

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,  
INDIANA, HELD A REGULAR COUNCIL MEETING VIA ZOOM ON  
THURSDAY, JULY 16, 2020 AT 7:00 P.M.**

**MEMBERS PRESENT:** Council Members: Mrs. Collier, Mr. Phipps, Mr. McLaughlin, Mr. Turner, Mr. Blair, Mr. Aebersold, Mr. Applegate, Dr. Knable and President Caesar.

**ALSO PRESENT:** Ms. Stein, Mr. Gibson and Mrs. Glotzbach.

**President Caesar** called the meeting to order at 7:00 p.m.

**MOMENT OF REFLECTION:**

**Mr. Caesar** stated that all thoughts and prayers go out to everyone who has experienced this horrible COVID-19 that has devastated our country. He also wanted to give a big shout out to all first responders who put themselves on the line every day.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

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

**Mr. Phipps** moved to approve the Regular Meeting Minutes for July 7, 2020, **Mr. McLaughlin** second, all voted in favor.

**COMMUNICATIONS – COUNCIL:**

**Mr. Caesar** stated that the budget is coming along and we will have our first budget meeting on Monday, August 3<sup>rd</sup> at 5:00 p.m. and he will let everyone know as soon as possible how and where we can have that.

**Dr. Knable** stated that for people that get the Tribune, it's worth picking up a copy tonight because there is a nice letter to the Class of 2020 from Steve and Linda Bonifer with some very nice sentiments for the time.

**Mr. Aebersold** stated that ever since the Sherman Bridge Project started, he has been wrestling with doing something about the tolls for the people who are going to have travel those and are not used to it. He said that he has sent suggestions to INDOT twice. He stated that at the next meeting, he would like to have a resolution regarding this and asked that any members with suggestions get in touch with either Ms. Stein or himself. He said that he is looking for ideas to have the tolls reduced or eliminated for the people in our area that will have to travel that way 10-12 times a week. He stated that there will be a lot of money involved for those people who are not used to tolls and have always traveled the Sherman Minton Bridge.

**Dr. Knable** stated that is a good idea and that there are multiple government entities involved in that so we probably need to broaden the scope of that resolution and include the governor, the state representatives as well as the congressional and senate representatives on that. He said that there is federal money involved in that so there are federal bondholders so for them to suspend any of those tolls it will literally take an act of congress but it is worth a try and he agrees with the ask.

**Mr. McLaughlin** stated that he thought the same thing as far as what that will entail but he also has a bit of an idea. He asked if they could look at some kind of extra deduction on next year's taxes for those people who are affected. He added that he was the sponsor on the resolution against tolls on the Kennedy Bridge and now we are going to have even more repercussions on that decision that has been made.

**Mr. Caesar** stated that he thinks this resolution is a great idea and right now is a great time to do it.

**Mr. Phipps** stated that after consulting with the council attorney, he has decided to table Z-20-01 because the venue of our meeting changed rather abruptly yesterday and he doesn't think it was sufficient time for the public to become aware of the change. He said that he doesn't want a claim later on that we made an invalid decision and that is to protect both sides on this issue. He added that it is on a 90-day timeframe but that will not expire until mid-September so we still have three meetings before that. He also added that wherever we will be meeting for the next meeting, it can be advertised with sufficient time so that all parties, both those that support and those who oppose, have a fair opportunity to be here whether it be by Zoom or at another venue.

**COMMUNICATIONS – MAYOR:**

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

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

**Mr. Applegate** stated that Police Chief Bailey contacted him because of the Traffic and Safety Committee and said that they will be receiving their speed radar trailer tomorrow and will immediately put it out in the field. He explained that it catches radar, analyzes speed, captures a lot of statistical data and gathers information so it should be an extremely valuable tool.

