

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,  
HELD A REGULAR COUNCIL MEETING VIA ZOOM.COM ON THURSDAY,  
MARCH 18, 2021 AT 7:00 P.M.**

**MEMBERS PRESENT:** Council Members: Mrs. Collier, Mr. Caesar, Mr. Turner, Mr. Blair, Mr. Aebersold, Mr. Applegate, Dr. Knable and President Phipps. Mr. McLaughlin was not present.

**ALSO PRESENT:** Amy Stein, Josh Staten, Linda Moeller, Warren Nash, Shane Gibson and Vicki Glotzbach

**CALL TO ORDER:**

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

**MOMENT OF REFLECTION:**

**President Phipps** asked everyone to remember the eight shooting victims in Atlanta yesterday.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

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

**Mrs. Collier moved to approve the Regular Meeting Minutes for March 1, 2021, Mr. Caesar second, all voted in favor with the exception of Mr. McLaughlin who was not present.**

**COMMUNICATIONS – COUNCIL:**

**Mr. Turner** stated that he wanted to thank the New Albany Fire Department for getting Water Street taken care of after the flood. He said that he saw them out there spraying the mud off of the street. He stated that he also wanted to thank the Jeffersonville Fire Department for coming out and helping us. He said it is nice to have good neighbors. He then asked if we reached out to the county at all before we asked Jeffersonville to help us because Water Street is technically their riverfront as well. He then stated that we are using a fire truck which is basically a \$500,000.00 piece of equipment to spray mud off of various streets, so it may not be a bad idea for the city to invest in a water truck with some pumps on it. He said that the fire truck is a primary apparatus to fight fires and that is a lot of wear and tear on it to clear mud off of the streets. He feels the city would be better served to have something like a water truck because of how often the streets do flood.

**Mr. Blair** stated that he had the opportunity to go through the budget to actual report for 2020 yearend and he knows it was a very unusual year because of the pandemic, but there are a lot of things that are way outside of what we expected. He said that he did send a list to Mrs. Moeller and Mr. Gibson and he would like to ask them some questions on about 12 line items that he considers to be quite a bit outside of the budget. He also said that this data is about two and a half months old and things have occurred since this report, so he wants to know what has been done to get things back in line and get spending under control.

**Mrs. Moeller** stated that she is not prepared to go line by line tonight with Mr. Blair but she did receive his email and she feels those items are better served to go over at budget

time with the entire council. She also stated that budgets fluctuate from year to year sometimes especially with a pandemic and it is her opinion that they will go through all of these items pretty soon with the budget process. She reminded Mr. Blair that they have gotten very good SBOA audits every year and this past year for 2019 was such an exceptional one that they said they have never seen one as perfect as ours was. She stated that she feels they are doing a good job and that the appropriate time for this review is at the budget work session.

**Mr. Blair** stated that with all due respect, he spends a lot of time with companies and he regularly reviews their financial information about a month after the month-end period has closed out. He said that if they give a report of being out of variance 10%, they will explain why so there is an urgency to this and is not something that should be just be looked at on an annual basis.

**Mrs. Moeller** stated that is something that each department head looks at because they are given budget to actuals each month for them to review and she reviews each one of them as well and communicates with the department heads about their budgets.

**Mr. Blair** stated that if that is the case, he would think that she would have the answers pretty readably available and be able to explain why some of these are out of budget.

**Mrs. Moeller** stated that this is March and they have just closed out 2020 and everyone's budgets are pretty much under control at this point. She said she will watch the budgets as the year goes on and usually by the time the budget work sessions hit, it is a good time to talk with the department heads about their budgets.

**Mr. Phipps** stated that he thinks that is very reasonable and he would, in fact, suggest that.

**Mr. Blair** gave the example of the fire department being overbudget by \$467,000.00, they haven't used any holiday pay of \$300,000.00 and PERF was over spent in the amount of \$159,000.00. He said that is a large margin and that is something that we need to understand and maybe do something differently.

**Mrs. Moeller** stated that those were exactly three items that were discussed in last year's budget work session. She said that they were explained as to why they were budgeted that way so Mr. Blair has already been given the answer to those.

**Mr. Blair** asked how they were given the answers to those if they occurred just recently. He said that he doesn't want to just kick this down the road when there is an urgency in how to handle it.

