In the event the owner and/or tenant refuses entry to any given rental unit or premise for inspection pursuant to this chapter, the appropriate court of Floyd County shall be utilized by the city to obtain a warrant for entry and inspection as provided in this chapter. If the owner and/or tenant does not consent, the Rental Housing Officer shall request a warrant of entry from a court of appropriate jurisdiction to conduct an inspection of the rental unit to determine whether the rental unit complies with this chapter. The Rental Housing Officer, or his or her designee, shall conduct an inspection, as authorized by such warrant of entry. The Common Council has determined that the Inspections provided in this chapter for all rental units constitutes a reasonable method to protect the health, safety, and welfare of its citizens.

§ 160.09 INSPECTION FEES.

In the event that the initial inspection reveals any violation of this chapter or other applicable City Ordinances the owner shall be subject to penalties as permitted and charged a re-inspection fee of \$50.00. Failure to pay any inspection fees shall be considered a violation with respect to §160.11.

§ 160.10 NOTIFICATION OF DEFICIENCIES TO LANDLORD; REINSPECTIONS.

(A) In the event any inspection reveals a deficiency with the application of the codes referenced herein or other City Ordinances, the Rental Housing Officer shall within ten days from the date of the inspection notify the owner of the rental unit of the deficiencies. Such notice of deficiencies shall:

- (1) Be in writing;
- (2) Shall include a description of the real estate sufficient for identification;
- (3) State the reason or reasons why the notice is being issued including a reference to any sections of the Rental Housing Code that have been violated;
- (4) Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with provisions of this subchapter; and
- (5) Include an explanation of the owner's right to seek modification or withdrawal of the notice by petition to the Board of Public Works and Safety.

(B) The notice prescribed above shall be deemed to be properly served upon the owner or his or her agent at the address shown on the registration application.

(C) A re-inspection shall be conducted after the end of the above-referenced compliance time frame. If the Rental Housing Officer finds that compliance with all noted violations has not been accomplished, the Rental Housing Officer may commence proceedings to suspend and/or revoke the registration and Rental Permit for the premises.

(D) Any additional re-inspection performed after the expiration of the compliance time frame and the first re-inspection shall be assessed a fee of \$75 per rental unit to be inspected unless exempted by State Code. Failure to pay any re-inspections fees shall be considered a violation with respect to §160.11.

§ 160.11 PROBATION, SUSPENSION OR REVOCATION OF RENTAL PERMITS.

(A) Probation. Based upon charges filed by the Rental Housing Officer, the Board of Public Works and Safety may, if it determines the charges to be true by a preponderance of the evidence, impose up to three year probation for the Rental Permit for any premises found to be under the following circumstances:

(1) If there is an adjudication of three or more violations of the City Code or Indiana Criminal Code on the property within one year, unless the owner was the party reporting the violation or, unless the owner or owner's agent has evicted the tenants;

(2) An adjudication that the owner, owner's agent or person acting on behalf of the owner has violated § 160.13 or § 160.14 of this chapter.

(B) Suspension. Based upon charges filed by the Rental Housing Officer, the Board of Public Works may, if it determines the charges to be true by a preponderance of the evidence, impose up to a 120 day suspension of the Rental Permit for any premises found to be under the following circumstances:

(1) One or more additional bases exist that would support the imposition or probation within one year of any other sanctions being imposed under this section and the owner has not taken appropriate corrective action.

(2) An adjudication that the owner, owner's agent, or person acting on behalf of the owner has:

Knowingly violated the maximum occupancy provisions set forth in the rental housing Code

(a) Illegally used or allowed the illegal use of non-habitable or non-occupiable space;

(b) Illegally converted space to occupiable or habitable use or illegally added an additional rental unit to the property;

(c) Violated the provisions of § 160.04 (rental certificate required);

(d) Failed to correct any code violation at the property affecting health and safety within the time allowed;

(e) Provided the Rental Housing Officer or his or her designee with any false or materially incomplete information in connection with the property or the registration permit.

The suspension shall begin upon the vacation of the rental unit. The owner shall take all legal steps necessary to vacate the rental unit as soon as possible.

(C) Revocation. Based upon charges filed by the Rental Housing Officer, the Board of Public Works and Safety may, if it determines the charges to be true by a preponderance of the evidence, permanently revoke the Rental permit for any premises under the following circumstances:

(1) Any occupancy during or payment of rent for the period of any suspension under § 160.11(B); or

(2) Within three years after suspension, any further occurrence or violation that would be grounds for a suspension of the registration permit.

(D) The Rental Housing Officer shall prepare and file charges with the Board of Public Works and Safety specifying the specific violation and relief requested. Such charges and notice of a hearing shall be served upon the owner or his or her agent by certified mail, return receipt requested to the address of record.

(E) The Board of Public Works and Safety shall set a date for hearing of the charges, not less than ten days after mailing of the notice. The Board of Public Works and Safety shall hear the evidence and argument of the Rental Housing Officer and the owner. After the hearing, the Board of Public Works and Safety shall make a written decision supported by findings. The decision of the Board of Public Works and Safety may be appealed to a court of general jurisdiction in Floyd County within 30 days of the decision.

(F) Following the permanent revocation of a Rental Permit by the Board of Public Works and Safety, an owner may apply to the city for the issuance of a new Rental Permit. As part of the application process for a new registration permit the owner shall permit the Rental Housing Officer to inspect each rental unit and/or premises wherein the registration permit was previously revoked to determine compliance with the requirements of this chapter.

§ 160.12 RENTAL HOUSING OFFICER.

The City Building Commissioner or his/her designee shall act as the Rental Housing Officer or his designee. The decisions of the Rental Housing Officer may be appealed to the Board of Public Works and Safety on petition filed with the Board within 20 days after hand delivery or mailing, whichever occurs first, of the Rental Housing Officer 's decision.

§ 160.15 RENTAL HOUSING FUND ESTABLISHED.

(A) The Common Council hereby establishes a Rental Housing Fund.

(B) The Rental Housing Officer and/or his or her designee(s) shall be named and have the authority for the collection, allocation and expenditure (as approved by the Common Council) of all costs associated with the administration of the rental housing program.

RENTAL HOUSING CODE

§ 160.30 RENTAL HOUSING CODE.

There is established the Rental Housing Code, the purpose of which is to protect community neighborhoods and the public health, safety and welfare in all existing and new rental buildings, rental units and premises by:

(A) Establishing minimum maintenance standards for rental buildings and rental units and premises; for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space, use and location; and for safe and sanitary maintenance of rental buildings and rental units;

(B) Fixing the responsibilities of owners, operators and occupants of rental buildings and rental units

(C) Providing for administration, enforcement and penalties.