**Mr. Turner** asked how many of those are there.

**Mr. Applegate** stated that he has no idea.

**Mr. Turner** asked how the traffic study stuff is coming along and if we are making any progress there.

**Mr. Applegate** stated that they still haven't heard back on getting the process from Clark Dietz because they have offered up on how they gather information. He said that once they receive that information, the group will meet again and be able to formulate a process pretty quickly and bring it before the council. He added that he has spoken with the board of works and the administration just to let everyone know where they are at and everyone is in agreement to look at the process and get it right so we have a good tool to go by.

**Mr. Turner** asked if Clark Dietz got paid for that and if there was a bidding process for it.

**Mr. Applegate** stated that it was pro bono and is just advice and is nothing contractual.

**Mr. Blair** stated that the data collection is what they are going to help us with and it could evolve into a contract on a consulting basis but right now they have just volunteered to help us get things started.

**Mr. Turner** stated that is good to know because there is no such thing as a free lunch so pro bono and the government really turns some red lights on for him.

**Mr. Blair** stated that they have extensive contracts with the city and he thinks that they just looked at it as an extension of what they have done but it could turn into a contract with them or someone else. He said that right now they are going to take advantage of the pro bono work.

**APPROVAL OF CF-1 FORMS:**

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

Advance Fabricators Inc. (RE), Compliance with

Statement of Benefits referencing R-14-05

NYX New Albany (RE) (Formerly Beach, Mold & Tool, Inc.,  
Compliance with Statement of Benefits referencing R-12-17

NYX New Albany (PP) (Formerly Beach, Mold & Tool, Inc.,  
Compliance with Statement of Benefits referencing R-15-13

Beach Indiana Real Property LLC., Compliance  
with Statement of Benefits referencing R-15-13

Chester Pool Systems, Inc., Compliance with  
Statement of Benefits referencing R-14-12

Sunnyview, LLC [Chester] (RE), Compliance with  
Statement of Benefits referencing R-14-12

Carlisle Family, LLC Fire King, Compliance with  
Statement of Benefits referencing R-16-14

Fox Group, Inc. DBA Bruce Fox (PP), Compliance with  
Statement of Benefits referencing R-14-08

Fox Group, Inc. DBA Bruce Fox (RE), Compliance with  
Statement of Benefits referencing R-14-08B

Fox Group, Inc. DBA Asempac, Inc., Compliance with  
Statement of Benefits referencing R-14-08A

Marlin Andres/Hartford Quality Assurance, LLC Compliance  
with Statement of Benefits referencing R-12-07A

Hitachi Cable America, Inc., Compliance with Statement of  
Benefits referencing R-17-01

Hitachi Cable America, Inc., Compliance with Statement of  
Benefits referencing R-11-19

M&M Empire (on behalf of) Integrity Sign Solutions, Inc.,  
Compliance with Statement of Benefits referencing R-16-11

Jones Popcorn, Inc./ Clark Snacks, Compliance with Statement of  
Benefits referencing R-12-01

Koetter Development, Inc., Compliance with  
Statement of Benefits referencing R-08-48

Kennametal DBA Conforma Clad., Compliance with  
Statement of Benefits referencing R-08-48

L& D Mail Masters, Inc., Compliance with  
Statement of Benefits referencing R-18-01

L& D Mail Masters, Inc., Compliance with  
Statement of Benefits referencing R-19-04

Samtec, Inc., Compliance with  
Statement of Benefits referencing R-10-42

Samtec, Inc., Compliance with

Statement of Benefits referencing R-19-07

Sazerac Company, Inc, DBA Sazerac of Indiana LLC  
Compliance with Statement of Benefits referencing R-18-04

Specialty Earth Sciences, LLC, Compliance with  
Statement of Benefits referencing R-09-02

TG Missouri Corporation, Compliance with  
Statement of Benefits referencing R-10-28

TG Missouri Corporation, Compliance with  
Statement of Benefits referencing R-14-01

TG Missouri Corporation, Compliance with  
Statement of Benefits referencing R-15-04

TG Missouri Corporation, Compliance with  
Statement of Benefits referencing R-18-05