**Mrs. Moeller** stated that every one of those budgets that Mr. Blair questioned in his list came in underbudget. She said that every one of those departments were underbudget at the end of the year.

**Mr. Blair** stated that they were as a whole but we budget by line item and there were a lot of line items that were overbudget such as electricity. He asked what happened there.

**Mrs. Moeller** stated that it could have been budgeted incorrectly or they used more electricity than usual for some reason.

**Dr. Knable** asked Mr. Blair if he could define what he means by variances and give the council a range of what he is seeing.

**Mr. Blair** stated that an example is that the parks regular salary was \$87,000.00 overbudget, the sports center was over \$48,000.00 overbudget and contractual services was about \$80,000.00 overbudget. He said that the street department was \$632,000.00 underbudget in salaries and that looks like we didn't have any street department last year. He asked why we were so underbudget there. He also said that back in May of 2018, they budgeted \$573,000.00 for city hall and come to find out we spent \$637,000.00 which is about \$50,000.00 more and he would like to know why. He stated that if we just keep letting this go on, it is only going to accumulate and get worse. He then stated that he has not seen a budget to actual report for 2021 and by this time, they would usually have January so they don't know where they are at in 2021.

**Dr. Knable** stated that since this is new information to the council, he asked that they hear something in the interim whether it be six or eight weeks so that there is time to get the information together. He said that the one thing that they are charged with is the finances when they are elected to the council and he has never had any reason to doubt Mr. Blair and has never had any reason to doubt Mrs. Moeller, so he would like to find some way to reconcile this.

**Mr. Phipps** asked Mrs. Moeller if she thought in a month or so she could get some short answers to some of these bullet point questions asked and the council can explore them in more detail during the budget process that we usually start in July.

**Mrs. Moeller** stated again that some of these things have been answered before and as he was stating them, she had some answers in her head to what they were. She said that one of his questions she has already answered in an email as to what it was. She also said that the January budget to actuals went out today for delivery to the council members but she doesn't know if they were going to be able to deliver them all today.

**Mr. Phipps** stated that he received his today but he hasn't had a chance to look at it.

**Mr. Blair** stated that his is probably on the front porch but some of them have regular jobs and don't have enough time to receive something the day of the meeting and have time to look over it before the meeting. He also stated that they have done a fantastic job with the audit but an audit is saying that we have our systems correct and are reporting things correctly. He said that it doesn't say if we are having a profit or a loss or are out of budget. He stated that he is thinking about the financial health of the city as far as how we are spending money and if we are spending it the way we said we were going to and that is not what an audit does.

**Mrs. Moeller** stated that she would agree that SBOA doesn't tell us how to budget but if we are out of budget, we would be written up for it because that is not allowed so she wouldn't agree with Mr. Blair there. She added that they very much do audit us by the fund and by the department.

**Mr. Blair** stated that he would then think that Mrs. Moeller would be concerned about the items that are out of budget if that is the case.

**Mrs. Moeller** stated that they are not out of budget. She explained that the line item may show that we have spent less or more, but the total fund for that department such as the fire department is not overbudget.

**Mr. Blair made a motion that at the next meeting they have the controller walk through the 2020 budget to actual and explain the large variances, Mr. Turner second,**

**Mr. Phipps** asked Ms. Stein if the council has the power to vote on this or not.

**Ms. Stein** stated that she would like to look at it and report back at the next meeting. She said that it is a little bit of a catch 22 because to get someone on the agenda, you have to have a vote for it, but how do you get a vote for it if it is not on the agenda. She also said that as far as requiring Mrs. Moeller to come and speak, she would like to look into that.

**Dr. Knable** asked Ms. Stein to explain the difference between invitations and compelling.

**Ms. Stein** stated that if the council invited someone to speak, they could decline it. She said that in Indiana Code there are circumstances where people are required to come in and report and she doesn't know where that stands with the controller.

**Mr. Applegate** stated that today he was at the Art Alliance groundbreaking for Monarch Butterflies and it is really exciting what they are doing there on the property so he would recommend that everyone look into all that they are doing. He said they are doing a lot for the area in the arts and bringing stuff to the parks so kudos to them. He stated that he was able to get his shot today and the health department did a really great job with the mobile site. He said that he was talking with Dr. Harris and it was really interesting that we are approaching about 30,000 vaccinations in Floyd County and he is trying to get to that 40,000-45,000 mark to cover 50% of the population. He stated that is when science says that herd immunity kicks in and helps out. He said that he wanted to say to the people out there that do want to get vaccinated to try to do it sooner than later and then that also helps the people who do not want to get the vaccination. He stated that they also talked about masks and how the flu cases have been down so everyone should try to keep wearing masks and be accountable for themselves and others.