§ 160.31 INTENT.

(A) The provisions of the Rental Housing Code shall be construed liberally to insure the public health, safety and welfare insofar as they are affected by the maintenance of structures and premises.

(B) The provisions of the Rental Housing Code shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe standards other than are provided herein.

(C) All other provisions of the Municipal Code of the city relating to building maintenance, including, but not limited to, Chapter 154 of the Municipal Code, entitled Property Maintenance Code, are incorporated by reference as if fully set forth herein.

(D) Any repairs or alterations to a structure, or changes of use therein, which may be caused directly or indirectly by the enforcement of the Rental Housing Code shall be done in accordance with the procedures and provisions of this chapter, the Municipal Code and the City of New Albany

(E) The provisions of this chapter shall not be construed as abolishing or impairing existing remedies available to the city relating to the removal or demolition of any buildings that are deemed dangerous, unsafe or unsanitary.

§ 160.32 DEFINITIONS.

All of the definitions set forth in § 160.02 are hereby incorporated by reference into the Rental Housing Code as if set forth fully herein. All definitions set forth in § 160.02 shall apply herein unless the context clearly indicates or requires a different meaning.

§ 160.33 STRUCTURES.

(A) This chapter establishes minimum requirements for the initial and continued occupancy and use of all rental buildings, rental units and premises and does not replace or modify requirements otherwise established by ordinance which may be additional to or more stringent than the provisions contained herein for the construction, repair, alteration, or use of structures, equipment or facilities.

(B) This chapter shall apply to all rental buildings, rental units and premises whether or not existing at the time this chapter is adopted.

§ 160.34 ENFORCEMENT AUTHORITY.

It shall be the duty and responsibility of the Rental Housing Officer and his or her designee(s) to enforce the provisions of this chapter.

§ 160.35 DUTIES AND POWERS OF THE RENTAL HOUSING OFFICER.

(A) General. The Rental Housing Officer shall enforce all of the provisions of the Rental Housing Code relative to the maintenance of rental buildings, rental units and premises, except as may otherwise be specifically provided for by other regulations, ordinances or laws.

(B) Notices and orders. The Rental Housing Officer shall issue all necessary notices and orders to abate illegal or unsafe conditions to insure compliance with the Rental Housing Code requirements for the safety, health and general welfare of the public.

(C) Inspections. In order to safeguard the safety, health and welfare of the public, the Rental Housing Officer, or his or her designee, is authorized to enter any rental building, rental unit or premises at any

reasonable time for the purpose of making inspections and performing duties under this chapter in accordance with § 160.08 hereof. Provided that, should consent to enter not be voluntarily given, application for an inspection warrant shall be made pursuant to the provisions of § 160.08 hereof.

(D) Coordination of enforcement. Whenever, in the opinion of a Rental Housing Officer, or his or her designee, it is deemed necessary or desirable to have inspections made by any other city department, the Rental Housing Officer, or his or her designee, shall arrange for such inspections. He or she shall make reasonable effort to arrange for the coordination of inspections to minimize the number of visits by inspectors, and to confer with the other departments for the purpose of eliminating conflicting orders before any are issued. A department shall not, however, delay the issuance of any emergency order, notice or citation which it determines must be issued.

(E) Rule making authority. Upon the recommendation of the Rental Housing Officer, the Board of Public Works and Safety shall have those powers as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this chapter to secure its intent, but such rules shall not have the effect of waiving requirements specifically provided in this chapter or of violating accepted practice involving public safety. Prior to taking effect, such rules and regulations must be approved by the Common Council by Resolution.

§ 160.36 NOTICES AND ORDER.

Notice to owner or to person or persons responsible. Whenever the Rental Housing Officer or his or her designee determines that there has been a violation of this chapter , or has a reasonable belief that a violation has occurred, the Rental Housing Officer shall give notice to the owner or his or her agent in conformance with § 160.10.

§ 160.37 SCOPE: TENSE AND DEFINITION OF TERMS.

(A) Scope. Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section.

(B) Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

(C) Terms defined in other codes. Where terms are not defined in this subchapter and are defined in the building, electrical, plumbing and/or mechanical codes otherwise adopted by this code they shall have the same meanings ascribed to them as in those codes.

(D) Terms not defined. Where terms are not defined under the provisions of this subchapter or under the provisions of the building, electrical, plumbing and/or mechanical codes they shall have ascribed to them their ordinarily accepted meaning, or such as the context herein may imply.

§ 160.38 APPLICABILITY OF REQUIREMENTS.

(A) Scope. The provisions of this chapter shall govern the minimum standards for maintenance of rental buildings and rental units within the city.

(B) Responsibility. The owner of the premises shall maintain such properties in compliance with these requirements. A person shall not let to another for occupancy or use premises which do not comply with the following requirements of this chapter.

§ 160.39 PREMISES CONDITION.

All rental units in within the City shall abide and comply with the current building codes and requirements as outlined in City Ordinance Building Code § 150 et al. (as may be amended).

§ 160.43 SPACE, USE AND LOCATION REQUIREMENTS.

Every rental unit shall contain at least 120 square feet of floor space for the first occupant thereof and at least 1 00 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.

(A) Sleeping rooms. In every rental unit of two or more rooms, every room occupied for sleeping purposes shall contain at least 70 square feet of floor space.

(B) Ceiling height. At least one-third of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purposes of determining the maximum permissible occupancy thereof.

(C) Prohibited occupancy. Kitchens and non-habitable spaces shall not be used for sleeping purposes.

(D) Overcrowding. The number of persons occupying a rental unit shall not create conditions that endanger the life, health, safety or welfare of occupants.

(E) Food preparation. Every space occupied for food preparation purposes shall contain suitable space and equipment to store, prepare, and serve foods in sanitary manner.

§ 160.46 FIRE SAFETY.

(A) Scope. The provisions of this section shall govern the minimum fire safety facilities and equipment required. All rental buildings shall be constructed and maintained to prevent and avoid fire hazards, and in a manner conducive to fire safety. All fire safety facilities and equipment shall comply with the requirements herein prescribed insofar as they are applicable.

(B) Responsibility. The owner of all rental buildings shall provide and maintain such fire facilities and equipment in compliance with these requirements and the Fire Prevention Code. A person shall not let to another for occupancy or use any premises which do not comply with following requirements of this section.

(C) Means of egress.