United Investment Group/Urethane of Kentuckiana, Compliance  
with Statement of Benefits referencing R-14-02

Wallace Family Properties, Compliance with  
Statement of Benefits referencing R-14-13

W.M. Kelly Company (PP), Compliance with  
Statement of Benefits referencing R16-17

W.M. Kelly Company (RE), Compliance with  
Statement of Benefits referencing R16-17

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

McCrite Milling & Construction Co., Compliance with  
Statement of Benefits referencing R-19-05

213 Pearl LLC/HMS Global, Compliance with  
Statement of Benefits referencing R-19-05

**Mr. McLaughlin moved to approve the above CF-1s, Mr. Phipps second, all voted in favor with the exception of Mr. Turner and Mr. Blair who abstained.**

**Mr. Caesar** stated that Mr. Staten has said to eliminate Clark Foods from the list. He also stated that the council would approve these all together. He then said that the jobs originally asked for were 3,433 but they have produced 3,786 jobs.

**Mr. Turner** said that he works for Samtec and would like to vote on those separately so he can abstain on Samtec so there is no conflict.

**Mr. Blair** stated that he has the same problem with a few of them so in the past, he has abstained from all of them and will do that again tonight.

**Mr. Turner** said he can follow suit with that.

**Mr. Staten** stated that Clark Foods did not submit a CF-1 this year so they will need to be scratched from the list. He added that they only had a year or two left on their abatement. He then stated that overall, we look pretty good. He said the abatement program is one of the better incentives for businesses in our industrial park because he believes that it bases it off of the investment that they make. He also said that they put a

projection of investments on their SB-1 but ultimately it is what the assessor comes back with that is abated on that project so it really is us abating the taxes on what they end up investing into the community. He stated that the spread sheet that was in the packet is something that his staff puts together but it does not go to the auditor's office for final approval; the CF-1 forms are what goes to the auditor for final approval.

**INTRODUCTION OF ORDINANCES:**

**READING**

**COMMUNICATIONS PUBLIC: Z-20-01 Amending Zoning Ordinance**

**COMMUNICATIOINS PETITIONER: Z-20-01 Amending Zoning Ordinance**

**Z-20-01 An Ordinance Amending the Zoning Ordinance of Phipps 1&2  
The Civil City of New Albany, IN General Revisions**

**Mr. Phipps tabled this item.**

**INTRODUCTION OF RESOLUTIONS:**

**COMMUNICATIONS PUBLIC: R-20-09 Suggested Wearing of Masks in Public**

**Mrs. Glotzbach** stated that she received emails from six people that would like to speak and two emails to be read into the minutes. She said that the first email was from Robbie McConnell who is a resident of New Albany and is a high-risk individual. She read his email into the minutes which was in support of the R-20-09. She said the second email was from Noah Chappell and he did not give an address. She read his email into the minutes which opposed R-20-09. Said emails are on file in the city clerk's office.

**Ms. Jessica Smith** stated that she is asking that the council issue a mask ordinance, not a resolution because a resolution like this is a waste of time and does nothing. She said that Governor Holcomb is already recommending that people wear masks and Dr. Tom Harris, Director of the Floyd County Health Department, stated last night on WDRB News that masks should be a mandatory requirement not just a recommendation. She stated that this past Friday evening there was a parent sponsored prom for New Albany High School students which took place at the Grand and over 160 students attended. She explained that there were no masks, no temperatures taken and no social distancing at all and in her opinion, this event should have never taken place to begin with but if a mask ordinance would have been in place, these kids would have had some protection. She said that major retailers are now starting to require masks and Kroger, Walmart and Sam's Club are just a few. She asked why we as city are not supporting our small local businesses who have already lost so much during this pandemic. She said that issuing an ordinance would protect them and back them up. She stated that the number of positive cases is on the rise because Hoosiers won't wear masks. She said that she is not asking for a mask ordinance; the community is demanding a mask ordinance to keep us safe. She asked the council to do the right thing.

