

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,
INDIANA, HELD A REGULAR COUNCIL MEETING IN THE COUNCIL
CHAMBERS AT NEW ALBANY CITY HALL ON MONDAY, OCTOBER 3, 2022
AT 7:00 P.M.**

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

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

CALL TO ORDER:

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

MOMENT OF REFLECTION:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Phipps moved to approve the Work Session Meeting Minutes for September 7, 2022, Mrs. Collier second, all voted in favor.

Mr. Phipps moved to approve the Regular Meeting Minutes for September 8, 2022, Mr. Dickey second, all voted in favor.

Mrs. Collier moved to approve the Regular Meeting Minutes for September 15, 2022, Mr. Phipps second, all voted in favor.

COMMUNICATIONS – COUNCIL:

Mrs. Collier asked that everyone keep the families in Florida that were devastated by the hurricane in their prayers.

Mr. Dickey echoed what Mrs. Collier said. He wished everyone a Happy Harvest and stated that the parade was a great successes. He added that they are looking forward to the booth days and reminded the citizens to be patient as they move around downtown as all the activities are going on.

Mr. Phipps echoed Mr. Dickey’s words of concern about safety during Harvest Homecoming. He stated that there is a device called an OWL that you can set up that will turn towards the person who is speaking, so that would be very handy to have for meetings when one of the members is joining remotely.

Dr. Knable stated that he saw one in here once but didn’t know if it belonged to the city or some other entity. He added that they have ~\$4,000.00 in their budget each year if they want to look at purchasing one.

Mrs. McLaughlin stated that her prayers go out to everyone in Florida and asked that everyone be safe during Harvest.

Mr. Turner stated that he is curious about the Kamer Miller Road and St. Joe Road intersection and asked if the businesses are closing.

Mr. Gibson stated that there is no roundabout going in and it is in engineering plans now with the hopes that it will be done later this fall.

Mr. Turner asked if there is an agreement somewhere for the businesses that are closing.

Mr. Gibson stated that most of them are privately owned so if there is anything it would be an easement agreement going back and forth between the city and the property owners regarding what it is needed to build the new roadway.

Mr. Turner asked if the city has set Trick or Treat hours or are we going with the commissioner's time?

Mr. Gibson stated that the Board of Public Works and safety normally sets those hours and suspects it will be done within the next week or so.

Mr. Turner stated that Chief Juliot came in and talked about additional firefighters retiring before the year /early next year and he would like to take \$900.00 out of the Community Fund to set up a council scholarship that would go to Prosser. He added that he would like it to include stipulations that the person has to come from New Albany along with some other qualifiers.

Dr. Knable asked why that specific amount.

Mr. Turner stated that it is the tuition for the class and once they leave they will have their qualifications to become a firefighter.

Mr. Aebersold stated that he concurs with everyone's sentiments regarding the horrible hurricane that hit Florida and went up the coast. He extending his thoughts and prayers and added that if there is anything else they can do to help those individuals he'd like to see it done. He stated that with everything that has gone on in the last few years during group gatherings he is hoping for a very safe festival this year.

Mr. Applegate asked that everyone give grace and patience during the festival. He stated that this is the largest fundraiser for a lot of the nonprofit businesses so he encouraged everyone to show up and support them, as well as the local businesses in the festival area. He reported that the council did receive emails from the Homeless Coalition and they are going to meet with the Public Health and Welfare Committee.

COMMUNICATIONS – MAYOR:

Mr. Hall wished everyone a "Happy Harvest" and stated that the city is very thankful to be hosting the festival again, adding that is the third largest festival in the state.

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

COMMUNICATIONS PUBLIC: A-22-03 General Fund and Other Budgets

COMMUNICATIONS PETITIONER: A-22-03 General Fund and Other Budgets

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| A-22-03 | An Ordinance to Fix the General Fund and Other Budgets for the Year 2023 | Dickey 1&2 |
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Mr. Dickey introduced Bill A-22-03 and moved to approve the first and second readings, **Mr. Phipps** second, all voted in favor with the exception of **Mr. Turner** who voted no.