(1) General. A safe, continuous and unobstructed means of egress shall be provided from the interior of a rental building to the exterior of a street, a yard, court, or passageway leading to a public open area at grade.

(2) Direct exits. Every rental unit shall have access directly to the outside or to a common corridor, and every sleeping room shall have an approved direct means of egress to the outside.

Locked doors. All doors in the required means of egress shall be readily openable from the inner side. Exits from rental units shall not lead through other such units, or through toilet rooms or bathrooms.

(F) Fire protection systems.

(1) General. All fire protection systems and equipment shall be maintained in proper operating condition at all times and in accordance with any current Fire Codes, and/or City Ordinances.

(2) Fire alarms. Fire alarms and detecting systems shall be maintained and be suitable for their respective purposes.

(3) Sprinkler heads. Sprinkler heads of fire suppression systems, if required, shall be clean, free of corrosion and paint, and not bent or damaged.

(4) Standpipe systems. Hose stations shall be identified and accessible. The hose shall be in proper position, ready for operation, dry, and free of deterioration.

(5) Smoke detectors required. The owner of each rental building shall supply all required operational smoke detectors in all rental buildings and rental units. The tenant shall ensure that each smoke detector in the rental unit remains functional and not disabled. If the smoke detector is battery operated, the tenant shall replace batteries in the smoke detectors as necessary or the tenant will be considered in violation of this ordinance. If smoke detectors are hard-wired and/or not operational, the tenant shall immediately notify the owner of the rental building.

(6) Type and placement of smoke detectors. The type, placement and maintenance of smoke detectors shall conform to the requirements of J.C. 22-11-18-1 et seq., and as that statute may, from time to time, be amended.

~~(7) Fire extinguisher required. At least a two and a half pound class ABC dry chemical fire extinguisher must be placed in the exit side of the kitchen, but not within six feet of the stove.~~

§ 160.47 RELATIONSHIP TO OTHER ORDINANCES AND STATUTES.

It is the intent of the Common Council that this chapter provide a comprehensive regulatory program for rental housing within the city. Provisions of this chapter are to be interpreted to be compatible with all other ordinances of the city, whether in effect as of the date of the adoption of this chapter or thereafter adopted. When this chapter conflicts with other ordinances, private covenants, commitments, permits, agreements, state laws, federal laws, or other regulations, the greater restriction shall control. Nothing in the City's Housing Code shall be interpreted or applied as adding additional requirements to those rental units and/or rental community units provided exemptions from inspection as set for in Indiana Code 31-1-20-4.1 (as may be amended).

§ 160.99 PENALTY.

In addition to probation, suspension and revocation of a registration permit as set forth in § 160.11 of this chapter, the Board of Public Works and Safety may impose the following penalties on any and all persons found to be in violation of this chapter:

(A) For submitting any other false or materially incomplete information on an application or any other information submitted under this chapter, a fine of up to \$500, unless the violator has been convicted of a previous violation for submitting any other false or materially incomplete information on an application or any other information submitted under this chapter, in which case the fine may be up to \$2,500;

(B) For failure to maintain a Rental Permit pursuant to § 160.07, a fine of up to \$500, unless the violator has been convicted of a previous violation for failing to maintain a rental certificate, in which case the fine shall be up to \$1,000;

(C) For failure to timely sign or submit a complete registration application a fine of up to \$100, each day a violation of this provision exists or continues to exist constituting separate and distinct violation of this chapter;

(D) For knowingly committing, permitting or allowing any over occupancy as set forth in § 160.43, a fine of up to \$200, unless the violator has been convicted of a previous violation involving over occupancy, in which case the fine shall be up to \$1,000, with each day a violation of this provision exists or continues to exist constituting a separate and distinct violation of this chapter;

(E) For rental of any dwelling unit without first obtaining or continuing to have a valid registration permit, a fine of up to \$100, unless the violator has been convicted of previous violation involving renting without a registration permit, in which case the fine shall be up to \$500, with each day a violation of this provision exists or continues to exist constituting a separate and distinct violation of this chapter;

(F) For a violation of any provision of the Rental Housing Code except as addressed elsewhere (§§ 160.30 through 160.47), a fine of up to \$500, unless the violator has been convicted of a previous violation of the Rental Housing Code, in which case the fine may be up to \$2,500. Each day a violation of the Rental Housing Code exists or continues to exist constitutes a separate and distinct violation of the Rental Housing Code.

(G) If fines are imposed by the Board of Public Works and Safety or inspections fees are not paid, then the Enforcement Officer and/or the City Attorney's Office shall file liens upon the property for the outstanding balances due.

Bill No. Z-16-02

Ordinance No.

ORDINANCE
AMENDING THE CODE OF ORDINANCES OF NEW ALBANY, INDIANA
TITLE XV CHAPTER 156
(Docket P-01-16: Thorntons, Inc., requests a PUDD at 2250 State Street)

BE IT ORDAINED by the Common Council of the City of New Albany, Indiana, under the authority of Chapter 147, Acts of 1947, and all acts amendatory thereto, of the General Assembly of the State of Indiana, that the above-referenced Title and Chapter of the Code of Ordinances of New Albany, Indiana, be and the same is hereby amended as follows:

Section 1. That the following parcel described as follows:

LEGAL DESCRIPTION
EXHIBIT A, see attached,

be changed from C-1b, Local Business, to Planned Unit Development District (PUDD P-01-16) with **EXHIBIT B**, attached; and

Section 2. The land use in this PUDD district is limited to a convenience store with gas/diesel fuel sales, and the following stipulations:

1. A speed table shall be installed on Coyle Drive, subject to approvals of the City Engineer and the New Albany Board of Public Works and Safety.
2. The dumpster enclosure shall be masonry on three sides.
3. The landscape plan is subject to New Albany Tree Board Approval. Trees around the perimeter of the property shall be no smaller than 3" caliper at breast height.
4. Lighting shall not exceed 0.2 footcandles at the property line and shall cause no glare onto adjoining properties.
5. All curb cuts are subject to approval of the New Albany Board of Public Works and Safety.
6. The applicant is responsible for perfecting the cross connection to the Wesley Commons development if such a connection can be arranged.
7. The reciprocal parking agreement put in place with the previous PUD approval is effectively waived as a result of the approval of this docket.
8. The applicant shall petition to the New Albany Common Council to vacate the abandoned sanitary sewer line on the property.
9. The sidewalk shall be extended and improved to the far eastern property line along Coyle Drive, subject to approval of the City Engineer.
10. Signage shall be included in the PUDD Secondary Review plan. There shall be no signage located on the rear elevation of the store.
11. All permits issued by the Indiana Department of Environmental Management for the removal and installation of tanks on the property shall be submitted to the staff for our files.
12. Installation of temporary structures on the property are permitted during construction.
13. Evidence that the applicant is permitted to expand onto the adjoining residential parcel via waiver of the neighborhood covenant prohibiting them from doing so, shall be submitted to the staff for our files.
14. Drainage is subject to review by the City's third party engineer.
15. An attractive wood privacy fence, not to exceed 4'0" in the required front yard setback and 6'0" along the rest of the property line, shall be shown on the PUDD Secondary Review plan.
16. There shall be a pedestrian connection installed to the Wesley Commons development.