**Dr. Knable** stated that he has attended two live public meetings of boards that were carried out with the majority of the members being vaccinated and social distancing. He said he noticed that the CDC is probably going to announce tomorrow that they are going to decrease social distancing from six ft. to three ft. within schools as a means to help in reopening with their confidence levels up. He stated that this should not be done publicly because of everyone's health information, but asked Mr. Phipps if he could possibly take a private pole to see how many of them have been vaccinated. He said he thinks it may be worth them considering meeting live with Zoom attendance for the public for a time because he just thinks the meetings are so much more effective when they are all together. He then stated that there is a lot of Cares Act money pouring into the community and he thinks it is imperative that the council, as representatives of the taxpayer, has input to how that money is spent. He said that he wanted to recommend that as soon as they find out what that criteria are, they need to see whether or not any of that criteria can be filled by our needs list. He stated that they have been talking about fire equipment and that is probably going to possibly be allowed on that. He also stated that he really thinks they should have an ad hoc committee between the city, the county, Greenville and Georgetown so that we don't overlap purchases that we may be able to help one another with. He said for instance if fire trucks are allowed, there is no reason to buy four if we could possibly purchase two and utilize those together. He stated that at a minimum, he believes this council needs to have some input on how that \$16+M that is coming to New Albany is going to be spent.

**Mr. Phipps** stated that he got his second shot just an hour and a half ago and he thinks most of us are at that point where we are vaccinated or will be shortly so he will be gathering that data privately. He said that he wouldn't even entertain the idea of live meeting until everyone on the council that wants the vaccine has been vaccinated and has waited that two-week period. He stated that his hope is that we are back to live meetings at least by the first of June and maybe even the end of May if that is possible so he is onboard with Dr. Knable on that. He said that we will still need to do masks, social

distancing and have safety precautions in place, but hopefully we can just move into the new city hall for that first live meeting. He stated that it is certainly on his radar. He then stated that in response to Dr. Knable's idea about the committee, he read a letter into the minutes that Mayor Gahan sent him earlier that day requesting him to appoint a special committee to help the administration expedite the American Rescue Plan of 2021. Said letter is on file in the city clerk's office. He said that the special committee will consist of Mr. Applegate, Mr. McLaughlin and Mr. Aebersold. He stated that there will be all kinds of guidelines in place as to what we can and can't use the money for so they will look at our needs and see what fits into those parameters.

**Dr. Knable** stated that given the magnitude of the amount of money in question and the fact that Mr. Phipps said himself this is the most important committee ever formed on this council, he would like to remind him that he has the capability of naming the entire council a committee as a whole.

**Mr. Phipps** stated that he thinks this is best served as a smaller committee because if you get a committee too large, you are going to have too many disagreements and get bogged down. He said that he has confidence in the three people that he selected to serve on the committee.

**Dr. Knable** asked if the other council members are to have no input on this \$17M.

**Mr. Phipps** stated that he is sure as our representatives if we have concerns or suggestions, we can offer them to our fellow council members in their decision making, but ultimately, it is the committee of three. He added that we have always established committees of three.

**Dr. Knable** stated that we always have but we have never had nearly 50% of the annual budget to consider at one time without precedent and he urged Mr. Phipps to reconsider this.

**Mr. Phipps** stated that it might be very difficult to get everyone together in larger groups like that with the urgency that is needed here with money that is going to be coming in as quickly as 60 days. He said that he appreciates Dr. Knable's suggestion but he is going to limit it to the three-person committee. He then stated that he did receive the budget to actual report today and when he first came onto the council, they talked about streamlining this and sending them electronically. He said that he is going to ask Mrs. Moeller from now on to just send the financials electronically and if someone wants a paper report, that is fine and they can request that. He added that this will save a lot paper and a lot of labor in terms of the controller's office duplicating, sorting and sending these things out.