**Ms. Myra Craig** stated that she feels strongly that an ordinance is the only way to protect our citizens to the best of our ability. She said that there is a lot of asymptomatic transmission because you can't look at someone and tell if they have COVID-19. She stated that a lot of major retailers are now requiring masks such as Kroger, Walmart, Walgreens and more. She explained that according to the University of California, if 95% of people wore masks in public, 33,000 deaths could be avoided by October 1<sup>st</sup>. She stated that two hairstylists in Missouri that had close contact with clients tested positive for COVID-19 and they worked on 140 clients but everyone wore masks and none of the clients tested positive. She said that earlier today, in conjunction with Hoosier Action, she posted a Google survey on Facebook and of 133 responses 84.3% were in favor of an ordinance and 89.2% were in favor of a resolution. She stated that just a handful of people opted for the resolution over the stricter ordinance. She said that she is imploring the city council to vote for an ordinance to avoid New Albany becoming a hotspot and thus saving lives.

**Mr. Robert Klaus** stated that he is a resident of New Albany and also owns a commercial building that has five small business tenants in downtown New Albany. He explained that all of the businesses were shut down for between 9 and 15 weeks and that had a significant impact on the families that operate those businesses. He said that any action the council takes tonight on mask wearing that does not include an enforcement mechanism is politicking, symbolic in nature and totally meaningless from a public health perspective. He stated that the council does have the opportunity to pass an enforceable mask ordinance that will have a positive public health benefit for our entire community. He said that a strong recommendation will get us what we have now because many people are not taking this seriously. He also said that COVID-19 has not hit Indiana yet and we only have a few opportunities to avoid the tragic hardships that are being reaped in places like Florida, Texas, Arizona and California where many people did not take this seriously and the death counts are going up. He stated that every health expert will confirm that wearing masks can slow the spread of COVID-19. He added that it won't guarantee that you won't get it but it will slow and mitigate the spread. He explained that he desperately wants there to be in-person school this fall and knows as a small business owner that our business community will suffer immensely if they have to shut down again. He said wearing masks in public is such a small price to pay to prevent businesses shutting down again and so our kids can go to school. He stated that in a few weeks when our kids do go back to school, that is the biggest change in regards to what's happening in our community and there will be thousands of kids walking around in a non-socially distanced environment. He said that he does praise the school corporation for implementing mask requirements but COVID-19 is going to come and this is really our only one chance to stop it. He said waiting two weeks is going to be too late and he urged the council to do the responsible thing even if it is not the easy thing.

**Ms. Carrie Klaus** stated that she is a resident of downtown New Albany and also owns a small business downtown. She said that her business was closed for 15 weeks and she took a very significant financial hit and she is present to ask for an enforceable mask ordinance. She stated that she does require masks at her business but doesn't feel like the requirement of masks should be on business owners. She explained that there are several other businesses like hers that don't require masks and any customers she has that might not want to wear a mask can easily choose another business which is another financial hit to her business. She added that if we don't require masks in the city, there is the potential that her business may have to shut down again for another extended period of time which would devastate her business as well as other small businesses in the community. She stated that we have worked really hard to build up the businesses downtown and she would hate to see that ruined because we couldn't stand up and do the right thing.

**Mr. Randy Smith** stated Councilmember Blair has traditionally voted no on resolutions because they are meaningless and he would like to address that belief. He said that resolutions have the full effect of law and he doesn't know who told them differently. He explained that this council has within its power to recess this meeting until tomorrow or the next day and change this resolution and put some teeth into a mandate or change it to say that it is the unanimous will of the council that the mayor make it a mandate. He stated that the governor of Oklahoma has imposed a mandate for his whole state as well as the governor of Arkansas and the governor of Alabama and those three mandates happened since this resolution came about. He added that yesterday Governor Holcomb said that he wanted local municipalities to set their own mandate rules. He said that it can be done by resolution and the ordinance process makes it a little more complicated but the council could have a special meeting. He also said that everything is moving so fast and he thinks we should do everything we can do to make it possible that businesses in this community do not have to enforce but that it becomes a community standard. He stated that it would be very difficult for any business to step up and throw someone out as we have all seen some of the scuffles on YouTube. He said that Kroger, Meijer, Target and Walmart have all imposed mandates and asked why these nine members can't.