Bill No. Z-07-

Ordinance No.

Section 3. This Ordinance shall be in full force and effect from and after its passage by the Common Council of the City of New Albany, Indiana.

PASSED and **ADOPTED** by the Common Council of the City of New Albany, Indiana, this day of

_____, 2016.

PAT McLAUGHLIN, PRESIDENT
COMMON COUNCIL CITY OF NEW ALBANY

ATTEST:

VICKI GLOTZBACH, CITY CLERK

Accepted and Approved by me this _____ day of _____, 2016.

JEFF M. GAHAN, MAYOR
CITY OF NEW ALBANY, INDIANA

ATTEST:

VICKI GLOTZBACH, CITY CLERK

RESOLUTION NO. PCR- 02-16

**RESOLUTION
of the
NEW ALBANY CITY PLAN COMMISSION
to
AMEND THE CODE OF ORDINANCES OF NEW ALBANY, INDIANA
TITLE XV, CHAPTER 156
(*Docket P-01-16: Thorntons Inc., requests a Planned Unit Development District at
2250 state Street*)**

WHEREAS, *Thorntons, Inc.* proposes an amendment of the Code of Ordinances of New Albany, Indiana, Title XV, Chapter 156 (**Docket P-01-16**, requesting the area set out in **EXHIBIT A**, attached, be changed from C-1b, Local Business to Planed Unit Development District (PUDD), which proposal (**Docket P-01-16**) is now on file with the New Albany City Plan Commission; and

WHEREAS, a Notice of a hearing on said proposal was made and had in *The (New Albany) Tribune* on February 6, 2016, fixing the hearing on said proposal for the 16th Day of February 2016, at 7:00 p.m., in Room 331 (Assembly Room), on the Third Floor of the City-County Building, New Albany, Floyd County, Indiana; and

WHEREAS, a hearing was held on February 16th, 2016, by the New Albany City Plan Commission on said proposal and all suggestions and criticisms were given careful study and consideration by said Commission; and

WHEREAS, the New Albany City Plan Commission has given careful consideration to the proposed amendment to the Code of Ordinances of New Albany in terms of the *City of New Albany and Unincorporated Two-Mile Fringe Area Comprehensive Plan Year 2020* and;

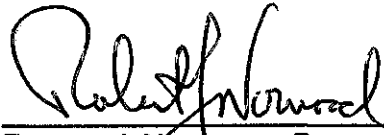
NOW, THEREFORE, BE IT RESOLVED, that the New Albany City Plan Commission hereby certifies the application for amendment to the Common Council of the Civil City of New Albany, Indiana with a favorable recommendation subject to the following conditions:

1. A speed table shall be installed on Coyle Drive, subject to approvals of the City Engineer and the New Albany Board of Public Works and Safety.
2. The dumpster enclosure shall be masonry on three sides.
3. The landscape plan is subject to New Albany Tree Board Approval. Trees around the perimeter of the property shall be no smaller than 3" caliper at breast height.
4. Lighting shall not exceed 0.2 footcandles at the property line and shall cause no glare onto adjoining properties.
5. All curb cuts are subject to approval of the New Albany Board of Public Works and Safety.
6. The applicant is responsible for perfecting the cross connection to the Wesley Commons development if such a connection can be arranged.
7. The reciprocal parking agreement put in place with the previous PUD approval is effectively waived as a result of the approval of this docket.
8. The applicant shall petition to the New Albany Common Council to vacate the abandoned sanitary sewer line on the property.
9. The sidewalk shall be extended and improved to the far eastern property line along Coyle Drive, subject to approval of the City Engineer.
10. Signage shall be included in the PUDD Secondary Review plan. There shall be no signage located on the rear elevation of the store.

11. All permits issued by the Indiana Department of Environmental Management for the removal and installation of tanks on the property shall be submitted to the staff for our files.
12. Installation of temporary structures on the property are permitted during construction.
13. Evidence that the applicant is permitted to expand onto the adjoining residential parcel via waiver of the neighborhood covenant prohibiting them from doing so, shall be submitted to the staff for our files.
14. Drainage is subject to review by the City's third party engineer.
15. An attractive wood privacy fence, not to exceed 4'0" in the required front yard setback and 6'0" along the rest of the property line, shall be shown on the PUDD Secondary Review plan.
16. There shall be a pedestrian connection installed to the Wesley Commons development.

BE IT FURTHER RESOLVED, that the Secretary of the Commission is hereby directed to submit this Resolution and the proposed amendment to the Code of Ordinances to the Common Council of the Civil City of New Albany, Indiana.

ADOPTED by the New Albany City Plan Commission this 16th day of February, 2016.



ROBERT J. NORWOOD, PRESIDENT
NEW ALBANY CITY PLAN COMMISSION

ATTEST:



SCOTT WOOD, DIRECTOR & SECRETARY

CERTIFICATION

The undersigned, the duly appointed Director and Secretary of the New Albany City Plan Commission, does hereby certify the above and foregoing to be a true and correct copy of a Resolution adopted by the New Albany City Plan Commission at its regular meeting held on February 16, 2016, with reference to **Docket P-01-16**, on file with said Commission.

A handwritten signature in black ink, appearing to read "SCOTT B. WOOD". The signature is stylized with a large, looped "S" and a distinct "B".

Scott Wood, Director & Secretary
New Albany City Plan Commission



2014 PAYABLE 2015 TAX INFORMATION - Floyd County, IN

Property : 22-05-02-700-596.000-008

Note: Some of the information provided may be incomplete. To verify please contact the Treasurer's office.