**Mr. Caesar** stated that at this time he would like to table R-21-04 because he really thinks it is important that the entire council votes on this and Mr. McLaughlin isn't here so he will table this item until the next meeting. He also stated that he wanted to thank everyone who volunteered to speak tonight and wanted to say that if we would have allowed 100 people to speak on this tonight, 100 people would have spoken.

#### **COMMUNICATIONS – MAYOR:**

**Mr. Staten** stated that the mayor wanted to reiterate that this American Rescue Plan in the amount of approximately \$16.83M will be coming in two phases and they believe that will be half and half so in the next 60 days, we will receive half of that. He said that they are still gathering information on what we can and cannot use it for and they are excited to work with the committee and the council as they get this money back into the hands of the people of the City of New Albany.

**Dr. Knable** asked if he has any examples at this point in time.

**Mr. Staten** stated that they are a bit broad right now and there are some different things that they can look into and he would be happy to put something together and relay that on to the council as he gets it.

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

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

**SEWER UTILITY – Mr. Ed Wilkinson**

**Mr. Wilkinson** stated that the sewer department finished the year 2020 about \$100,000.00 underbudget and with the instability of the impact of COVID, it was quite remarkable that revenue and expenses stabilized after a few months and remained stable for the full year. He said that he doesn't expect that 2021 will be any different and he is not looking for any issues at all. He stated that they had talked previously about the 3% increase but with all of the negative impacts from COVID, he is comfortable that they remain the whole year without an increase. He said that the construction report for the sewer line going around the top and side of Silver Hills was finished in the fall and that is now exiting down to Corydon Pike and we should not be experiencing anymore impact from wet weather that caused that hillside to slide. He stated that in the spring, they will be starting the expansion of the Uphill Run Lift Station and it is on Payne Koehler Road near Chapel Lane. He said that it will hook to the Prosser Lift Station and they are going to increase the capacity there about 35% both in the entire lift station and in the pipeline going to the Prosser plant and that is the last leg of the complete rebuilding of those units out in that area of our sewers. He stated that in every operation of processing, there is old equipment involved that needs maintenance but they set out a five-year plan to apply a certain amount of money every year for internal operations at the plant. He said that their five-year plan is coinciding with their 20-year masterplan that they are in the process of redeveloping to be able to serve the four-mile zone out from the city limits. He stated that they are going to be handling any and all of those new developments that come anywhere inside between Highway 150 and the city and then over to Silver Creek. He said that the 20-year plan will cover our capital assets and systems that we may be needing to service any and all of the new company business that we would encourage to come our way into our industrial parks and our residential areas. He stated that they have several construction projects underway in town right now. He said that in 2023, two of the major bond issues that did the financing for the remodeling of the plant 20 years ago will be paid off and at that point, we will have reduced our overall outstanding debt in the sewer department from \$75M down to just \$20M. He stated that on December 12, 2020, we completed our 12-month watch period of our system with zero violations of any type and in January we applied to the Region 5 Chicago Office of EPA to terminate the amended consent decree. He said that we met all of the requirements, spent up to \$31M during the past 10 years and had a third-party engineering firm that supplied an exhibit certifying that we ran a full year without any violations so now we are just waiting on a decision from the judge. He added that he thinks that is fabulous news.

**Dr. Knable** asked if the pump discrepancy on the new pumps on the hill got settled.

**Mr. Wilkinson** replied yes and stated when they started digging, they found that the water company had a water line parallel to the street the way that we were going to go with our pipeline so we had to move it and raise it up a couple of feet. He said that changed the performance level of the pumping system but we are still inside of the performance guarantees and still inside of any of the engineer analysis. He stated that it

is going to be alright but it just didn't start out with the numbers that were expected and it was impacted by Silver Creek Water and there wasn't much they could do about it.

**Dr. Knable** asked if that is going to impact the life of those pumps.

**Mr. Wilkinson** replied no that it should not. He stated that the flow rate is only about 55% of what those pumps will do anyway.

**Dr. Knable** asked if there are any plans in the 20-year plan to relocate the plant.

**Mr. Wilkinson** stated not that he is aware of.

**Dr. Knable** stated that in his opinion, it is such an impediment to growth in district 1 of downtown and he would like to see at least a consideration of it in the dream scheme of the 20-year masterplan.

**Mr. Wilkinson** stated that there is no problem at all with doing that.

**Mr. Blair** stated that he recalls that they put a process in place about four or five years ago to review sewer fees on an annual basis and asked what the status of that is.

