

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,  
HELD A REGULAR COUNCIL MEETING VIA ZOOM.COM ON MONDAY,  
JANUARY 4, 2021 AT 7:00 P.M.**

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

**ALSO PRESENT:** Ms. Stein, Mrs. Moeller, Mr. Nash, Mr. Staten and Mrs. Glotzbach.

**CALL TO ORDER:**

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

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**ELECTION OF COUNCIL PRESIDENT AND VICE PRESIDENT:**

**Mr. Caesar** stated that it has been a pleasure and an honor to serve as Council President this year. He said that it has been a really different year and we've all had to adjust to a lot of different things in our lives, but we continued to move the city forward with all of those adjustments and he is very proud of all. He then thanked everyone for their cooperation throughout the year.

**Mrs. Collier** nominated **Mr. Phipps** for President, all voted in favor with the exception of **Mr. Turner, Mr. Blair** and **Dr. Knable** who voted no, nomination passed and **Mr. Phipps** becomes Council President.

**Mr. McLaughlin** nominated **Mr. Applegate** for Vice President, all voted in favor with the exception of **Mr. Turner** and **Dr. Knable** who voted no, nomination passed and **Mr. Applegate** becomes Council Vice President.

**Dr. Knable** nominated **Mrs. Collier** for Vice President, **Mrs. Collier** declined the nomination.

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

**Dr. Knable** moved to approve the Regular Meeting Minutes for December 17, 2020, **Mr. McLaughlin** second, all voted in favor.

**COMMUNICATIONS – COUNCIL:**

**Mr. McLaughlin** commended **Mr. Caesar** on the job he did last year as Council President because it was probably harder than he could imagine with all of the changes that had to be made. He said in the New Year we should get to the point where we can meet in person again but as far as right now, that seems to be a long way off.

**Mr. Turner** stated that with the recent rain, Silver Creek Drive is still flooding so he reached out to flood control and got an out-of-office response so he is hoping to get a response this week. He said that Silver Creek Drive has had a problem with flooding basically since he came into office so he has been bringing it up pretty regularly. He then stated that engine no. 4 broke down again right before Christmas so that is the third time that engine has broken down in about a month. He said that he did some research on NFPA 1911 which is the standard for apparatus in the fire department and those engines should be retired at 25 years and engines 3 and 4 were purchased in 2000 so they are a

little over 20 years old. He stated that what they learned from Fire Chief Juliot in the budget process is that it could up to 18 months for delivery. He said that we have two engines that are almost 21 years old so it is getting close to time. He also said that quint 2 is at Community Park and it is 12 years old so there are really two apparatus that are going to be retired soon and one that is really getting old. He then stated that he is concerned about some of the fire department fleet and that some of the houses look as if they are in disrepair. He said that he is concerned about some of their equipment as well but that is something that can be addressed in 2021 and maybe get some more information on that.

**Mr. Blair** stated that he had some questions in the first meeting of November for Mrs. Moeller around three items in the EDIT budget which were significantly over budget and he would like to get an explanation as to why they were over budget. He said he would appreciate a response from Mrs. Moeller and thinks that it is important that the information be in the minutes.

**Mrs. Moeller** stated that she is aware of Mr. Blair's email and he knows how difficult it is to close out the fiscal and that is what she has been working on. She also stated that she is glad that he brought those items to her attention and she is working on them and should have an answer for him soon.

**Mr. Aebersold** stated that he did get a call from INDOT regarding the new signs at the Sherman Minton Bridge exit where someone entered that going the wrong way a while back and had a bad wreck and a couple of people were killed. He explained that they did put in two bigger signs that read "One Way Only" and they put two more red signs that read "Wrong Way". He said that they are all right at the stop light where library is when you are coming off of the ramp. He said that they called him today to explain to him that they are up because he wrote them a bunch of letters regarding that exit and the accident that took place. He is hopeful that will take care of the situation. He then stated that he is still working on trying to eliminate or reduce the tolls for the next 2 ½ years while the Sherman Minton Bridge is being worked on. He said that he hasn't given up on that project.

**Mr. Applegate** stated that he wanted to thank everyone for the nomination and votes for Vice President. He said that he really appreciates that. He then stated that he just wanted to remind everyone to be accountable themselves and support local business during COVID. He said that the vaccine is coming out so we need to do our best to get all of New Albany vaccinated so we can open up our businesses and keep everyone safe and healthy. He added that the News and Tribune reported that 2,300 people had been vaccinated in Floyd County so far and he is sure that number has increased. He said that the mayor sent out a press release to support the health department in any way possible.