Spring Due Date: May 11, 2015

Fall Due Date: November 10, 2015

EXHIBIT A

Parcel Information	
Tax ID:	008-38300-40
Owner Name:	Thorntons, Inc.
Owner Address:	10101 Linn Station Rd. Suite 200 LOUISVILLE, KY 40223
Legal Description:	P 698; LETTER 'A' 275'

Credit Rates	
Type	Rate
Business	10.41
Circuit Breaker	2.00
CEDT	7.20

Payments				
Tax Set	Charge Type	Total Charge	Posted Payment	Balance Due
NEW ALBANY CITY	1st Installment Tax	\$10,243.45	\$10,243.45	\$0.00
NEW ALBANY CITY	2nd Installment Tax	\$10,243.45	\$10,243.45	\$0.00

Links		
Auditor	Treasurer	DLGF



2014 PAYABLE 2015 TAX INFORMATION - Floyd County, IN

Property : 22-05-02-700-597.000-008

Note: Some of the information provided may be incomplete. To verify please contact the Treasurer's office.

Spring Due Date: May 11, 2015

Fall Due Date: November 10, 2015

EXHIBIT A

Parcel Information	
Tax ID:	008-38300-13
Owner Name:	Libs, Raymond P. & Mary M.
Owner Address:	2000 Beckin Dr FLOYDS KNOBS, IN 47119
Legal Description:	P. 698 L. 14 2310 COYLE DR.

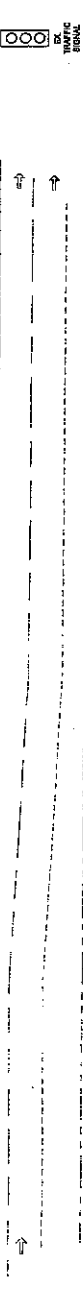
Credit Rates	
Type	Rate
Business	10.41
Circuit Breaker	2.00
CEDT	7.20

Payments				
Tax Set	Charge Type	Total Charge	Posted Payment	Balance Due
NEW ALBANY CITY	1st Installment Tax	\$698.83	\$698.83	\$0.00
NEW ALBANY CITY	2nd Installment Tax	\$698.83	\$698.83	\$0.00

Links		
Auditor	Treasurer	DLGF

[illegible]

-



Thorntons
10101 LINN STATION ROAD
LOUISVILLE, KY

RESOLUTION NO. R-16-01

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF NEW ALBANY,
INDIANA, APPROVING THE ORDER OF THE NEW ALBANY PLAN COMMISSION
AND THE AMENDMENT BY THE NEW ALBANY REDEVELOPMENT
COMMISSION OF THE DECLARATORY RESOLUTION FOR THE PARK EAST
INDUSTRIAL PARK ECONOMIC DEVELOPMENT AREA**

WHEREAS, the New Albany ("City") Redevelopment Commission ("Commission"), pursuant to IC 36-7-14, as amended ("Act"), did on February 9, 1994, adopt a declaratory resolution, as amended on September 13, 2005 and June 9, 2009 (as amended, the "Declaratory Resolution") establishing the Park East Industrial Park Economic Development Area ("Original Area"), and the Declaratory Resolution was confirmed by confirmatory resolutions adopted on May 11, 1994, on June 24, 2008 and July 1, 2009, respectively;

WHEREAS, the Declaratory Resolution approves the Economic Development Plan ("Plan") for the Original Area, which Plan contains specific recommendations for economic development in the Original Area; and

WHEREAS, the Declaratory Resolution establishes an allocation area in accordance with IC 36-7-14-39 ("Original Allocation Area") for the purposes of capturing property taxes generated from the incremental assessed value of real property located in the Original Allocation Area; and

WHEREAS, as provided in the Act, the Original Area and Original Allocation Area have previously been expanded through proper actions of the Commission, the City Plan Commission ("Plan Commission") and the City Common Council ("Common Council") and the current boundaries of the Park East Industrial Park Economic Development Area and expanded allocation area depicted on Exhibit A of the Declaratory Resolution (the "Current Area" and "Current Allocation Area"); and

WHEREAS, on January 26, 2016, the Commission adopted its amending Declaratory Resolution ("Amendatory Declaratory Resolution"), for the purpose of adding parcels ("2016 Area") to the Original Area, which constitutes an enlargement of the boundaries of the Original Area ("Consolidated Area"); and

WHEREAS, the Commission submitted the Amendatory Declaratory Resolution and supporting data to the Plan Commission and the Plan Commission has issued its written order approving the Amendatory Declaratory Resolution; and

WHEREAS, in accordance with Indiana Code 36-7-14-16(b), the Amendatory Declaratory Resolution adopted by the Commission and the Order of the Plan Commission have been submitted to the Common Council for approval; and,

WHEREAS, after being fully advised in the matter,

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF NEW ALBANY, AS FOLLOWS:

- SECTION I.** The Amendatory Declaratory Resolution and its exhibits are in all respects approved, ratified and confirmed by the Common Council of the City of New Albany.
- SECTION II.** The Order of the Plan Commission, adopted on February 16, 2016 approving the Amendatory Declaratory Resolution is in all respects approved, ratified and confirmed by the Common Council.
- SECTION III.** The revision of the Park East Industrial Park Economic Development Area to add certain parcels to the Current Area each are, in all respects, approved, ratified and confirmed by the Common Council.
- SECTION IV.** The Clerk of the City of New Albany is hereby directed to file a copy of the Amendatory Declaratory Resolution and the Order of the Plan Commission with the permanent minutes of this meeting.
- SECTION V.** This Resolution shall be in full force and effect immediately upon its adoption.

Considered and adopted by the Common Council of the City of New Albany on the 7th day of March, 2016.

Patrick McLaughlin, Presiding Officer

Attest:

Vicki Glotzbach, City Clerk

Presented by me to the Mayor of the City of New Albany at _____.m., on the ____ day of March, 2016.

Vicki Glotzbach, City Clerk

This Resolution approved and signed by me, the Mayor of the City of New Albany, at _____.m., on the ____ day of March, 2016.

Jeff M. Gahan, Mayor

Attest:

Vicki Glotzbach, City Clerk

PCR-16-01

**ORDER OF THE NEW ALBANY CITY PLAN COMMISSION
DETERMINING THAT AN AMENDATORY DECLARATORY
RESOLUTION APPROVED AND ADOPTED BY THE
NEW ALBANY REDEVELOPMENT COMMISSION CONFORM TO THE
COMPREHENSIVE PLAN**

WHEREAS, the New Albany ("City") Redevelopment Commission ("Commission") did, on February 9, 1994, adopt a declaratory resolution, as amended on September 13, 2005, and June 9, 2009 (collectively, as amended, "Declaratory Resolution") initially establishing and expanding the Park East Industrial Park Economic Development Area ("Area") as an economic development area and subject to economic development activities pursuant to IC 36-7-14 and IC 36-7-25 and all acts supplemental and amendatory thereto ("Act") and establishing and expanding an allocation area coterminous with the Area ("Allocation Area").