Mr. Dickey stated that as they discussed in the work session they will see the increase to salaries at 6% which reflects concerns regarding trying to keep wages competitive and adjusting for inflation trends.

Dr. Knable asked if they could specify which salaries this would include for the public that may be listening to the meeting.

Mr. Dickey stated that the increase is for the non-bargaining employees only.

Dr. Knable stated that doesn't include elected officials.

Mr. Dickey stated that is correct.

Dr. Knable stated that during the work sessions there were a few items that they were waiting on information about and the one that he can remember is the breakdown of the specific regarding the pool.

Mr. Gibson stated that he will get that to him as soon as he can

Dr. Knable stated that he will be a provisional yes until he gets that information.

Mr. Turner stated that he will be voting no on this because they just received the budget information two days ago and he still needs time to ingest it all.

Mr. Aebersold asked how they can go through with this budget when in obviously won't be there.

Mr. Gibson stated that during discussions they had talked about moving it out of the general funds into its own specific non-reverting account.

COMMUNICATIONS PUBLIC: A-22-04 Non-Reverting Budgets

COMMUNICATIONS PETITIONER: A-22-04 Non-Reverting Budgets

**A-22-04 An Ordinance to Fix the Non-Reverting Budgets Collier 1&2
for the Year 2023**

Mrs. Collier introduced Bill A-22-04 and moved to approve the first and second readings, Mr. Phipps second, all voted in favor.

Mr. Gibson highlighted some of the changes that include the parks maintenance fund that was \$50,000.00 per year and through some of the revenue that the parks department has generated they were able to fund it to \$500,000.00. The park non-operating which they added additional expenses for the department, with the major expense being a transfer from the fund over to parks maintenance. The parks fund was put in the general fund back in the 1990's even though it was an intermodal agreement between the city and the counties so with this budget cycle they are pulling it out and putting it in its own non-reverting fund. He stated that they will be able to see the revenue that goes in and out more easily with this set up. He added that city will write a check from the revenue to the board of works and when money is received from the county it will go directly into the non-reverting fund.

Mr. Aebersold stated that hopefully they will be in decent shape throughout the year with the income from it plus what they are budgeting for it without even thinking about the other part coming in, because it likely won't.

Mr. Gibson explained that they will be able to fund several months, and when he says fund he means that there are several funds in one bank account. He stated that if the city doesn't received revenue from their partner it will start showing in the red which will cause them issues during the audit if they aren't addressed. He added that they will continue to operate the animal control as they have been either way.

Mr. Aebersold stated that he just wants to make sure that it is watched closely.

Mr. Gibson stated that it will be in the budget to actuals that the council receives each month so they can follow it.

Mr. Dickey stated that it was his understanding that if they do go into the red on this fund because of lack of payment, at that point the city can make a choice to remain committed to the commission of the animal shelter and backfill it.

Mr. Gibson replied yes and stated that it would require an additional appropriation. He explained that what has been allowed to happen over the years is the general fund has basically floated the money until it is received.

Mr. Applegate asked what they have received in the past.

Mr. Gibson stated that he thinks they received about \$305,000.00 last year.

Mr. Applegate stated that so regardless of what they get from their partner it will be short of what was initially budgeted.

Mr. Gibson stated that part of the problem is timing.

Dr. Knable stated that he thinks the increase on the parks non-reverting is a great idea and the non-reverting for the animal shelter is a good step forward and is a positive first step that answers part of the county's questions.

Mr. Gibson stated that every time there has been a question about this over the years he has tried to address them and he thinks that this will address some issues in a much cleaner and clearer way.

COMMUNICATIONS PUBLIC: A-22-05 Salaries for Non-Bargaining

COMMUNICATIONS PETITIONER: A-22-05 Salaries for Non-Bargaining

**A-22-05 An Ordinance Setting Salaries for the Year 2023 Collier 1&2
 for Non-Bargaining Unit Employees**

Mrs. Collier introduced Bill A-22-05 and moved to approve the first and second readings, Mr. Phipps second, all voted in favor.

Mrs. Collier stated that this was discussed during the budget hearing.