**Dr. Knable** stated that he wanted to compliment Mr. Caesar on a job well done during very difficult and trying times. He said that sometimes there is some fun to be had in the president's chair and he doesn't think that Mr. Caesar go to experience any of that this year nor the challenges of managing a live crowd. He then congratulated Mr. Phipps and Mr. Applegate on their elections and stated that they have his support in fulfilling their duties in those tasks. He stated that he wanted to revisit his conversation that he had today with Mrs. Moeller regarding their access to the building which IT is working on. He said that if any of the members are counting on their badges getting them into the back door, they may not until those badges are updated.

**Mrs. Moeller** stated that she checked with Mr. Brad Walker and he was going to go through all of the city council members this afternoon and make sure that all of their badges are activated. She said that if you try to come in one of the other entrances, you should be okay.

**Dr. Knable** thanked Mrs. Moeller for following up on that because he didn't expect them to be updated so soon. He then stated that he thinks it needs to be on everyone's mind that redistricting will be due later this year and the process begins once we get the data in from the Census Bureau.

**Mr. Phipps** stated that the last he checked, they are not sure that they are going to get the census data completed this year but if we get that, we will obviously need to address that.

**Dr. Knable** stated that he would like to have a basic summary of the council's duties and expectations from Mr. Gibson at some point since the process is new to him as well as few others on the council. He then stated that it was brought to his attention by an on-the-ball constituent that on the Indianaunclaimed.gov site there is roughly over \$1,000.00 owed to New Albany through various accounts that are open. He said that most of those are Aflac items or something like that so maybe we could have our attorneys look into that.

**Mrs. Moeller** stated that every year we look into that list and the Aflac items are funds that do not belong to the city. She explained that it was an accounting error on Aflac's end and it doesn't belong to the city so that's why they leave it sit there.

**Dr. Knable** asked who it belongs to.

**Mrs. Moeller** replied Aflac. She stated that many years ago there was an accounting error on Aflac's part and the city returned their money to them and they didn't know what to do with it and didn't want it so it eventually got turned over to unclaimed funds.

**Dr. Knable** stated that he thinks it is time that the rules committee at least formulate a plan for re-engagement of live meetings. He said that he thinks it is premature right now but it would be nice to come to terms with some criteria to get us up and running again as soon as it is deemed safe.

**Mr. Phipps** stated that he thinks we are going to be a long way from that given the numbers that we are seeing here in the State of Indiana, but that is something we can certainly take a look at. He added that it is his hope also to get back as soon as possible but not until it is completely safe for us and any visitors that may be attending the meetings.

**Dr. Knable** stated that he thinks they might be able to look at other people who are doing it safely in other municipalities. He added that the United States Congress is doing it. He said that he just wants to put us on the road to doing that.

**Mr. Phipps** stated that he is not sure that he wants to use congress as our role model. He then thanked everyone for electing him as president and said that he is looking forward to serving in that capacity this year. He said that he has experience in running meetings because he was the president of the board of zoning appeals for about six or seven years of the nine years he served and he thinks most people would say that he ran pretty efficient meetings. He stated that he doesn't want to come across as being very strict but he likes to be efficient in the way we do things and not take a lot of extra time on issues that do not need to be addressed. He also stated that he doesn't tolerate shenanigans at meetings and last year the council was very good and he doesn't recall any shenanigans so hopefully there won't be any this year. He said that sometimes in the past we have gotten a little lax in inviting people to the council meetings and they just show up on the agenda. He stated that according to our ordinance, before someone can be invited to the council, it has to receive a majority vote of the council and that's one that he does

want to return to and be rather strict about. He then congratulated Mr. Applegate for being elected Vice President.

**COMMUNICATIONS – MAYOR:**

**Mr. Staten** wished everyone a Happy New Year. He stated that Mr. Applegate mentioned earlier that the mayor has reached out to Dr. Harris to offer support in any assistance that they may need in their efforts to distribute the COVID 19 vaccines as quickly and efficiently as possible throughout our community. He said that they don't have a whole lot of details on that right now but as they get them from the health department, they will certainly relay them to the council and keep you included.

**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**

**INTRODUCTION OF RESOLUTIONS:**

**BOARD APPOINTMENTS:**

**STANDING COUNCIL COMMITTEES**

**Mr. Phipps** stated that in terms of the standing committees, it is at the purview of the president to appoint those positions and before doing so, he would like to refer this to the Rules Committee. He said that some of these committees have never met in the 8-9 years that he has been on the council and in talking with some of the other more senior members, they indicated that they don't ever remember some of these standing committees meeting. He would like for the Rules Committee to take a look specifically at section 30.50 which basically outlines the standing committees and the state statute says that the council may appoint standing committees so we are not required to do so. He said that he would encourage going back and looking at that item and it is just a matter of deleting some of those committees if we feel that they are no longer useful. He stated that 30.51 is a brief synopsis of what each of those standing committees is supposed to be addressing so that could be the model in determining whether we really need some of these committees. He said that they may even want to merge some together such as fire and police and put them under Public Safety. He stated that he did do a perusal of some of the other cities such as Bloomington, Fort Wayne, South Bend, etc. and the standing committees are quite variable from one to another. He said that two that he saw that we may want to consider adding was Neighborhood Development and the other was titled Sustainability of the Environment. He said that he will hold up on those appointments to see how the Rules Committee may want to proceed on those.