WHEREAS, the Declaratory Resolution approved the Economic Development Plan, as amended ("Original Plan") for the Area which Original Plan contained specific recommendations for economic development in the Area;

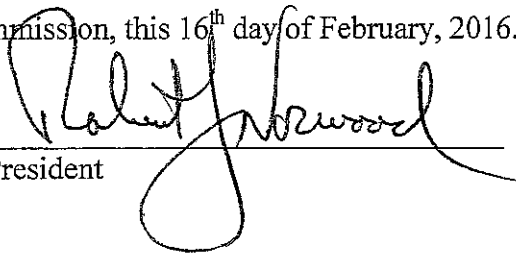
WHEREAS, on January 26, 2016, the Commission adopted Amendatory Resolution No. RC-02-16 ("Amendatory Declaratory Resolution"), for the purpose of adding additional property to the Original Area, which constitutes an enlargement of the boundaries of the Original Area ("Consolidated Area") in the Allocation Area; and

WHEREAS, the Act requires approval of the Amendatory Declaratory by the New Albany City Plan Commission ("Plan Commission");

NOW, THEREFORE, BE IT ORDERED BY THE NEW ALBANY CITY PLAN COMMISSION, AS FOLLOWS:


1. The Plan for the Consolidated Area conforms to the comprehensive plan of development for the City.
2. The Plan for the Consolidated Area is in all respects approved, ratified and confirmed.
3. The Secretary of the Plan Commission is hereby directed to file a copy of the Amendatory Declaratory Resolution containing the Plan with the permanent minutes of this meeting.

Passed by the New Albany City Plan Commission, this 16th day of February, 2016.



President

ATTEST:



Secretary

AMENDATORY RESOLUTION NO. RC-02-16

**AMENDING DECLARATORY RESOLUTION OF THE
NEW ALBANY REDEVELOPMENT COMMISSION FURTHER AMENDING THE
DECLARATORY RESOLUTION ADOPTED FEBRUARY 9, 1994,
(AS PREVIOUSLY AMENDED) REGARDING THE
PARK EAST INDUSTRIAL PARK ECONOMIC DEVELOPMENT AREA**

WHEREAS, the New Albany ("City") Redevelopment Commission ("Commission"), pursuant to IC 36-7-14, as amended ("Act"), did on February 9, 1994, adopt a declaratory resolution, as amended on September 13, 2005 and June 9, 2009 (as amended, the "Declaratory Resolution") establishing the Park East Industrial Park Economic Development Area ("Original Area"), and the Declaratory Resolution was confirmed by confirmatory resolutions adopted on May 11, 1994, on June 24, 2008 and July 1, 2009, respectively;

WHEREAS, the Declaratory Resolution approves the Economic Development Plan ("Plan") for the Original Area, which Plan contains specific recommendations for economic development in the Original Area; and

WHEREAS, the Declaratory Resolution establishes an allocation area in accordance with IC 36-7-14-39 ("Original Allocation Area") for the purposes of capturing property taxes generated from the incremental assessed value of real property located in the Original Allocation Area; and

WHEREAS, as provided in the Act, the Original Area and Original Allocation Area have previously been expanded through proper actions of the Commission, the City Plan Commission ("Plan Commission") and the City Common Council ("Common Council") and the current boundaries of the Park East Industrial Park Economic Development Area and expanded allocation area are depicted on Exhibit A (the "Current Area" and "Current Allocation Area"); and

WHEREAS, IC 36-7-14-17.5 authorizes the Commission to further amend the Declaratory Resolution after conducting a public hearing if it finds that:

(1) the amendment is reasonable and appropriate when considered in relation to the Declaratory Resolution and the Plan for purposes of the Act; and

(2) the Declaratory Resolution and the Plan, with the proposed amendment, conform to the comprehensive plan for the City; and

WHEREAS, the Commission now desires to (a) add various properties as described in Exhibit B (the "2015 Area") to the Current Area and Current Allocation Area (the new combined area and allocation area, including both the Current Area and the 2015 Area, hereafter referred to as the "Expanded Area") which will enlarge the boundaries of the Current Area and Current

Allocation Area, and (b) add the construction of certain local public improvements to the project list as set forth in Exhibit C attached hereto; and

WHEREAS, the Commission has prepared a plan for the 2015 Area which is attached hereto as Exhibit D (the "2015 Plan") and incorporated by reference in this Resolution;

WHEREAS, the Commission has caused to be prepared:

(1) Maps and plats showing:

(A) the boundaries of the 2015 Area and the Expanded Area, the location of various parcels of property, streets, alleys, and other features affecting the acquisition, clearance, replatting, replanning, rezoning or economic development or redevelopment of the Expanded Area, indicating any parcels of property to be excluded from the acquisition; and

(B) the parts of the areas that are to be devoted to public ways, levees, sewerage, parks, playgrounds, and other public purposes under the Plan; and

(2) Lists of the owners of the various parcels of property proposed to be acquired if any; and

(3) An estimate of the cost of redevelopment and economic development; and

WHEREAS, the Commission has caused to be prepared a factual report ("Report") in support of the findings contained in this Resolution, which Report is attached hereto as Exhibit E and incorporated by reference in this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE NEW ALBANY REDEVELOPMENT COMMISSION THAT:

(1) The Declaratory Resolution and the Plan are hereby further amended to: (i) enlarge the boundaries of the Current Area and Current Allocation Area to include the 2015 Area as shown in Exhibit A; (ii) amend the Plan as attached hereto; and (iii) to authorize the Commission to contract for the construction of certain local public improvements in, serving or benefiting the Expanded Area as set forth in Exhibit C. For all purposes except for determining the base assessment date and expiration of the allocation provision applicable to the 2015 Area as set forth in Section 2, the Expanded Area shall be treated as one unified economic development area and allocation area under the Act.

(2) This paragraph shall be considered the allocation provision for the purposes of I.C. 36-7-14-39. The entire 2015 Area shall constitute an allocation area in accordance with I.C. 36-7-14-39 for the purposes of the allocation and distribution of property taxes in the manner provided in I.C. 36-7-14-39. This allocation provision applicable to the 2015 Area shall expire no later than twenty-five (25) years after the date on which the first obligation is incurred to pay principal and interest on bonds or lease rentals on leases payable from tax increment revenues

attributable to the 2015 Area, as provided in I.C. 36-7-14-39. The base assessment date for property in the 2015 Area shall be March 1, 2015.