**Mr. Wilkinson** stated that was his comment in the very first item that he mentioned. He said that they had talked about it a year ago but with the impact of COVID, they felt that they didn't want to ask people for an increase. He added that 2020 was so stable and they don't have any plans to do anything in 2021.

**Mr. Blair** stated that he was referring to a more formal review with a spreadsheet and projections. He said that he just wanted to see that document if it had been prepared.

**Mr. Wilkinson** stated that they didn't do any of that with COVID. He said they were just trying to get by and they got by so they left it alone.

**Mr. Blair** stated that about this time last year the council approved waiving late fees on sewer payments and asked if he had any information as far as how that program went or how many late fees we may have waived.

**Mr. Wilkinson** stated that the impact was about \$300,000.00 in reduction of collection of late fees.

**Mr. Blair** stated that it sounds like they helped people in that process.

**Mr. Wilkinson** replied yes, of course. He added that amount of money was spread over 600-700 people.

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES:**

**READING**

**COMMUNICATIONS PUBLIC: A-21-01 ONE SOUTHERN INDIANA**

**COMMUNICATIONS PETITIONER: A-21-01 ONE SOUTHERN INDIANA**

<b>A-21-01</b>	<b>ORDINANCE FOR THE APPROPRIATION OF RIVERBOAT FUNDS FOR ONE SOUTHERN INDIANA</b>	<b>Blair 1&amp;2</b>
----------------	--	----------------------

**Mr. Blair introduced Bill A-21-01 and moved to approve the first and second readings, Dr. Knable second,**

**Dr. Knable withdrew his second.**

**Mr. Applegate moved to amend the ordinance to require them to come in for an annual visit and report to the council, Mr. Turner second, all voted in favor with the exception of Mr. McLaughlin who was not present.**

**Mr. Blair reintroduced Bill A-21-01 as amended and moved to approve first and second readings, Dr. Knable second, all voted in favor with the exception of Mr. McLaughlin who was not present.**

**Mr. Blair** stated that Isi did a very nice presentation about what they do and their impact on the community two meetings ago and he feels this appropriation is a small token on what we get in return. He said that he thinks this is a very good investment in our community and it saves us on time and resources that we would probably have to staff if they weren't available. He added that he thinks everyone knows of companies that they have helped attract and retain here in the city.

**Mr. Staten** stated that he has worked with Mr. Matt Hall and he has been pretty instrumental on a lot of projects that they have been doing in the last few years.

**Mr. Applegate** stated that he agrees with everything that has been said and a lot of areas do not have the resources that we do have with Isi. He said that he would like to amend the ordinance to add that they come in for an annual visit.

**Mr. Caesar** asked if this is basically the same agreement that they had with them last year with two people on the board and we will get everything that we got last year.

**Mr. Blair** stated yes, that is his understanding.

**Mr. Turner** stated that we are about to get almost \$17M and asked if there is an option to use \$30,000.00 from that instead of taking from our riverboat fund because he thinks that would be a better option. He then recommended tabling this item until they can find out if they can use the federal funding that is to be received instead of funding from the riverboat fund.

**Mr. Gibson** stated that he doubts that a membership into a Chamber of Commerce is going to qualify for that federal funding.

**Mr. Turner** stated that he was reading up on it and saw something that mentioned economic development and he wasn't sure if this would be considered economic development or not.

**Mr. Gibson** stated not the way this is structured because this is more of a membership and representation than economic development.

**Mr. Turner** stated that he then takes back that recommendation to table this and told Mr. Gibson that he appreciates the info.

#### **INTRODUCTION OF RESOLUTIONS:**

**COMMUNICATIONS PUBLIC: R-21-04 HOUSE BILL 1005**

**COMMUNICATIONS PETITIONER: R-21-04 HOUSE BILL 1005**



**R-21-04            RESOLUTION OF THE CITY COUNCIL            Caesar**  
**OF THE CITY OF NEW ALBANY, INDIANA,**  
**IN OPPOSITION OF INDIANA HOUSE BILL 1005**

**Mr. Caesar tabled this item.**

**BOARD APPOINTMENTS:**

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

**Mrs. Glotzbach** stated that she received two emails. She read into the record the first email from Mrs. Leslie Townsend and Mr. Michael Townsend which sets out concerns over the intersection of Grant Line Road and Mel Smith Road in regards to the apartments being built by Mr. Colin Receveur. She stated that Mrs. Townsend is concerned because there wasn't an actual traffic study done at that intersection before the project was approved by the council and firmly believes that road improvements need to take place prior to adding an apartment complex. She said that Mrs. Townsend also addressed problems at the intersection at Kamer Miller Road/St. Joseph's Road/Charlestown Road. Said email is on file in the city clerk's office.