**Dr. Knable** asked Mr. Phipps if he is suggesting that the 2020 Rules Committee continue on.

**Mr. Phipps** replied yes and stated that he wants all of the committees to stay as they are until we decide if we are going to modify them.

BUDGET & FINANCE – Council as Whole

DEVELOPMENT & ANNEXATION – Blair, Turner, McLaughlin

RULES - McLaughlin, Caesar, Knable  
PUBLIC UTILITIES & TRANSPORTATION - Collier, Phipps, Knable  
POLICE DEPARTMENT - Blair, Aebersold, McLaughlin  
SCHOOL & LIBRARY - Collier, Phipps  
PUBLIC WORKS – Turner, Collier  
PUBLIC SAFETY & TRAFFIC - Applegate, Aebersold, Phipps  
FIRE DEPARTMENT - Turner, Phipps, McLaughlin  
PUBLIC HEALTH & WELFARE -

### COMMISSION & BOARD APPOINTMENTS

**Mr. Phipps** stated that he does think that it is important the commissions and board appointments are made tonight so that the meetings can be seamless.

**Dr. Knable** asked if some of these appointments require council approval.

**Mr. Phipps** stated that they do so he was going to present his slate and then the council can vote on it.

**Dr. Knable** stated that the president has out right authority on some of them but some do require council approval.

**Mr. Phipps** stated that it is his understanding that he has authority on standing committees but needs approval on the rest so he was just going to do them all at once. He then stated that Mr. Scott Whalen's appointment on the board of zoning appeals expired on December 31, 2020 so he is proposing Mr. Max Gosman for that appointment. He said that Mr. Gosman is present tonight and he is an attorney. He stated that he is interested in becoming involved in our community and recently moved downtown with his wife. He said that he has a bachelor's degree from Ball State and his law degree is from Michigan State University College of Law. He stated that Mr. Gosman submitted to him a letter along with his resume and he read the letter to the council. Said letter and resume are on file in the city clerk's office.

**Mr. Gosman** stated that his letter sums up his thoughts on the matter and he is excited to be considered for the position on the board of zoning appeals and looks forward to hopefully serving the City of New Albany in that capacity.

**Mr. Turner** asked Mr. Gosman how long he has lived in New Albany.

**Mr. Gosman** stated that he grew up in Floyd County and then moved away for a little while and now he and his wife just bought their house in downtown New Albany earlier this year in April.

**Mr. Turner** thanked him for wanting to get involved.

**Dr. Knable** asked if that is a 4-year appointment.

**Mr. Phipps** stated that it is.

**Dr. Knable** asked how long Mr. Bonifer's appointment is.

**Mr. Caesar** stated that he thinks it is a 1-year appointment but he is not 100% sure of that.

**Mr. Applegate** stated that he was told by a county commissioner last year that the solid waste appointment is supposed to be a council member according to state statute. He said that he relayed that information to Mr. Caesar at the time.

**Mr. Phipps** stated that he spoke with Mr. Caesar earlier and he has agreed to serve as our appointment on that board. He then stated that he has had some trouble finding out who Ms. Hardin is that serves on Head Start. He said that he emailed them to find out who she is but the director is on vacation.

**Ms. Stein** said that serves on that board as well and Ms. Hardin's first name is Beth. She also said that she has been very active on the board and she recommends keeping her there.

**Dr. Knable** asked if he could suggest that we at least get a resume from most of these folks to keep on file.

**Mr. Phipps** replied yes and stated that he has one Mr. Ed Wilkinson and Mr. Max Gosman and he will send those to Mrs. Glotzbach first thing tomorrow. He said that he will request one from Mr. Pennington and Mr. Grimes.

**Mr. Blair** stated that he would like to hold up on the vote tonight for the board of zoning appeals and give the current appointment, Mr. Scott Whalen, a chance to submit a resume and make a presentation to the council at the next meeting. He said that Mr. Whalen has served on the board for the last two years and from he can tell, has done a great job. He also said that he has an engineering degree and is a resident of New Albany and he would like to at least give him the opportunity to present himself as far as a re-appointment to that board.