**Dr. Jean Abshire** stated that everyone wants their pre-pandemic life back but the reality is that this isn't a luxury that we have unless and until the virus is under control probably with a vaccine. She explained that in the interim, for the well-being of our businesses, the students in our schools and the elderly who are more at risk to die of COVID-19, our

community must use mitigation to limit the damage of the virus. She stated that the CDC has been urging the use of masks in public since the first week in April and far too many people are acting irresponsibly to achieve public health and safety, so unfortunately, government must act. She said that the scientific evidence becomes ever clearer about both the risks of the virus and the means to mitigate its spread so for this reason, you must pass a strongly worded resolution tonight to mandate the public wearing of masks. She also said that since a resolution is a weaker device, you as elected officials bearing responsibility for the health, safety and well-being of the citizens in this community, need to immediately prepare an ordinance that will provide enforcement for the masking mandate. She stated that the council can put in a sunset clause or revoke it later with official action later when the pandemic finally ends but you have a responsibility to ensure that this community has the means necessary to mitigate COVID-19 contagion. She also stated that the education of our children, the economic well-being of our community and the very lives of many loved ones rests on your willingness to step up and lead during a time of crisis. She said that it is unfortunate that something that is not political like scientific evidence about mitigating contagion has become politicized and weaponized. She stated that this is a crisis and you will fail as leaders and you will fail our community if you fail to act so she asked that the council find the courage to do so.

**COMMUNICATIOINS PETITIONER: R-20-09 Suggested Wearing of Masks in Public**

**R-20-09                      Resolution Suggesting the Wearing of                      Phipps  
   Masks in Public as amended**

**Mr. Phipps introduced R-20-09 and moved to approve, Dr. Knable second,**

**Mr. Phipps withdrew his motion to approve,**

**Dr. Knable withdrew his second,**

**Mr. Phipps reintroduced R-20-09 as amended, Dr. Knable second, all voted in favor.**

**Dr. Knable moved to change the title of the resolution to Resolution to Recommend and Strongly Encourage the Use of Face Masks and/or Coverings in Public, Mr. Applegate second, all voted in favor.**

**Dr. Knable moved to change the main paragraph on the second page to read THEREFORE, We the Common Council of the City of New Albany do hereby recommend and strongly encourage the appropriate wearing of face masks and/or cloth coverings by all individuals 2 years and older without disqualifying medical conditions as defined in paragraph 3 in all facilities open to the public and in all outdoor public spaces where social distancing cannot be established or maintained to help curb the spread of COVID-19 in the community as per the recommendation and timeframe established by the CDC, Mr. Applegate second, all voted in favor with the exception of Mr. Blair who voted no.**

**Mr. Phipps** stated that the CDC came out with a recommendation on Tuesday and the Director, Dr. Redfield said that if everyone was to wear a mask, COVID-19 would be brought under control in 4-6 weeks in the United States. He said Dr. Redfield also said that the vast majority of medical experts and the scientific data support his statement and that masks and social distancing are the primary ways to bring this under control. He said Dr. Redfield said that in addition to doing it for our own selves, more importantly, we need to do it for our community, for our families, our friends, our neighbors and the people we come into contact with on a daily basis. Mr. Phipps explained that if we can keep our rates down, that will ensure that our economy will stay open, but if they start skyrocketing, we will have another shutdown and our local businesses suffered tremendously from the shutdown that occurred earlier. He stated that he thinks it is in our economic interest to do all that we can to keep this outbreak to a minimum. He said not only to keep people from getting sick but keeping people out of the hospital, keeping people off of ventilators and preventing death. He also said that even the people that