Mr. Turner stated that he wants to make sure the employees in the sewer department get their raise on time as he had an employee tell him that they just got their raise from last year.

Mr. Blair asked if they added a position for a human resources director.

Mr. Gibson stated that this is in the budget and was last filled by Pearline Isom years ago but their goal at some point is to hire someone to fill that position. He added that they are currently under a contract with HR Integrity.

COMMUNICATIONS PUBLIC: A-22-06 Salaries for Elected Officials

COMMUNICATIONS PETITIONER: A-22-06 Salaries for Elected Officials

**A-22-06 An Ordinance Setting Salaries for the Year 2023 Dickey 1&2
 for Elected Officials**

Mr. Dickey introduced Bill A-22-06 and moved to approve the first and second readings, Mr. Phipps second,

Mr. Phipps moved to amend the ordinance to include the 6% for council and standardize it across the board for elected officials, Dr. Knable second, the amendment passes with six yes votes from Mrs. Collier, Mr. Dickey, Mr. Phipps, Mrs. McLaughlin, Mr. Aebersold and Mr. Applegate and three no votes from Mr. Turner, Mr. Blair and Dr. Knable

Mr. Dickey introduced Bill A-22-06 as amended and moved to approve the first and second readings, Mr. Phipps second, second reading passes with six yes votes from Mrs. Collier, Mr. Dickey, Mr. Phipps, Mrs. McLaughlin, Mr. Aebersold and Mr. Applegate and three no votes from Mr. Turner, Mr. Blair and Dr. Knable

Mr. Dickey stated that this is the companion piece that compliments the other three ordinances that includes the mayor, city clerk and council members. He added that this is in line with what was discussed during the budget work sessions.

Dr. Knable stated that he believes Mr. Phipps asked for a comparison to comparable municipalities.

Mr. Gibson stated that they have it ready he just forgot to send it out but they will before the end of the week.

Mr. Phipps stated that he wanted that for next year because none of them will be certain that they will be serving on the council. He asked if this has the 6% built in that everyone else gets.

Mr. Gibson stated that this has 6% into the clerk and mayor salaries and ask he previously stated it is an awkward conversation to stand in front of them and have a conversation with them about their salaries. He stated that they did include a 2% raise which was an error their part and it should have been 6%. He added that the budget can handle the 6%.

Dr. Knable stated that he is okay with it at the 2% rather than adding the 4%.

Mr. Phipps stated that this is the reason they are in the whole now because of all the years they didn't do it. He added that if they plan to catch it up next year that is one thing but if it will be the same discussion they would be sliding further down. He stated that one of the problems in the US in general is that employees are underpaid and he doesn't think they want that practice in New Albany.

Mr. Applegate asked when the last time the council received a raise.

Mr. Gibson stated that they have he just can't tell him off the top of his head.

Mr. Turner stated that he is not in favor of any raise for himself and he feels like they have given their responsibilities away mainly with the ARP Funds so he can't in good faith take more money.

Mr. Aebersold stated that he thinks it would be appropriate for the last year that they are sure to be in office so they keep up with inflation or get in line with other communities.

Dr. Knable explained that he ran for office based on a particular salary and compensation package and he knew that this was secondary to the public service that was to be performed. He stated that he does think there should be some amendment to the structure going forward that they don't even entertain a raise for the four years that they sit on the council.

Mr. Applegate stated that does understand the complexity of voting to give yourself a raise and he does think that the employees deserve a 6% raise. He added that do need to

make sure that they are competitive and comparable with other cities in the area because he believes it will open the floor up to more candidates and if they don't do it this year they will need to look at a larger number next year.

Mr. Phipps stated that Mr. Gibson mentioned that it is ~4,000.00 and he figured it out be \$444.00 per year per council person which isn't a big deal, but it is the principal of it. He added that it is like they are short changing the council like they want to be some sort of martyr. He stated that public service is important but if they feel that strongly about that small amount they should voting to rescind their salary and benefit, otherwise they should keep up with the other city employees. He explained that next year they will have to make a significant bump to come close to Jeffersonville, which is also a second class city or even Clarksville that is a town. He stated that he is comfortable standing on a good democratic principal that you should pay employees a living wage and they have to be setting a good example for the rest of society.