(3) The Commission now finds and determines that the allocation provision applicable to the 2015 Area that is adopted by this Resolution will result in new property taxes in the 2015 Area that would not have been generated but for the adoption of such allocation provision.

(4) The Commission now finds and determines that the establishment of the Expanded Area and the amendments to the Plan will be of public utility and benefit the public health and welfare, and will help accomplish the 2015 Plan for economic development and redevelopment in the Expanded Area, as established by the Declaratory Resolution and enlarged and amended by this Resolution.

(5) The Commission now finds and determines that the amendments to the Declaratory Resolution are reasonable and appropriate when considered in relation to the Declaratory Resolution and the Plan and the purposes of the Act. The Commission further finds that the Declaratory Resolution and the Plan, with the proposed amendments, conform to the comprehensive plan of the City.

(6) The Commission hereby adopts all of the information contained in the Report, attached hereto as Exhibit E, in support of the findings set forth in this Resolution.

(7) The Commission does not currently propose to acquire interests in real property within the boundaries of the Expanded Area. If the Commission determines that it is necessary to acquire real property in the Expanded Area, it will amend the Plan and this Resolution prior to any acquisition.

(8) The Commission estimates that the cost of implementing the 2015 Plan in the Expanded Area will not exceed 0 Dollars (\$0), and that the Commission may issue certain obligations to finance the costs of implementing the 2015 Plan.

(8) The Commission finds that no residents of the Expanded Area will be displaced by any project resulting from the 2015 Plan; and, therefore, the Commission finds that it does not need to give consideration to transitional and permanent provisions for adequate housing for the residents.

(9) All of the rights, powers, privileges, and immunities that may be exercised by the Commission in a redevelopment area or urban renewal area may be exercised by the Commission in the Expanded Area, subject to the limitations in IC 36-7-14-43.

(10) The presiding officer of the Commission is hereby authorized and directed to submit this Resolution, together with the Declaratory Resolution, the Plan, the 2015 Plan and the Report to the Plan Commission and the Common Council for their respective approvals.

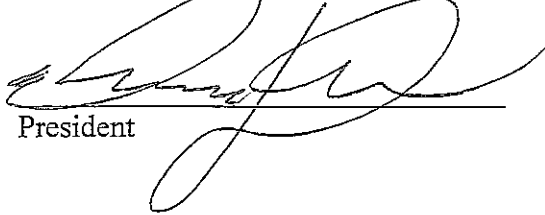
(11) The Commission also directs the presiding officer, after receipt of the written order of approval of the Plan Commission and the approval of the Plan Commission's order by the Common Council, to publish notice of the adoption and substance of this resolution in accordance with IC 5-3-1-4 and to file notice with the Plan Commission, the Board of Zoning

Appeals, the Board of Public Works, the Park Board, the Building Commissioner and any other departments or agencies of the City concerned with unit planning, zoning variances, land use or the issuance of building permits. The notice must state that maps and plats have been prepared and can be inspected at the office of the City's department of redevelopment and must establish a date when the Commission will receive and hear remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and will determine the public utility and benefit of the proposed project. Copies of the notice must also be filed with the officer authorized to fix budgets, tax rates and tax levies under IC 6-1.1-17-5 for each taxing unit that is either wholly or partly located within the Expanded Area.

(12) This Resolution is effective upon passage.

Adopted this 21st day of January, 2016.

NEW ALBANY REDEVELOPMENT COMMISSION


President

ATTEST:


Secretary

Exhibit A

(Map depicting Current, Expanded, and 2015 Areas)



Exhibit B

(Description of 2015 Area)

A part of the Southwest Quarter of Section 15, Township 2 South, Range 6 East, 2nd Principal Meridian, Floyd County, Indiana more particularly described as follows;

Commencing at the Northeast corner of the Southwest Quarter of said Section 15; thence South 87 degrees 40 minutes 34 Seconds West along the North line of said Southwest Quarter 15.01 feet to the West right of way line of Green Valley Road; thence South 00 degrees 12 minutes 09 seconds East along said West line 114.49 feet; thence South 87 degrees 57 minutes 31 seconds West 15.00 feet to the Northwest corner of Parcel 117 of Document #980007756 recorded in the Office of the Recorder of Floyd County, Indiana and the Point of Beginning; thence South 00 degrees 12 minutes 09 seconds East along the west line of said Document #980007756 a distance of 567.04 feet to the North line of Parcel 114 of Document #98000732 recorded in said Recorder's Office; thence North 89 degrees 49 minutes 06 seconds West along said North line 3.20 feet to the Northwest corner thereof; thence South 00 degrees 11 minutes 58 seconds East along the West line of said Document #98000732 a distance of 371.25 feet to the North line of Green Valley Heights, recorded as Plat No. 751 in said Recorder's Office; thence North 89 degrees 49 minutes 06 seconds West along said North line 551.78 feet to the Southeast corner of Regency Woods, recorded as Plat No. 974 in said Recorder's Office; thence North 00 degrees 17 minutes 06 seconds West along the East line of said Regency Woods 371.25 feet to the Northeast corner thereof; thence North 89 degrees 49 minutes 06 seconds West along the North line of said Regency Woods and along the North line of Morton Estates, recorded as Plat No. 1088 in said Recorder's Office a distance of 2123.50 feet to the West line of said Southwest Quarter; thence North 00 degrees 23 minutes 32 seconds West along said West line 320.84 feet to the Southwest corner of Document #920010301 recorded in said Recorder's Office (the following three courses are along the South and East boundaries of said Document #920010301); (1) thence North 87 degrees 56 minutes 30 seconds East 2471.62 feet; (2) thence North 00 degrees 16 minutes 20 seconds West 141.46 feet; (3) thence North 87 degrees 57 minutes 31 seconds East 210.00 feet to the Point of Beginning, containing 28.346 acres, more or less.

Exhibit C

(List of Improvement Projects)

NONE

Exhibit D

(2015 Economic Development Plan)

NEW ALBANY REDEVELOPMENT COMMISSION
AMENDED AND RESTATED
ECONOMIC DEVELOPMENT PLAN
FOR THE CONSOLIDATED AREA

Purpose and Introduction.