don't go to the hospital for this have suffered like hell and couldn't get their head off their pillow. He added that we don't know what the long-term effects of this could be because there is already evidence showing that all sorts of things can go along with this including blood clots and a variety of other things that could compromise people for years to come. He stated that this resolution is simply suggesting and requesting that we wear masks. He said that they received 14 or 15 emails supporting this and only 3 emails in opposition and they were just form letters from an organization. He said he doesn't put as much credibility in a form letter from an organization as he does people who take the time and effort and put their heart into writing their emails which these 14 or 15 seemed to have done. He stated that many of these have taken it a step further and suggested to mandate it and he was of the mind set for a good portion of the last two days to support that so he consulted with legal on this and they said that we have no ability to enforce it. He said that if we want to mandate it, we have to make it in the form of an ordinance. He stated that he would like to pass this resolution tonight and give it a couple of weeks to see if people will abide by it and if they don't, we have the option of coming back with an ordinance that will place fines on it. He then stated that a virus has no boundaries and with Kentucky having the mask requirement, you may have people who don't want to wear a mask come over to our businesses in New Albany. He said that economically that would be a good thing but then they have the potential of bringing the virus with them and spreading it in our community and this will give businesses a little bit of cover.

**Mr. McLaughlin** stated that the New Albany High School prom that took place pretty much sealed the fate of his youngest son and he will probably be starting school at home because those kids will be going back to school and we don't know what their fates are. He added he has already heard that there may have been some positive cases there. He then talked about that masks are required in the City/County Building and asked why when you go through the metal detector the officers in charge are not wearing masks and people are 2 ½ - 3 ft. away from them. He said that the city is doing this on its own and is not getting a lot of backing on it.

**Dr. Knable** stated that he thinks that has been remedied.

**Mr. McLaughlin** said that it wasn't as of yesterday. He stated that they may want to have a little more in this resolution and say that they wish to mandate and give the public the will to do the right thing. He said that the resolution is a starting place but it has to be stiff and he doesn't know the odds of getting an ordinance passed right now but we do have another meeting in two weeks.

**Mr. Applegate** stated that he agrees totally with Mr. McLaughlin and this resolution says recommend and could possibly say mandate. He said that if we can turn the corner to where more people are wearing masks than not, it may be awkward for people that are not wearing masks and may make them feel that they should be. He also said that we have a couple of weeks to see if the resolution works and if it doesn't, we have the ability to step that up with an ordinance at the next meeting. He added that he agrees with the science and the council members that have already spoken as well as with the public that has spoken tonight.

**Mr. Turner** stated that the city in general has done little to educate our people. He said that they don't put out data everyday and if you want people to get behind this then we need to get out there and educate people on how bad it is. He also said that he sees no posts on what the numbers are. He suggested maybe spending some CARES money to educate people on how bad it is and how important it is to wear masks. He stated that people get on Facebook and see fear whether it is from the right or the left and don't see anything that is data because you have to search for that yourself. He said that we should be posting numbers everyday on how our numbers look in the county. He also said that he does know that the county is going to be putting signs up throughout the city and the county letting people know how important it is to wear masks. He stated that a good first step that we should've looked into a long time ago is sending a mailer and see if we can possibly get reimbursed for that expenditure. He said that he wanted to thank the businesses that are requiring masks because it gives people the chance to shop

comfortably. He also said that COVID-19 has been around for about 9 months now and here we are just now talking about masks.

**Mr. McLaughlin** stated that the numbers have to come from the county health department and he has to call for them.

**Mr. Phipps** agreed that education is key because we have people in our society today that don't even accept the validity of science or they scoff at higher education and research studies. He said that for some people all the data in the world is not going to convince them because it has become such a political issue. He assured the council that he is not bringing this up for any political issue and is doing it for public safety and public health.