Mr. Aebersold asked how much higher Clarksville is.

Mr. Phipps stated that Jeffersonville is 15% higher and he believes that Clarksville is a little more than that.

Mr. Aebersold stated that he is okay doing this for the incoming council and not doing anything more for the next four years.

Mr. Phipps stated that he would be okay with that option as well but this same discussion will come up next year.

Mrs. Collier stated that if they are going to look at making the salaries comparable for the cycle that takes office in 2024 it will help ease that monetary transition.

Mr. Dickey stated that if they want to keep it consistent across the board he can understand and respect that, but he does think that next year is the time to have a serious discussion about this because none of them would be guaranteed to benefit from it. He added that he doesn't want to take any big action until he sees the data regarding comparable cities.

Mr. Phipps stated that he is only talking about the 6% tonight, not amending to make their salaries comparable to other cities.

Mr. Blair stated that he thinks that if they are going to look at market date for city council salaries they owe it to the other non-bargaining employees to do that for them as well. He added that there are a lot of city employees are underpaid.

Mr. Applegate stated that he absolutely agrees with that comment.

Mr. Phipps stated that he agrees with Mr. Blair him 100%

Mr. Tuner explained that he is voting no because if they look at growth rate compared to surrounding communities the City of New Albany was below all of them, including the growth for the state, at 4% and the poverty rate is a 17.5% which means one in five families is at or below the poverty line. He doesn't believe this is deserved.

COMMUNICATIONS PUBLIC: G-22-03 Redevelopment Appointments

COMMUNICATIONS PETITIONER: G-22-03 Redevelopment Appointments

G-22-03 Ordinance Amending Section 33.016 of Turner 1&2
The New Albany Code of Ordinances

Mr. Turner introduced Bill G-22-03 and moved to approve the first and second readings, Dr. Knable second, the second reading did not pass with five no votes from Mrs. Collier, Mr. Dickey, Mr. Phipps, Mrs. McLaughlin and Mr. Applegate and four yes votes from Mr. Turner, Mr. Blair, Mr. Aebersold, and Dr. Knable

Mr. Turner stated that that the last line of this ordinance has been changed to read that “in additional to any requirement imposed by applicable state law the city council appointments shall not be from the same political party or political affiliation unless the city council is solely comprised of members of the same political party.” He explained that this is to basically get another voice on redevelopment that represents a different group of people potentially

Dr. Knable stated that he is in favor of this because it pushes diversity of thought and brings that to the table. He added that he can’t imagine that they are the only community that has been slanted one way or the other so he supports seeing different viewpoints. He stated that as more people explore their political conscious from time-to-time his hope would be that they are not eternally locked in a two-party system.

Mr. Phipps stated that he opposes this and asks what happens if they only have one person on a council from the other party. He stated that would put a lot of responsibility/burden on that one person to assume all of the positions when they could possibly be a new member with very little experience, they could find themselves in a situation where that might not be the best for any particular board, or they might end up with someone who is an obstructionist that just wants to destabilize. He added that they want the best fit for each more irrespective of party affiliation. He stated that the best ones would be the ones with the most qualifications, experience, knowledge and desire to serve.

Mr. Aebersold asked who he envisioned making the appointments.

Mr. Turner stated that would remain with the president. He stated that in response to Mr. Phipps he thinks a person shouldn’t run for office if they aren’t prepared to serve and they should be prepared to serve on any board that is needed.

Dr. Knable stated that they could amend this to say that person can have the ability to decline the appointment if they are the only “other” party.

Mr. Dickey stated that he thinks this comes back to the discretionary power of the council because as a body they essentially make these appointments and they follow state statute. He exampled a situation where this board wanted to appoint a person to a very prominent board, they individual wanted to serve on the board, they all agreed they were qualified to do so but because of a similar stipulation governing that board they weren’t allowed to. He stated that it goes beyond the partisan breakdown because they should be wanting to determine who the best of them is to serve on each body. He added that he doesn’t think they benefit from making a arbitrary determination and binding their successor councils to that. He asked Mrs. Stein if there is any case law that calls into question whether or not this could stand.

