

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
HELD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY
ROOM OF THE CITY/COUNTY BUILDING ON MONDAY, FEBRUARY 1, 2016
AT 7:00 P.M.**

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

ALSO PRESENT: Mr. Lorch, Mr. Gibson, Mr. Thompson, Mrs. Moeller, Mr. Duggins, Mr. Warren Nash, 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. Caesar moved to approve the Regular Meeting Minutes for January 21, 2016, Mr. Phipps second, all voted in favor.

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

COMMUNICATIONS – COUNCIL:

Mr. Phipps stated that the rental registration committee met last Friday and he feels like they have made a lot of progress. He explained that they are tweaking the document and hope to have it back for the first meeting in March.

Mr. Coffey asked for the names of the other people on that committee.

Mr. Phipps replied Mr. Nash, Mr. Caesar, Steve Pacciano, Christopher Fox, and Angela Bauer.

Mr. Blair explained that he passed out a brochure and business card for Volunteers of America and Leslie Grim is going to speak at the end of the meeting to give them more information. He stated that he contacted Wendy Dant Chester with One Southern Indiana as well as IACT and presented a list of names that could possibly serve as a facilitator in a strategic planning session.

Mr. Coffey stated that Mr. Blair has been the one doing the work on this and asked what his recommendation would be.

Mr. Blair stated that he knows a couple of the people on the front page and mentioned that he thinks Cindy Kanning would do a good job. He explained that he liked the idea of a comprehensive planner as well but that would depend on how much time and resources they would want to devote to this. He stated that he just received this last night from Wendy but they could ask several to come in and give a presentation and they could make a decision based on that.

Dr. Knable stated that rather than have them make a presentation they could request that they submit something in writing detailing what they can do for the city and in turn the council could submit to the list of individuals what they expect.

Mr. Blair stated that he thinks that they should give them some kind of scope of work. He explained that he is looking more for a facilitator to help them direct their ideas and gather resources to accomplish what they want. He asked if they want to work on a request as a group.

Dr. Knable asked if they have the ability to meet as a quorum outside of a public venue.

Mr. McLaughlin stated that they would need to look into that.

Mr. Coffey stated that they could have it as a work session.

Mr. Blair stated that he doesn't mind asking for submissions and narrowing down from there if that is okay with the group.

Dr. Knable stated that sounds good to him and if he wants to run the submissions by him he would be happy to give input.

Mr. Blair stated that he will not be at the next meeting so he will not have this information to them until the first meeting in March.

Dr. Knable stated that at the last meeting he brought forward some concerns about the ADA requirements at the construction site downtown and Mr. Gibson was not available at that meeting to answer any questions. He explained that he did reach out to him and asked if there were any updates about that issue from either Mr. Gibson or Mr. Thompson.

Mr. Thompson stated that the other corner has been put back in already so it can be accessed all the way down on the one side.

Dr. Knable asked if there is signage directing people across the street.

Mr. Thompson stated that he will check.

Mr. Matthew Nash stated that he passed it today but it was moved a little and pointed in the wrong direction.

Mr. Thompson explained that now because of the sewer work they are doing there they have the lane blocked off so they will need to move the barricades.

Mr. Barksdale stated that there are four or five hydrants that were covered and that issue was taken to the Board of Works on a couple occasions, and he noticed when he went by today that they were all uncovered.

Mr. Thompson explained that Warren Nash asked the fire department about it and they stated that there were several projects that the water company needed to do so there may be a few around the city that are still covered because the water is shut off to those hydrants.

Mr. Barksdale asked who he could get in contact with to bring him up to speed regarding the Spring Street makeover from the bridge to Spring Street.

Mr. Warren Nash stated that it is scheduled to be brought to the Board of Works meeting tomorrow.

Mr. Aebersold asked if that project is part of the survey that was taken for the two-way streets

Mr. McLaughlin stated that it is completely different.

Mr. Aebersold asked if there was any type of survey or study on why they would want to change things up in that area.

Mr. Duggins stated that it is a federal aid project that has been on the books for a couple of years and Mr. Rosenbarger is the head of the project. He explained that if they would like to give him a call he would be happy to spend some time with them getting them caught up.

Mr. Phipps stated that it is pretty compatible with the suggestions in the Speck Study with some minor deviations.

Mr. Matthew Nash stated that for years he has thought the debate within the council meetings wasn't as productive as it could be. He explained that he talked with Mr. Lorch about it to see if there is a different way to discuss the issues in front of them.