**Dr. Knable** stated that the county data is available on the Indiana State Department of Health website and is updated almost every 24 hours. He said that there is a map that gives Floyd County's case numbers, new admissions to the hospital as well as deaths.

**Mr. Blair** stated that he has been consistently wearing masks in public and private businesses as well as private residences just to make a statement and he has found that when he does that, people follow along and understand the severity of it. He said that he had two constituents call him that are against this resolution because of civil liberties so there are plenty of people in the community that are opposed to this and he thinks adaptation is going to be very tough. He then stated that historically he has rescinded or voted no on resolutions that don't have a significant effect on our community and things that he thought were more personal issues or things that we didn't have jurisdiction on. He said clearly, we have jurisdiction on this and he will be voting for this tonight. He stated that he just wanted to be clear and not be labelled as always voting no on resolutions.

**Mrs. Collier** stated that she did personally see a small retailer that did have a mask policy in place and found it hard to enforce because they weren't comfortable with what the reaction may be by the customer. She said putting this in place and making a strong suggestion to wear masks will give them a little more substance and help them to enforce that.

**Mr. Aebersold** stated that being in the retail business, his deliverers wear mask while working and the girls in the store wear them as well. He said a lot of people come in wearing masks which is great but a lot people come in not wearing them too. He stated that if we do this resolution, it needs to get out to all retail businesses and we could possibly get 1 Southern Indiana to send out notices to businesses to do the same thing.

**Mr. Caesar** stated that he fully supports wearing masks and feels that they should go forth with the resolution tonight as it is and then encourage Mr. Phipps and Ms. Stein to start working on an ordinance so it can be ready to go by the next meeting if we need to do it. He then stated that he wanted to share an interesting article that he came across about Japan. He explained that Japan has 145,000 square miles of land and the United States has 3,797,000 square miles of land. He stated that Japan has a population of approximately 100,600,000 and we have a population of approximately 328,000,000. He said that the United States has had just under 140,000 people die and Japan has had 982 people die. He stated that even if you take that number forward to adjust for the population, it would still only be 2,746 people die in Japan if they had the same population that we do. He pointed out that the main difference between the people in Japan and us is that people in Japan wear masks.

**Mr. McLaughlin** stated that they wear them all through the flu season. He then stated that he has heard things about masks being toxic and OSHA has a respiratory program that he did the training in for years while he worked for a chemical company. He said that Occupational Safety Health Administration has done all of the studies and they are not toxic. He said that there is a lot of false information out there but he thinks that whole thing is that this bug by itself is responsible for three times as many fatalities as three to four viruses on annual basis.

**Dr. Knable** stated that he has been in frequent communication with Dr. Tom Harris on this and he gave him permission to give clarification to his statement on WDRB last night. He said that the way they edited him made it sound as if he is in favor of a local mandate and he had given a fuller statement that he was in favor of a statewide mandate but at a local level, he is in favor of a resolution. He stated that he also said that if the results that everyone is looking for don't come to fruition then he would be in favor of an ordinance. He then asked the council if everyone received Dr. Harris' email. He stated that he reviews the Indiana State Department of Health data at least twice a day as well as gets updates from Kentucky and the data is trending unfavorably here of late so he feels there is an urgency that we have to push on this. He said that he has heard some comments both ways on this. He then explained that when he hears someone talk about impact on the economy, his gut tells him that we really can't have a healthy economy without a healthy populous. He also explained that he is a business owner and he has mandated temperature checks and masks for the last 2 ½ months and they have had to turn some people away. He thinks when they get to an ordinance, they are going to have to reconcile themselves with the fact that enforcement will be difficult and a lot of times it will have to happen at the storefront. He stated that in addition to masks and social distancing, he wants everyone to ask themselves what they can be doing and whether this event or that event is necessary. He added that in the last 24 hours his family has canceled two events which was a graduation party for his son and a political fundraiser because the risk is just too great with the data that we have. He said that he is in favor of the resolution but he does have a couple of amendments that are rather broad but do not affect the spirit of this at all, just the verbiage. He said that he would like to make the title Resolution to Recommend and Strongly Encourage the Use of Face Masks and/or Coverings in Public. He also wanted to change the paragraph on the last page to read THEREFORE, We the Common Council of the City of New Albany do hereby recommend and strongly encourage the appropriate wearing of face masks and/or cloth coverings by all individuals 2 years and older without disqualifying medical conditions as defined in paragraph 3 in all facilities open to the public and in all outdoor public spaces where social distancing cannot be established or maintained to help curb the spread of COVID-19 in the community as per the recommendation and timeframe established by the CDC. He suggested adding another paragraph to read FURTHERMORE, We the Common Council of the City of New Albany do hereby encourage our municipal, county and state executives to consider a mask mandate via executive order. He stated that everything they are talking about by legislation tonight can be established by executive order with a stroke of a pen. He said that he would like to hear Ms. Stein's input on the final paragraph.