**Mr. Phipps** stated that he is pretty comfortable with moving ahead tonight because we knew those appointments were going to expire so materials really should've been submitted if there were questions.

**Dr. Knable** asked if we put out an appeal for applications for any of these positions.

**Mr. Phipps** stated that he did not.

**Dr. Knable** stated that he just asked that because sometimes it's hard to keep track of when these terms expire. He said that in Mr. Whalen's defense as well as Mr. Gosman's defense, we have really wonderful qualified people coming forward to volunteer and he just hates for any of them to feel like they are being undervalued.

**Mr. Phipps** stated that he is ready to move forward tonight but they can put Mr. Gosman up for a separate vote and if he doesn't get the votes, they can certainly entertain other appointments.

**Mr. McLaughlin** stated that in regards to the BZA, the original person was removed from there prematurely by the council president which created a bit of turmoil and it threw us off as to when that term would be up, but it is up so he is for moving forward.

**Mr. Turner** said the only concern he has with Mr. Gosman's appointment is the length of time he has been back in New Albany.

**Mr. Phipps** stated that is not a legal stipulation to serving on the BZA. He said that it may be someone's preference but it is not a legal requirement. He then stated that they will pull the BZA appointment out and vote on it separately and vote on the rest of the appointments as a slate.

CAESARS FOUNDATION - Aebersold, Caesar (Expires 12/31/21)  
PLAN COMMISSION – Phipps (Expires 12/31/21)  
BUILDING AUTHORITY Board of Trustees – Steve Bonifer (Expires 12/31/24)  
DEVELOP NEW ALBANY – Applegate (Expires 12/31/21)  
SOLID WASTE – Bob Caesar (Expires 12/31/21)  
PARKS & RECREATION – Pat McLaughlin  
URBAN ENTERPRISE – Mara Schmidt, Zone Resident & Morgan Sprigler, Business Owner  
REDEVELOPMENT – Collier, Applegate (Expires 12/31/21)  
ECONOMIC DEVELOPMENT – Scott Blair (12/31/21)  
ONE SOUTHERN INDIANA – Applegate (Expires 12/31/21)  
POLICE MERIT COMMISSION - Tony Toran (Expires 12/31/23)  
UEZ – Phipps  
BUILDING COMMISSION – Bob Caesar (Expires 12/31/21)  
HEAD START – Beth Hardin  
HUMAN RIGHTS COMMISSION - Dan Canon (Expires 12/31/22)  
HISTORIC PRESERVATION COMMISSION – Colt Sanders (Expires 11/30/23)  
George Budd (Expires 10/31/23)  
TREE BOARD – David Barksdale (Expires 12/31/21)  
SEWER BOARD - Ed Wilkinson (Expires 12/31/23)  
Nathan Grimes (Expires 12/31/21)  
STORM WATER – Terry Pennington (Expires 12/31/23)  
Nathan Grimes (Expires 12/31/22)

**Mr. Caesar moved to approve the above slate of appointments, Mr. McLaughlin second, all voted in favor with the exception of Mr. Turner who voted no.**

ZONING APPEAL BOARD – Max Gosman (Expires 12/31/24)

**Mr. McLaughlin moved to approve the above appointment, Mr. Caesar second, all voted in favor with the exception of Mr. Turner and Mr. Blair who voted no.**

**Dr. Knable moved to table the above appointment, Mr. Turner second, all voted no with the exception of Mr. Turner, Mr. Blair and Dr. Knable who voted yes. The move to table did not pass.**

**Dr. Knable** stated that he would favor tabling the matter of Mr. Gosman’s appointment because he doesn’t want to discourage Mr. Gosman from pursuing volunteerism within the city. He also stated that he wanted to hear Mr. Gosman’s letter read just to see what his motives are and he thinks he is an outstanding candidate. He said that his vote for tabling this is only in respect for the service that Mr. Whalen has given to this committee and his belief is that he should be allowed to re-submit for re-appointment at this point in time.

**Mr. McLaughlin** stated that he wanted to remind the council that Mr. Whalen’s appointment was premature and entailed that the previous person be removed before his time was up. He said that he doesn’t hold that against Mr. Whalen but we do seem to be on the right track to correct that.

**Dr. Knable** stated that he wanted to point out that was done under advice of legal council at that point in time with regards to the expiration of those appointments. He then stated that given the choice of an up/down vote, he tends to favor yes, given the failure of his motion to table the appointment.

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

**MOMENT OF REFLECTION:**

**Mr. Phipps** asked that everyone take a moment to reflect on the passing of Mrs. Carolyn Eve who had worked for the city and also held the offices of Floyd County Recorder and Floyd County Treasurer.

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 7:55 p.m.

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Greg Phipps, President

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Vicki Glotzbach, City Clerk