Ms. Stein stated that there is case law out there that would call into question whether or not this would be legal.

Dr. Knable asked if she could give them any examples.

Ms. Stein stated that she had planned to prepare something more to discuss with the committee but the case laws do touch on the council binding itself and restraining future council’s ability to do as they see fit.

Dr. Knable stated that couldn’t a future council change the ordinance at their discretion.

Ms. Stein stated that it could be amended so that cause law doesn’t concern him.

Mr. Phipps stated that there are appointments that have to be made by a certain date at the beginning of the year so a new council wouldn't have time to do an ordinance to change an appointment like that.

Dr. Knable stated that to Mr. Dickey's other point, the Caesar's Foundation is a private entity and they shouldn't be able to impose the governments will on a private agency.

Mr. Dickey stated that he would agree with that but it is a private entity with a public component because they do get to have an appointment on that board.

Mr. Turner stated that to touch on the idea that they should appoint people that are the experts, they have Dr. Knable and Mr. Aebersold who are both business owners and asked if either had ever been approached to be on redevelopment.

Dr. Knable stated that he has not been asked nor has he turned it down based on unavailability.

Mr. Aebersold stated that to be honest he is busy during the day and he couldn't serve. He added that this can happen at any time where people have a scheduling conflict and can't serve so if they make a rule that a certain person has to serve and they can't, they are stuck.

Dr. Knable stated that he is open to an amendment where someone can decline.

Mr. Turner stated that this will at least allow for the diversity of thought.

Mr. Dickey stated that with that assertion he assumes that everyone from a single political party thinks the exact same way. He added that one week ago Mr. Turner was a Republican, and of course his thoughts were not always in line with Dr. Knable, who is also a Republican. He stated that when Mr. Turner decided that the Libertarian Party was a better fit that did not mean that he was bound by every thought that the party has. He explained that they each deviate to reflect their districts, personal experience and what the people are telling them which means they sometimes have split votes. He stated that the work that gets done in redevelopment is not this hyper-partisan work, and most of the items they are dealing with are things that are designed to build up and benefit this community that have been well thought-out and agreed upon.

Dr. Knable stated that he doesn't think all members of a political party are in lockstep but the Venn diagram of these groups do overlap considerable more amongst the groups. He added that if there is an average of opinions then you do bring in some diversity by adding someone from a different party.

Mr. Turner stated that there hasn't been a single "no" vote on that commission since their term started and that is an issue.

Mr. Dickey asked why that is an issue because isn't it just as possible that the work that is being done is good work that is seen in a bipartisan nature to advance the mission of the city. He added that there doesn't have to be some sort of inherent conflict into discussion and decision making for them to be good decision.

Mr. Turner stated that at one point they used ARP money for head start which at the time had 38 children using two out of the three rooms. He explained that the city gave them \$800,000.00 to relocate to Colonial Manor with seven rooms and the ability to expand to 115 students. He stated that during one of their meetings he asked if the city had reached out to the county who uses these services as well so that they could split the money, and they city did not, but there was a 5-0 vote. He explained that his point is that if there was some diversity on the committee these things would come up. He stated that he has been very active in trying to bring a level of transparency to redevelopment by requesting the agendas be posted on social media, that the meetings be streamed, and that a consistent packet go out to everyone that receives them (because there are three that go out and limited information is available to the public). He added that he doesn't think that

the people have as much of a voice on that committee as they could, and he isn't saying that they don't do a good job or that their intentions aren't good, but when there are individuals on this council who are just as good of a fit and never even being approached, there is a problem.