**Ms. Stein** stated that she is not comfortable greenlighting an ordinance tonight because she knows that especially when the council applies penalties, there are certain notice requirements. She said she will certainly look into it if it is the council's desire to get an ordinance with penalties going. She also said that like Mr. Caesar said, they can call a special meeting for this. She added that the executive does have the power to put a mask ordinance in place.

**Mr. McLaughlin** said that would require them to set an ordinance behind it putting penalties into place. He asked Ms. Stein if that was correct.

**Ms. Stein** stated that they can mandate it pretty quickly.

**Mr. Applegate** asked if they could add a business component to this so that it covers private businesses and it's not left up to the business owner to enforce it themselves.

**Dr. Knable** stated that his suggested verbiage is all facilities open to the public would cover private businesses.

**Mr. Blair** stated that he thinks private businesses should be able to dictate what they want to do. He said that he didn't realize that all facilities open to the public would include private businesses. He stated that he feels that they should leave it up to those private businesses to come up with their own policies.

**Dr. Knable** stated that since this is not an ordinance and only a recommendation and strong encouragement, it doesn't really require any business to require that at this point.

**Mr. Blair** stated that he thinks they are hitting on the point of individual rights if we put that in there even though it is a resolution.

**Mr. Phipps** asked Mr. Blair if they require masks at his business.

**Mr. Blair** replied no, but they ask for it.

**Mr. Caesar** asked Ms. Stein if she thinks they are overstepping the boundaries if they say all facilities open to the public.

**Ms. Stein** replied no and stated that she thinks that is fine.

**Mr. Phipps** stated that he wanted to weigh as a sociologist in on Mr. Caesar's comments about Japan earlier. He said that they live in a much more densely populated area per capita than we do in the United States and live in much closer quarters. He also said that they have universal healthcare and both of which has probably helped lower their mortality rate. He stated that they also have a collectivist culture where they put the value of society above their own personal wellbeing. He said that their cultural differences, access to healthcare differences and the fact that they are wearing masks in that densely populated place is what is a very important factor in reducing the deaths there.

**Dr. Knable** stated that as a physician, he wanted to add that there are genetic and comorbidity differences as well so matters of diet and exercise play a part too.

**Mr. McLaughlin** stated that Sweden took a lax attitude towards this with no masks and telling their vulnerable population to just stay in and just let this thing take its course. He said now they are spiking and economically it has become a quick burden on their businesses so it was a terrible failure and that is something that we can learn from as well.

**Mrs. Collier** asked if they could say require instead of recommend and strongly encourage.

**Dr. Knable** stated that he would be opposed to that because this is a resolution and we just don't have any way to enforce it.

**Mr. Caesar** stated that he would rather keep it at recommend and strongly encourage tonight.

**Mrs. Collier** said she just wants everyone to understand how important they think it is.

**There was a lengthy discussion regarding social distancing.**

**BOARD APPOINTMENTS:**

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

**ADJOURN:**

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

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Bob Caesar, President

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Vicki Glotzbach, City Clerk