Mr. Lorch stated that he hasn't come up with anything yet but he will follow up.

Mr. Matthew Nash explained that Mr. Lorch suggested that it start with the councilmember that is bringing forth the item and then the discussion can go around the room twice before they end the debate. He stated that the problem now is that it just bounces back and forth and isn't as productive as it could be.

Mr. Coffey asked why he would want to hinder the discussions and explained that they are elected to be a voice for their districts and that shouldn't be suppressed because someone thinks it isn't going fast enough.

Mr. Matthew Nash stated that he doesn't think it is a matter of speed but this could streamline the process.

Mr. Coffey stated that streamlining is speed.

Mr. Matthew Nash stated that he doesn't agree with that.

Dr. Knable stated that he feels that ultimately it is the call of the council president and according to the by-laws they have a sergeant-at-arms if necessary that can be used to enforce this.

Mr. Matthew Nash stated that he would like to put it to the group for a vote on an ordinance to change the bylaws and if they don't like the changes they can always vote to change it back.

Dr. Knable stated that his recommendation would be if they were to do that would be to all go through the bylaws together and look at what is already on the books because they might find that what isn't covered specifically in that may be covered by Robert's Rules of Order. He explained that he is not opposed to it but feels that the authority via the bylaws rest with the president.

Mr. Caesar stated that the bylaws actually stated that after the ordinance has a second reading it is supposed to go to committee who then comes back with a recommendation.

Mr. Phipps stated that he wouldn't be opposed to the suggestion to achieve some civility during the meetings and as long as they can maintain civil discourse he wouldn't be in favor of squelching the debate.

Mr. Aebersold stated that if this has happened in the past, he feels that the president should put the gavel down and get the meeting back in order so that they can move on.

Mr. Phipps stated that any council member can remind the president of a point of order.

Mr. McLaughlin stated that at times there seems to be some redundancy and that would be the time to limit the discussion. He explained that he also knows that not everyone used the same speed or technique to get their point across so it is a balancing act to manage that.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that Mayor Gahan wanted to recognize Mr. Warren Nash for his service to the community and to wish him a happy birthday. He explained that Brooklyn the Butcher is opening up on February 14th so they are looking forward to that as well as Adrian's Bakery and the Gospel Bird will be opening in downtown.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Mr. Thompson gave the council an update on the state project and explained that they benched down to the pipe but because of the amount of earth that they had to move to get to it, there are some concerns about the stability of the slope. He stated that they have stopped their work and they are having meetings to see if they are all on the same page about how to proceed.

Mr. McLaughlin stated that we are supposed to get some severe weather tomorrow night and asked if they are looking for a lot of rainfall.

Mr. Thompson stated that he doesn't think they are calling for a lot of accumulation but there is supposed to be high winds that could cause some damage.

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

Mr. Barksdale reminded the council members that they are invited to a luncheon at the school administration building. He said that the NAFC Library has a new director and invites her in to introduce to the council.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

A-16-01 Ordinance Amending the 2016 Budget for Capital Improvements and Capital Outlays

Blair 3

Mr. Blair introduced A-16-01 and moved to approve the third reading, Mr. Coffey second, the ordinance failed with all voting no except for Mr. Coffey, Mr. Blair and Mr. Aebersold.

Mr. Blair stated that he is looking at this from the fiscal responsibility aspect and they are elected to control and allocate the spending of tax dollars. He explained that he is passionate about this and he doesn't think it is something that should be transferred to anyone and they need to be accountable for their decisions because right now they are giving away part of the checks and balances. He went over R-14-14 that was passed in October, 2014 and pointed out the highlighted portions that talks about the council having input with regards to the project. He explained that he is the one that asked for the resolution and he thought it meant that each project was going to come back to the council for a vote. He discussed the Riverboat Fund hand out and the items that were approved in capital outlays for 2015 and explained that on December 7, 2015, Mr. Duggins gave a presentation on the dog park and he thought it would come back to a vote but that was not the case. He stated that on December 27th the administration went to the Board of Works to accept bids on construction without coming back to the council. He explained that after that happened he spoke to Mr. Lorch who told him that the administration had acted in accordance with the resolution and that it didn't have the teeth that he originally thought it did. He stated that in October 2015 they did something similar with the capital outlays and if they made that mistake in 2015 they were leaving the door open for the same thing to happen in 2016 and maybe a little worse because it was more money and it wasn't a specific item list. He explained that there intent in 2015 was that they expected to be able to vote on each item but because it was so vaguely written they didn't have to bring it back to the council which is why he had the ordinance drafted that is on the agenda for tonight. He stated that this is the only way to ensure that they get to weigh in and have their voice heard about these projects and this was the way it was originally done when he first came on to the council. He reminded the council that they use EDIT and Riverboat for rotating the police cars and paving so they want to make sure those funds are there for these ongoing expenses that they know they will have each year. He explained that it was never the council's intention to give away their vote or ability to weigh in and this decision would not affect the general budget. He stated that they need to be working with the administration on all of these jobs but they need to have an input and they need to have a vote.