This document is the Economic Development Plan ("Plan") for the Consolidated Area ("Area") for the City of New Albany ("City") supplementing and amending the plan for the Area approved on February 9, 1994, as amended on September 13, 2005, and as further amended on February 26, 2008. It is intended for approval by the Common Council, the New Albany City Plan Commission and the New Albany Redevelopment Commission ("Commission") in conformance with IC 36-7-14. This Plan amends the economic development plan approved by the Declaratory Resolution approved by the Commission on February 9, 1994, as amended on September 13, 2005 and as further amended on February 26, 2008 (and confirmed on May 11, 1994).

Project Objectives.

The purposes of the Plan are to benefit the public health, safety, morals, and welfare of the citizens of the City; increase the economic well-being of the City and the State of Indiana; and serve to protect and increase property values in the City and the State of Indiana. The Plan is designed to: (i) promote significant opportunities for the gainful employment of citizens of the City; (ii) attract a major new business enterprise to the City; (iii) retain or expand existing significant business enterprises to the City; (iv) provide for local public improvements in the Area; (v) remove improvements or conditions that lower the value of the land in the Area below that of nearby land; (vi) resolve problems associated with multiple ownership of land; (vii) attract and retain permanent jobs; (viii) increase the property tax base; and (ix) improve the diversity of the economic base of the City.

The factual report attached to this Plan contains the supporting data for the above declared purposes of the Plan.

Description of Project Area.

The Consolidated Area is located in the City and is described as that area contained in the maps and plats attached to the Amendatory Declaratory Resolution as Exhibit A-2. The general description of the Area is as follows:

- (a) Industrial Park North.
- (b) Industrial Park South.
- (c) Conway Museum property and several other parcels.

Project Description.

The economic development of the Consolidated Area will proceed in phases (yet to be determined), described as follows ("Projects"):

Redevelopment of Old Conway/Old Fire Equipment Purchase: \$800,000
Industrial Park North Improvements: \$700,000
Industrial Park South Improvements: \$600,000
Grantline Rd., Improvements (McDonald Lane to Mt. Tabor Road); including detour:
\$300,000

All Projects are in, serving or benefiting the Area.

Acquisition of Property.

The Commission has no present plans to acquire any interests in real property in the Consolidated Area. If the Commission desires to acquire property in the future, the Commission shall amend this Plan and shall follow procedures in IC 36-7-14-19 in any future acquisition of property. The Commission may not exercise the power of eminent domain in an economic development area.

Procedures with respect to the Projects.

All contracts for material or labor in the accomplishment of the Projects shall be let under IC 36-1.

In the planning and rezoning of real property acquired or to be used in the accomplishment of the Plan; the opening, closing, relocation and improvement of public ways; and the construction, relocation, and improvement of sewers and utility services; the Commission shall proceed in the same manner as private owners of the property. The Commission may negotiate with the proper officers and agencies of the City to secure the proper orders, approvals, and consents.

Any construction work required in connection with the Projects may be carried out by the appropriate municipal or county department or agency. The Commission may carry out the construction work if all plans, specifications, and drawings are approved by the appropriate department or agency and the statutory procedures for the letting of the contracts by the appropriate department or agency are followed by the Commission.

The Commission may pay any charges or assessments made on account of orders, approval, consents, and construction work with respect to the Projects or may agree to pay these assessments in installments as provided by statute in the case of private owners.

None of the real property acquired for the Projects may be set aside and dedicated for public ways, parking facilities, sewers, levees, parks, or other public purposes until the Commission has obtained the consents and approval of the department or agency under whose jurisdiction the property will be placed.

Disposal of Property.

The Commission may dispose of real property acquired, if any, by sale or lease to the public after causing to be prepared two (2) separate appraisals of the sale value or rental value to be made by independent appraisers. However, if the real property is less than five (5) acres in size and the fair market value of the real property or interest has been appraised by one (1) independent appraiser at less than Ten Thousand Dollars (\$10,000), the second appraisal may be made by a qualified employee of the Department of Redevelopment. The Commission will prepare an offering sheet and will maintain maps and plats showing the size and location of all parcels to be offered. Notice will be published of any offering in accordance with IC 5-3-1. The Commission will follow the procedures of IC 36-7-14-22 in making a sale or lease of real property acquired.

Financing of the Projects.

It is the intention of the Commission to issue bonds payable from incremental ad valorem property taxes allocated under IC 36-7-14-39 in order to raise money for completion of the Projects in the Consolidated Area. The amount of these bonds may not exceed the total, as estimated by the Commission of all expenses reasonably incurred in connection with the Projects, including:

- (1) The total cost of all land, rights-of-way, and other property to be developed;
- (2) All reasonable and necessary architectural, engineering, construction, equipment, legal, financing, accounting, advertising, bond discount and supervisory expenses related to the acquisition and development of the Projects or the issuance of bonds;
- (3) Interest on the bonds (not to exceed 5 years from the date of issuance) and a debt service reserve for the bonds to the extent the Commission determines that a reserve is reasonably required; and
- (4) Expenses that the Commission is required or permitted to pay under IC 8-23-17.

In the issuance of bonds the Commission will comply with IC 36-7-14-25.1.

As an alternative to the issuance of bonds or in conjunction with it, the Commission may enter into a lease of any property that could be financed with the proceeds of bonds under IC 36-7-14. The lease is subject to the provisions of IC 36-7-14-25.2 and IC 36-7-14-25.3.

Amendment of the Plan.

By following the procedures specified in IC 36-7-14-17.5, the Commission may amend the Plan for the Consolidated Area. However, any enlargement of the boundaries of the Consolidated Area must be approved by the Common Council.

Exhibit E

Factual Report

The allocation provision applicable to the 2015 Area will result in new property taxes in the 2015 Area that would not have been generated but for the adoption of such allocation provision.

Certain redevelopment projects expected in the 2015 Area will not occur without the amendment to the Original Area described in this resolution.

The establishment of the Expanded Area and the amendments to the Plan will be of public utility and benefit the public health and welfare, and will help accomplish the 2015 Plan for economic development and redevelopment in the Expanded Area.

The expected redevelopment projects in the 2015 Area will increase the job opportunities and increase the further development of the Expanded Area and will grow the tax revenue for the City.

The amendments to the Declaratory Resolution are reasonable and appropriate when considered in relation to the Declaratory Resolution and the Plan and the purposes of the Act. The Commission further finds that the Declaratory Resolution and the Plan, with the proposed amendments, conform to the comprehensive plan of the City.

The amendments made by this Amending Declaratory Resolution further the plan for redevelopment of the Area by encouraging the expansion of existing business and fostering business growth in the Area and are consistent with the Plan and the comprehensive plan of the City.