Mr. Applegate stated that sometimes he thinks they look at things shortsighted or short term because if they look back at the history of redevelopment there has been split representation and a period when two Republicans served. He added that they shouldn't be making rules to make rules when short term doesn't favor one person or the other. He stated that if the residents elect eight representatives of a similar party and one not, they council would then be saying they are wrong because this one dissimilar party has to have a voice. He explained that they have to go through the election process to get on the council and every year the body goes through the process of electing a president and vice president which in turn makes the appointment, so there are multiple steps involved to get to this one commission appointment. He added that if they look back at a ten year period there are quite a few different people that are making these decisions and different people that are serving. He stated that there is also the problematic notion that if they change this now because one party hold the majority on the council but with the stipulation that future councils can change it, then if the minority takes over the majority they could change this rule and not hold themselves to the same standard. He added that he does see the short term point but it wasn't brought up when there were two Republicans sitting one redevelopment so he doesn't see why it is now.

Mr. Phipps reiterated Mr. Applegate's point that if one party was elected to represent 80% of the council they would be forcing that minority voice to have equal say and that isn't how any other branch of government works. He stated that if there are three parties that sit on the council then they will more than likely be alienating that third party, and added that an Independent isn't part of organized party so this would exclude them all together. He stated that this was the problem that they ran into with that private board where they were saying it had to be a Democrat or a Republican that served and they didn't recognize an Independent as a party.

Mr. Turner stated that to say they would have equal voice they would have one out of five.

Mr. Phipps stated that in terms of what the council appoints it would be an equal appointment.

Mr. Turner stated that he can't control the other three but he can control this and he thinks as representatives of the people they should give an opposing view point. He added that the DNA of this council would have been different with 150 votes over two districts and he would not want Republicans to have a 5-0 vote on anything either.

Mr. Applegate reminded them that this will go to committee before the third vote and recommended that this go to the Rules Committee.

Dr. Knable stated that they have had a great discussion about this tonight and some very valid points were made. He asked, as a member of the Rules Committee, what this council wishes to know that they could bring back to the plate.

Mr. Turner replied they would want to know if it is legal.

Mr. Applegate stated that he would like to know the history of the makeup of the committee to see what kind of diversity it has been offering.

Dr. Kable stated that if that is the case he would like to have that date before they set this for the next reading.

Mrs. Glotzbach stated that her office keeps a list of all appointments made by the council president every year.

COMMUNICATIONS PUBLIC: G-22-02 Redistricting Ordinance

COMMUNICATIONS PETITIONER: G-22-02 Redistricting Ordinance

G-22-02 Ordinance Updating and Dividing the City of New Albany's Six Election Districts Pursuant to I.C. 36-4-6-3 Collier 3

Mrs. Collier introduced Bill G-22-02 and moved to approve the third reading, Mr. Phipps second, all voted in favor. Bill G-22-02 becomes Ordinance G-22-05.

Mrs. Collier thanked everyone for their time and input in this process and she believes they have put together a pretty good plan to make it as seamless and possible while accounting for that gap in the population.

Mr. Phipps stated that his district was altered more radically than the others but he understand that it was necessary and best for the community.

Mr. Dickey stated that he believes this was a favorable process but he wishes that some other bodies in the community would have done more due diligence and been more open. He added that he is proud of them as a body for being able to come together and get this done.

Dr. Knable asked to clarify if any precincts were redrawn.

Mr. Applegate stated that there were two precincts (3 and 41) that were changed. He explained 5th Street on the west side to 8th Street will now be in districts 1 instead of district 3 and a small section on the west side of Grant Line Road & Mt. Tabor that will not be in district 5 instead of district 6.

Dr. Knable asked if they have an in-house cartographer that does this or does the state take care of it.

Mr. Applegate stated that Krisjans Streips drew the maps and if it is approved they will send the information to the election board.

Mr. Dickey stated that the Election Board will typically recommend changes to align everything to the commissioners and the commissioners will have final approval on the precincts, not city redistricting.

Mr. Applegate stated that specific paperwork had to be sent to the county clerk as well and we have hit all of those deadlines.

Dr. Knable asked if the county has a deadline on this.

Mr. Gibson stated that he doesn't know off the top of his head.

Dr. Knable stated that he thinks they need to get a visual in the hands of the voters as soon as they can.

Mr. Gibson stated that they are on the city council tab on the website.

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:36 p.m.

Jason Applegate, President

Vicki Glotzbach, City Clerk

Council

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City

October 3, 2022