Mr. Caesar stated that in looking through some different terminology to understand the difference between an ordinance and a resolution he found that there are four classes of ordinances and those have to be voted on three times, while a resolution has to be voted on once and can't involve spending tax payer's money. He explained that on December

7th he feels there was significant discussion on the dog park and when he reads R-15-17 he is confident that exactly what they agreed to do, which is to have a work session to review and receive input on these projects. He stated that maybe a ball was dropped on the dog park and if so, it shouldn't have happened but he still hates to go backwards.

Mr. Phipps asked if a resolution is legally binding or if it only expresses a desire/support/wish.

Mr. Lorch explained that resolutions are usually more of a short term rule but they have used them both to accomplish very similar things at times.

Mr. Blair stated that when he met with Mr. Lorch they discussed amending the original resolution to include stronger language but he advised that it be presented as an ordinance because it is more binding.

Dr. Knable asked if any of the council members that were present during the December meeting could explain to him exactly what they discussed and if there was an official agreement to let the money be spent on the dog park, because if there was then he doesn't think they violated anything in the resolution. He asked if any of the council members expressly asked that the money not be spent on the dog park.

Mr. Coffey stated that they never had a work session regarding this project so they didn't have the opportunity.

Mr. Blair stated that Mr. Duggins did present this to them at a work session before the December 7th meeting.

Mr. Coffey stated that the council's intent was that before ground was broken that they would come back for a vote and/or input and the work session on December 7th was presented as a wish list.

Mr. Caesar stated that he has the minutes from the December 7th meeting and there was significant conversation about the dog park and the details of what they were planning.

Mr. Phipps stated that there was quite a bit of discussion and information presented to them that night and he doesn't remember anyone raising any serious objections to the project in general.

Mr. Blair stated that he would agree that there was significant conversation but he raised a lot of objections to the project. He explained that he was under the impression that it was going to come back to the council for a vote at the next meeting.

Mr. Phipps stated that he isn't saying that concerns weren't raised but he doesn't remember any big controversy coming from that meeting.

Mr. Aebersold asked if the intent was to expedite moving the projects along and how the money was spent if the project cost more than originally intended.

Mr. Caesar stated that a couple of years ago they did a project with the farmer's market and they came back to the council to ask for more money and they voted the whole project down.

Mr. Aebersold asked what would happen now after the resolution in question was passed.

Mr. Gibson stated that since the farmer's market there hasn't been any projects.

Mr. Coffey stated that the council is given a wish list and they are approving the funding not the project themselves.

Mr. Gibson stated that for over a decade \$950,000.00 was budgeted into EDIT for capital projects without a resolution or ordinance for the administration to do smaller project. He stated that changed with the newer resolution and it was budgeted as a line item and the administration followed the process requested by that resolution. He explained that this

resolution has been voted on twice by the council without amendments or concerns and it has been followed in that respect so he isn't sure why they are standing here having this conversation again. He stated that the administration intends to continue to follow the resolution and bring each project back to the council to get their input before they spend the money.

Mr. Blair asked what happens if five members say that they don't like a project.

Mr. Gibson stated that if that is the case they can take action on it at the very next meeting.

Mr. Blair asked if he could take action on the dog park at the next meeting.

Mr. Gibson explained that the dog park project has already been started but if they brought a future project to them and they didn't like it they could take action on that at their next meeting. He stated that the administration has to work with this council for the next four year so they are not just walking around making casual decisions about these projects knowing that they have to come back before them at budget time to explain what they have spent.

Mr. Blair stated that the dog park took on a life of its own and it was never presented to them in its entirety and was rushed through at the end. He explained that they need to work with the administration on design and through the whole process.