**Mr. Applegate** stated that redevelopment has been looking at the intersection at Kamer Miller Road and Charlestown Road for a long time and they are getting drawings together and looking at this area very seriously. He said that the project is already in the works so this is already being addressed.

**Mr. Phipps** stated that the council did not put a requirement for a traffic study in the ordinance that they passed. He said that Mr. Receveur provided a traffic count and we did not require an additional traffic study and what is written in the ordinance is what is required of Mr. Receveur.

**Mrs. Glotzbach** read the second email into the minutes. She said that it was from Mr. Larry Campbell with Campbell's Fencing and was in favor of a chain link fence ordinance by Mr. Turner. Said email is on file in the city clerk's office.

**Ms. Anita Pettit** stated that she is a realtor and a resident of New Albany and at this time owns two houses in New Albany. She said that she would like to talk about the chain link fencing rule. She explained that last year she reached out to Councilman Turner to see what could be done about the rule because she had a house that needed the chain link fencing removed in the front and she was going to replace it with a decorative rot iron or vinyl chain link fence. She stated that she found out very quickly that she could not do that. She said that Mr. Turner brought the issue of chain link fencing before the council in November and it was voted on and they left it as it was. She stated that she posted a survey on New Albany's Facebook Page asking if participants support the chain link ban. She said she received almost 500 statements that they do not and less than five statements that did. She stated that a lot of people don't understand that if their chain link fence comes down, they would have to replace it with a privacy fence. She said that the concerns that were brought to her attention were that a lot of the houses have backyards that fill with water and wood doesn't work. She also said that some people can't afford privacy fences because the cost of lumber has literally tripled and some just feel it is unsightly. She stated that she has been in real estate since 2006 and she has never found that a house decision was based on whether it had a privacy fence or a chain link fence. She said that she also contacted two appraisers and asked if they value at a higher monetary amount a chain link fence or a privacy fence and both said that they don't. She added that there is a negligible amount of value in a fence and they just note it as a fence. She stated that she would like some consideration in that people get to choose their own

type of fencing. She said that it couldn't be chicken wire or barbed wire but certainly can have what was acceptable when the houses were built and if they are properly maintained, they look great. She also said that she has a privacy fence and would like to replace that with a black chain link fence because they look so good and a lot of the high-end houses have those now. She added that they don't have privacy fences and that they are quite unsightly. She encouraged the council members to speak with their constituents and see where they stand and see what we can do about it.

**Mr. Phipps** stated that if a person has a chain link fence and they take it down, they can replace it with another chain link fence. He said that he checked with Mr. Scott Wood on that yesterday. He stated that it doesn't say that you can't replace one, it just says that you can't put up a new one. He also stated that he was on the committee that looked at the zoning ordinance and basically our new zoning code was patterned off of other cities in Indiana so we are not the only city that has done this. He added that there are numerous cities across the nation that have similar restrictions on chain link fences and part of it is aesthetics because they have more of an industrial feel. He stated that another issue is safety because a person could have a vicious dog and a toddler is next door and they could inadvertently stick their fingers through the chain link fence then the child is missing fingers. He also stated that they had considerable debates about this when Mr. Turner brought it to the council in November and he said that he was almost of the mindset that if they are in the backyard that's one thing, but certainly not in the front yards.

**Ms. Pettit** stated that people only want them in the back yards. She said she absolutely agrees with him on the front yards. She also said that every owner needs to be aware of the child next door regardless of what kind of fence they have.

**Mr. Blair** stated that he was also on the committee that looked at the zoning ordinance and one of the tough things was to actually define what a metal fence is because you have chicken wire, barbed wire, etc. He also stated that with any code that they pass, there is always a way to present to the board of zoning appeals to ask them for an exception so that is a way to approach it too.

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 8:15 p.m.

---

Greg Phipps, President

---

Vicki Glotzbach, City Clerk