Mr. Gibson explained that to get a consensus from 9 members along with the administration will make it impossible to do projects. He stated that getting input on concepts makes sense but at the end of the day the administration has to move forward and finish these projects.

Mr. Coffey stated that they did accomplish a \$19M project working together every step of the way.

Dr. Knable asked to go back to the December 7th meeting and stated that although there seems to be different recollections about the discussion there was no formal vote taken. He explained that if he were the administration and there was no vote, he would have taken that as a green light to move forward.

Mr. Blair stated that they still thought it would come back for a formal vote after that meeting.

Dr. Knable explained that the resolution clearly states that the project will come back before the council for input, not a formal vote.

Mr. Blair stated that he recognizes that the wording is vague so he is trying to prevent this moving forward.

Dr. Knable asked if he was correct in understanding that the pool of money never went up from what they originally asked for.

Mr. Gibson replied yes.

Mr. Blair asked if he saw what they ended up spending on the dog park.

Mr. Matthew Nash stated that now it is starting to sound like a vendetta against the dog park.

Mr. Blair stated that it is just an example of what can happen if they don't have a say on how much is spent for each project.

Dr. Knable stated that it is a cost reallocation and he has heard this referred to as a cost overrun which is a misrepresentation.

Mr. Blair stated that there was \$250,000.00 budgeted for the dog park and it ended up costing \$300,000.00.

Mr. Duggins stated that there was an appropriation in 2015 for \$250,000.00 and the second phase of the dog park was bid out for \$158,000.00 so they are under the total adding both phases together.

Mr. Caesar asked if they asked him to put projects on hold for 30 days if they could assure them that the projects would come before them and if the council says no that no further action would be taken until an ordinance is passed.

Mr. Gibson stated that as he has explained that if they don't like a project that is presented they have every right to take an action at the next meeting.

Mr. Caesar stated that they would know the night of the meeting if there was a general dissent with the council members and asked if they would not go forward until they have a chance to make the appropriate ordinance.

Mr. Gibson stated that the council has always had the power to take a vote on the projects.

Mr. Caesar is asking if they would have the professional courtesy to wait until they can have the vote before moving forward.

Mr. Gibson stated that he cannot advise his staff to slow down until they hear a no from the council but if they vote no in the meeting then the project stops.

Mr. Barksdale stated that they could also call a special meeting so there wouldn't be a time lapse in between.

Mr. Caesar stated that they could do that but he was just trying to get away from that and get some assurance from the administration.

Mr. Gibson stated that there would not be one penny spent out of the line items until they have conducted the work sessions.

Mr. Blair stated that he still thinks it should come back in the form of a vote so that it is crystal clear and they have more control over what they are voting on. He explained that they do get audited and this will make it completely clear during an audit what the intentions of everyone involved were.

Mr. Aebersold asked if there was any way to know ahead of time what they are working on before it is brought to the council for their input.

Mr. Gibson stated that a lot of the projects do have a council member involved.

Mr. Phipps stated that maybe if a project is in a particular member's district they can get a heads up or have some input.

Mr. Matthew Nash stated that there are council members represented on all of the boards that were involved in this project so someone should have known what was going on from day one and they could update the council during their meetings.

Mr. Coffey stated that the farmer's market was a huge cost overrun that they didn't know about until it was brought into them.

Mr. Gibson stated that it did come back to the council because the bid prices were higher with the additions and the consensus was that the council didn't want to pay for the additional costs and this is how they would like to continue to work.

Mr. Blair stated that he really thinks that it is the council's responsibility to vote on how the money is spent and it is dangerous to do things they don't have record of, which is what they are doing now.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Leslie Grim invited them to a free luncheon for Volunteers of America. She explained that they do a lot of work for the community including helping the homeless, those with disabilities, and drug/alcohol addiction.

Mark Cassidy stated that he has heard a lot of the discussions regarding these projects over the years and he remembers the conversations going very differently than what was mentioned tonight. He explained that they have to have some trust in the people that they work with but when things are done in December that doesn't leave a lot of time to meet in order to dissent if they chose to. He mentioned the Coyle project and the issue with waiving sewer taps that was passed without coming to the council to discuss it so that goes back to not being able to trust those that you have to work with.

Roger Baylor stated that it is extremely disorienting for those in the community to be handed information about these improvement projects and to be able to make heads or tails of them. He suggested that they talk openly about what they are planning on doing to avoid this confusion.

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:30 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk