

**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 THURSDAY, MARCH 16,
2023 AT 7:00 P.M.**

MEMBERS PRESENT: Council Members: Mr. Dickey, Mrs. McLaughlin, Mr. Turner, Mr. Blair, Mr. Aebersold, Mr. Applegate, Mrs. Griffith and President Collier. Mr. Phipps was not present.

ALSO PRESENT: Ms. Wheatley, Mr. Gibson, Mrs. Moeller, Fire Chief Juliot, Deputy Fire Chief Kron and Mrs. Glotzbach.

CALL TO ORDER:

President Collier 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. Blair moved to approve the Regular Meeting Minutes for March 6, 2023, **Mr. Aebersold** second, all voted in favor with the exception of **Mr. Phipps** who was not present.

COMMUNICATIONS – COUNCIL:

Mrs. Collier stated that Fire Chief Juliot and Deputy Fire Chief Kron are going to give a full report on the situation at the Industrial Park regarding the chemical leak that happened earlier this week. She said that she would like to ask everyone to hold any comments or questions until after they can give their full report.

Mrs. Griffith stated that we do have a Floyd County EMA and she spoke with Sheriff Steve Bush and found out that is on the Floyd County website, so you can go there to sign up for their Code Red. She said that they have an app that you can add and she knows that they are going to try to push that out to get the public to sign up for it. She stated that Develop New Albany has tickets on sale for their Sip and Shop on Saturday, April 15th and tickets run \$20.00 and \$25.00. She added that if you spend \$5.00 more for the VIP ticket, you get an hour extra. She then wished everyone a Happy St. Patty's Day and reminded everyone to not forget about all of the local fish fries.

Mr. Applegate stated that he wanted to give kudos to the NAPD because we had an individual that was a little confused on the sidewalk and the street, and he talked with NAPD and was able to safely transport the individual to a place that should be able to help them. He said that they showed great patience and he thinks it is a big deal when someone gives a little grace to folks and it usually works out okay, so he just wanted to say thank you to the department for their help.

Mr. Blair stated that he also wanted to thank the NAPD for handling an incident on Farmgate Drive on Monday morning regarding a driver that ran the stop arm on a school bus and almost hit a child. He said that they alerted him about the incident and he had gotten in touch with the police chief, the transportation director for the school corporation and also left a message for our engineer, Mr. Summers. He stated that the police acted very swiftly and went out there to monitor the traffic and actually wrote some tickets on Farmgate Drive, so hopefully that sends a warning to the other neighbors in that neighborhood to be cautious. He said that there are several stop signs on Farmgate that are notorious for people running all of the time and it is a main thoroughfare going into

that neighborhood, so there were a lot of concerns. He stated that he thinks it alleviated a lot of those concerns that there was at least police presence there to slow that down. He said that the school corporation's transportation director is going to communicate to the bus drivers, although this wasn't the bus driver's fault, to watch for people who are not slowing down as they approach their buses, and maybe not let a child off or honk their horn or something to make sure that cars don't run those stop arms. He also said that maybe when Mr. Summers returns, they can do something with signage such as additional speed limit signs, flashing lights on the stop signs or he may have other ideas. He stated that it is one of those situations that we constantly bring up around dangerous driving in our neighborhoods, and things that we voted to address with our city officials to try to calm that down. He said that the need for traffic calming in our neighborhoods is a real thing.

Mr. Turner stated that a couple of months ago they did a resolution for the city to look at traffic calming, so it might be a good idea to get an update on that. He said that traffic calming is a big deal and he received an email about it off of Old Ford Road just this week. He then asked how many businesses ended up taking the relief loans from 1si? He said that he knows there were a lot of applications, but he didn't know how many actually took the loans.

Mr. Dickey asked if it was nine?

Mr. Applegate stated that he thinks it was nine. He said that there was initially 12 and then there were 22 that actually got passwords, and he thinks nine actually ended up getting funding for that. He stated that he doesn't know if they released the information on the totals on that or not.

Mr. Aebersold stated that he thinks the total was about 120.

Mr. Applegate stated that he thinks it was 125ish.

Mrs. McLaughlin stated that she wanted to thank the police and fire for reacting as quickly as they did to contain the chemical leak that we had several days ago. She said that she also wanted to address the Sip and Shop event downtown on Saturday, April 15th which is from 1:00 p.m. until 6:00 p.m. She encouraged everyone to definitely get downtown and shop locally.

Mr. Dickey stated that he wanted to echo some of the good comments that have been shared tonight. He then said that he had an opportunity to go through professional circuits to road school at Purdue University this week. He stated that some of their staff is up there attending and it is a great opportunity for us, as a city, to get additional information on maintaining our roads and our infrastructure systems. He said that the one thing that he wanted to share was that the opening session featured a conversation with the commissioner of INDOT and the governor, and one of the things that again was touted was the South Monon Freedom Trail. He stated that it was a very proud moment to get to hear another kudos in the context of something big happening for our community, but also our state as a whole. He said that he just wanted to make note of that and say that we are being talked about in circles large and wide.

COMMUNICATIONS – MAYOR:

Mr. Gibson stated that Fire Chief Juliot and Deputy Fire Chief Kron are here to give an update on the incident at 895 Industrial Boulevard.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

Fire Chief Juliot stated that they appreciate the opportunity to explain the incident at 895 Industrial Boulevard. He said that morning he was in the board of works, so Deputy Fire Chief Kron was the first to respond and after he got out of the meeting, Deputy Fire Chief Kron ask him to come out to the site. He stated that by the time he arrived on the scene,

the incident was pretty much winding down, so he turned it over to Deputy Fire Chief Kron to explain the situation and how they handled it.

Deputy Fire Chief Kron thanked the council for allowing them to come to explain the incident and stated that there is a lot of misinformation out there and a lot of concerned citizens, and they want to address that and calm the fears. He said that he is going to go through a timeline of exactly what happened that day and how everything unfolded. He stated that he has been doing this job for 35 years and this is not the first time that they've had an incident at this plant. He said that back in the early 1990s, they had a similar incident with a similar release, so they have dealt with this plant before and knew going in what they were going to be dealing with. He stated that at the same time, they wanted to confirm what they were dealing so that they didn't cause panic throughout the city or anywhere else. He said that at 10:18 a.m. is when they first received a call from the 911 center and the center starting receiving a lot of calls regarding the yellowish cloud in the area of industrial park. He stated that at that same time, they happened to all be stationed across the city at the tornado sirens because on that morning at 10:15 a.m. was the state tornado drill, so the EMA director had asked the fire department to watch all of the tornado sirens in the city to make sure that they all activated properly. He said that just by happenstance, he and the EMA director were at the same siren, so when the run came in, he just turned to him and said that they have a situation in industrial park so he might just want to follow him. He stated that the director was notified almost immediately. He said that at 10:18 a.m. the run came in and at 10:21 a.m. the New Albany Fire Department was on the scene, so they were there within three minutes. He stated that he and the EMA director both arrived at the scene at 10:32 a.m. He said that at that time, their commander was Battalion Chief Dave Sparks and he is actually their senior person on the fire department, so he had assumed command. He stated that's how they handle situations like this because their battalion chiefs are on duty 24/7 and when there is an incident, they assume command unless it is a larger incident then one of the deputy chiefs or the chief will assume command. He said that as soon as they arrived upon the scene, they requested IDEM, which is Indiana Department of Emergency Management, to respond. He stated that the state is divided into sectors and they have a southern sector with a representative within a 30-mile radius of here, so he was requested to respond and he is their subject matter expert so to speak in matters of hazardous materials. He said that he was notified at 10:32 a.m. and was responding then. He stated that at the same time, businesses were starting to call so the decision was made then to tell the businesses to shelter in place right then until they knew exactly what they have going on. He said that some people asked why they didn't order an evacuation and he said that they weren't going to evacuate people through a cloud that they didn't know what it was yet. He stated that they made contact with Bluegrass Chemical and they actually sent their chemist out to our command post, which it was nice to have a chemist on the site. He said that he told them exactly what they had, which was a reaction inside of a vessel that had ran away and was producing a vapor coming off of the vessel. He stated that they originally thought that it was an enclosed vessel but it was not; it was an open-air vessel and that the vessel was omitting NOX. He said that the chemist had the safety data sheet on the product itself, but the fire crew double checked it and basically NOX is nitrogen oxide, which if you go to the EPA site, it is basically ozone. He stated that the vast majority of what was being released was just a water vapor with a small amount of the nitrogen oxide in it, but at the same time, he wanted this to be confirmed by the subject matter expert, which is IDEM. He said that the IDEM chemists and scientists were asked to run models and confirm the substance. He stated that they called IDEM and while he was enroute to the scene, he called a chemist at the Indiana State Lab and gave him the three ingredients that were in that vat to confirm that what they were telling them was being released, was in fact, what was being released so that took a little time. He said at 10:36 a.m. he contacted the mayor to let him know what was going on and he informed them that they wanted to do an announcement to the public, so he asked them to give him just a few minutes to confirm what they had there. He stated that the one thing they didn't want to do was create mass panic, so they were trying to confirm that product before they made any announcement. He said that the mayor also contacted Bluegrass Chemical and spoke directly to their chemist as well, and then at 10:58 a.m., a social media announcement went out from the city telling people to just avoid the area. He

stated that at about 10:40 a.m. they decided, out of an abundance of caution, to shut down Mt. Tabor Road and I-265. He said that they don't make these decisions lightly because they realize the exact implications of shutting I-265 down because that is commerce going through here. He stated that at 10:47 a.m. they went ahead and contacted the Clarksville Fire Department for their hazmat team to come and standby with them just in the event that they may need them. He stated that at that point in time, our crew was standing by to assist the factory personnel. He said that the factory personnel were inside the factory and they were shutting down the process, but they wanted our crew to standby just in case one of them was injured or was in danger and our guys could go in and pull them out. He stated that they notified the nearby schools and Christian Academy and Mt. Tabor were told to just shelter in place. He said that they also notified Grant Line Elementary, IUS, Prosser and Community Montessori of just the situation. He stated that IUS even sent their police chief over to the scene and he told him that the wind is out of the north so IUS is fine, and they were fine with that and understood exactly what was going on. He said that at approximately 11:00 a.m. he contacted the National Weather Service because they would do a modeling for them, so he gave them the situation that they had and asked if they could give a model of where the cloud was going to go. He said that at 11:00 a.m. that was requested and at 11:10 a.m. he had that information in front of him, that is how quickly they got it back to them. He stated that at approximately 11:00 a.m. the IDEM chemist confirmed that it was nitrogen oxide and it was not harmful, and if you've ever heard of an ozone day where they tell people with emphysema or asthma to stay inside, that is typically what they were dealing with. He said that no product ever left the building or entered any streams. He stated that they received a call that there was a spill, and technically there was not a spill, it was an overreaction of one of their drums that produced the vapor. He said that a high volume of local media began arriving and they wanted them to immediately give a statement, but they did not want to do that at the time because they were still working the problem. He stated that there is a time to talk to the media but 30 minutes into a situation is not that time. He said that they were in contact with Mayor Gahan and a representative from Bluegrass Chemical and they provided real time updates to the local media after they had the incident under control. He stated that Mayor Gahan, a representative of the factory, the EMA director and himself all gave updates to the media, so they understood that they had nothing to hide and told them exactly what occurred. He said that at approximately 11:10 a.m. they had a marked decrease in the amount of product coming out of the building so there was almost no product coming out of the building at that time. He stated that Police Chief Bailey was on the scene and they had the roads closed, so the discussion was, when do we open those roads back up. He said that they wanted to make sure with their air monitors that all of those roads and the roads to the south were clear, so they sent personnel with air monitors before they opened the roads up just to make sure. He added that they obviously had zero readings on all monitors because the cloud was evaporating that quickly. He stated that at approximately 11:25 a.m. all of the vapor ceased to be released and at 11:39 a.m. all roads were reopened. He said that also at 11:39 a.m. they contacted all of the schools that they had told to shelter in place and advised them that they could go back to normal operations, along with all of the factories in the immediate area that had called them and asked what they should do. He stated that Mayor Gahan then posted on social media informing the public that the substance had been identified and was not a threat to the public. He added that Mayor Gahan was actually in contact with the governor and the governor's office sent word down that if we needed any help, the state was willing to assist us. He said that they even had a call from CNN requesting information so it spread very quickly. He stated that the city departments including the fire, police, the street department, the mayor's office, the communications staff and others worked extremely well on interdepartmental communication and public safety efforts. He said that the city as a whole worked well with outside local, state and federal agencies to coordinate response to this incident, and the city's outreach on this incident reached approximately 180,000 people so that is an incredible number in a short amount of time. He stated that additionally the city worked with local media outlets as well as national outlets like CNN to provide information regarding the incident and received compliments from the local paper publisher in regards to informing the public. He said that the city's staff looks forward to debriefing with all involved agencies and parties to recap our efforts and to analyze how we could

do even better in the future. He stated that they have already been out to that factory today to speak to them, and as you can imagine, there is a ton of federal agencies coming to their factory to make sure that all federal regulations were adhered to. He said that after all of that dies down, they are going to go back out and meet with them so that hopefully, this won't happen again, but if it does, they will look at how they can perform better and work hand in hand.

Mr. Blair stated that he appreciates them coming and making these remarks and giving them details of the situation. He said that he represents the 6th District, which is Industrial Park and the houses around there, and unfortunately, the first comment went out to social media was from Floyd County Emergency Management Agency and it said "this is not going to kill anyone". He stated that all of a sudden that caused panic in itself because they didn't say what the chemical was and everyone saw the cloud coming to them and didn't know whether to shelter in place or evacuate. He said that once the mayor released information, it calmed things down as far as that release went. He stated that sometimes he thinks that at these times, people are so quick to make a response that they don't realize how it is going to be perceived. He said that he did send a message to the Floyd County Commissioners about this and told them that they need to look at their policy from Floyd County EMA, because that caused more panic because it was almost like a joke. He added that they said it wasn't going to kill anyone but you didn't know to what extent it was going to be. He stated that he would expect better communication out of them than what happened. He said that he doesn't know if it has been addressed with them or what has transpired since then, but it just caused a lot of panic in a bad situation.

Deputy Fire Chief Kron stated that he totally understands and agrees. He said that there were a couple of comments during the incident that the news media really wanted them to make a statement, and he told them at that time that he was not willing to make a statement yet. He said that when he gets in front of that camera, he wants to be exactly sure of what he was telling them.

Mr. Blair stated that, unfortunately, the public just hears it from an official and they don't know the channel and that's what happened. He added that the mayor's remarks really calmed people down. He then stated that Deputy Fire Chief Kron didn't want to get in front of the camera before he was exactly sure what happened, but if that would have been a toxic chemical, he would have had to act a lot quicker because by the time New Albany responded, it was over. He said that if it was toxic, it would have had to have been a much different response.

Deputy Fire Chief Kron stated that he totally agrees and they have made that comment in the past several days, because if that was a chlorine cylinder leaking or polyvinyl chloride like in Palestine, Ohio, obviously their response would have been stronger and evacuation orders would have been given almost immediately. He said because they kind of had an idea of what they were dealing with, they just wanted to confirm, but they knew in the big picture that it was basically ozone being released. He stated that what happened, they were trying to avoid but panic was created.

Mr. Blair stated that it was. He said that he lives pretty close to that and people he knows lives close to it and they were looking to him, but he could only go with what was being reported in the media at the time. He stated that it was just a bad situation.

Mr. Turner stated that social media is a great tool but it is also double edged. He said there were a lot of experts out there that were saying it was acid, it was Sazerac, etc. He also said that it was good that it did happen before because you guys had an idea of what was going on. He stated that he is curious to see the postmortem on this because in the IT world when something breaks, they give an update but they also say how they are going to do a different solution and correct it, because there is always room to improve. He then said that it is not his place to question how things were handled but he does think that everything was perfectly handled by the fire department. He thanked Deputy Fire Chief Kron for all that he does for the community and did during Covid. He then stated that he talked to Kent about some of the things that he thinks could be very beneficial and maybe

looked at. He said that you have to be very cautious when you send text messages out with the opt-in that you can do with the Floyd County EMA; he found out about that as well. He stated that at least if you were to use that, people have it from the source and there are no social media experts out there telling you what it is and you get what it actually is. He said that he is thinking in terms of in the future, at what point do we do that and Kent also told him that it takes the incident coordinator to say to fire a text off. He stated that the center point may have been a good time to send a text out. He said that we have the second most used mainland waterway right here in our community, so that would be a great time to have some texts. He stated that rail comes through and Sazerac with a lot of spirits and stuff come through, so he would like to see going forward from the city, a way that they can get people to sign up and opt-in for this text program. He thought maybe they could send something with the information on it in an insert to the sewer bill. He said that we need to get people to opt-in to this immediately because we can get information out immediately. He also said that Crossroads of America comes right through here and there is so much that makes this a dangerous area. He stated that another thing that he is concerned about, and he hopes they will follow up on it, is that every company has an ethical and social responsibility and he is curious as to see what their response is. He said that he thinks they have 30 days to make a full report from IDEM, but he would like to see them step up and own the fact that the scrubbers failed or whatever it was, and explain to the city and the people who live here how they are going to prevent that from happening again. He stated that he would like to see from an ethical standpoint and a morally responsible business aspect, what their plan is to make sure that we don't see this happen to our community again because that was expensive. He said I-265 getting shut down is very expensive. He thanked them again and said that for Battalion Chief Sparks to shut down the interstate, that took some courage.

Deputy Fire Chief Kron stated absolutely, but it was a joint effort between them, the police department, Floyd County EMA and IDEM and with something like that, you want voices from all around because not one single person could make every single decision. He said that they are going to follow through with that company, and as far as going forward, he knows that they feel extremely remorseful that it happened. He stated that the EPA does allow them a 20% discharge in their stacks of this ozone on a daily basis but they strive for 0%. He said that most everyday it is 0% but unfortunately on Tuesday it was not.

Mr. Turner stated that had it happened at night, we wouldn't have known about it.

Deputy Fire Chief Kron stated that he does believe that they are in the process of reworking everything to try to attempt to keep that from ever happening again.

Mr. Turner stated that he can't imagine what it is like being in the chemical business and have that happen.

Deputy Fire Chief Kron stated that he cannot either.

Mr. Aebersold thanked Deputy Fire Chief Kron and stated that he gave a very good report that was very thorough.

Mr. Applegate stated that he just wanted to say thank you for everything that they did. He said that the breakdown that was given today really helps and he thinks the opt-in text messages is a good tool for the future, and as they are looking through how their response was, now they can maybe iron some things out. He stated that it sounds like everything was done right and he hates that any misinformation got out that may not have seemed right, but he thinks that we can always learn from certain elements of what we did and how we did it right, but can always do a little better. He said that if there is any additional funding or something that may be involved to help with anything that may speed that process up or get that information, he would love to for them to reach out to the council for that.

Deputy Fire Chief Kron stated that he wanted to elaborate a little bit on Clarksville's response. He said that the Clarksville Fire Department and our fire department have an agreement together. He stated that Clarksville Fire Department has taken on the task of a true hazmat team, so they have the outfits, the equipment and the training to go in and stop leaks like this. He said the New Albany Fire Department has taken on the role as hazmat decontamination, so we have a hazmat decontamination trailer at Community Park, which is the closest firehouse to the Industrial Park. He stated that their guys and gals are trained to decontaminate people that may have been exposed to chemicals, so that unit, although it wasn't on the scene, was prepared to respond if they needed them. He said that being in the hazmat business is a huge expenditure for any municipality, and that's why Clarksville and New Albany, as well as Jeffersonville, share the responsibility of hazardous material response here in the area. He added that it is a partnership that has worked well. He stated that in his 35 years here in New Albany, the cooperation between Clarksville, Jeffersonville and New Albany, as far as the fire departments are concerned, is the best it has ever been. He said that they are doing inter-department trainings every six months and that is something that they have never done before. He added that it has worked out great because we know their people and they know our people, and we can respond to each other's incidents seamlessly. He stated that he would be remiss if he stood up and didn't tell you that in his 35 years on the job, just how good of a fire department you really have and he wants them to realize that. He said that he travels all over the country taking classes, as well as going to conferences, and he knows the type of firefighters that we have here in the City of New Albany protecting you guys and your families, and they are the best of the best and he promises that.

Mr. Dickey stated that was actually the point that he was going to make. He said that he wants to make sure that you send their compliments down to the rank and file, because obviously, every single day they go on the line and they never know what they are going to run into. He stated that this is an example where it could have been a much scarier situation and they thank them for that service and that sacrifice, because it is a phenomenal task to do that and not know what is coming next.

Deputy Fire Chief Kron stated that he will certainly share that. He said that they are, as a department, going to critique this incident next week with everyone that was at the scene, so again, they can learn if there is something that they didn't do correctly, they can look at how they can do it better in the future. He stated that they do that with every major incident so this is nothing new.

Mrs. Griffith stated that she just wanted to say thank you all very much too, and that she appreciates the communication and the education. She stated that was great and she loves that they are working together with the other cities, because that is very important to know.

Mrs. Collier stated that she also wanted to thank them for their efforts. She said that she knows that this required a lot of interagency communication and cooperation, not just within Floyd County and the City of New Albany, but with other counties and so many other governmental agencies. She stated that they did a phenomenal job and excelled in that, and she is extremely grateful for the quality people that we have on our fire department and police department.

Mr. Gibson stated that the city has been in communication with Floyd County Emergency Management Agency regarding getting the word out about signing up for the text messages. He said that they used to have a former system and they moved to this other one and there are discussions going on about how we can get more people to sign up.

Mrs. Collier passed out a letter from Police Chief Bailey to the council and read it in its entirety. The letter was regarding the NAPD Body Camera initiative and the fact that it is still on schedule. It was also in response to a News and Tribune article that the editorial published in today's paper stating, among other things, the New Albany does not have and is not implementing body worn cameras for its police department. He said that this,

as you are well aware, is wrong and cited multiple announcements regarding this initiative. He was also happy to report that the program is on track and will likely be deployed in May of 2023. He stated that it is his understanding that the News and Tribune has pulled the editorial and will be writing a story correcting the record. Said letter is on file in the city clerk's office.

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:

COMMUNICATIONS PUBLIC: R-23-01 LIVE STREAMING OF PUBLIC MEETINGS

Mr. Andrew Nicholson, 128 E. Main Street, stated that he thinks this is a very good resolution but it is a shame that he has speak prior to hearing the resolution. He said regarding the resolution, it is very easy to live-stream almost anything these days and you don't have to worry a database, paying money or even the space of it, especially with the use of YouTube. He stated that you can put these live on YouTube and they can be a public record and it would make the madame clerk's job a lot easier because she could then go ahead and refer back to these things. He said that the city does have the transparency portal but it is not record keeping, because he can't see last week's city council meeting, last week's board of works meeting or any other meeting than what is happening right here and right now. He stated that he thinks this is a good resolution to be pushed through. He thinks it is cheap, easy and may take some time and manpower, but he would recommend uploading it to YouTube, that would be the easiest thing for anyone. He said that a 9-year-old reviewing toys could do this, so he believes that our local city government could do the same.

COMMUNICATIONS PETITIONER: R-23-01 LIVE STREAMING OF PUBLIC MEETINGS

R-23-01 Resolution for Live Streaming of Public Meetings Turner

Mr. Turner introduced R-23-01 and moved to approve, Mrs. Griffith second, Mr. Dickey, Mrs. McLaughlin, Mr. Aebersold, Mr. Applegate and Mrs. Collier abstained, Mr. Turner, Mr. Blair, Mrs. Griffith voted yes, and Mr. Phipps was not present.

Mr. Dickey moved to send the resolution to committee so that it can be further studied and brought back to us so that we can have full information and put together a good plan to implement forward, Mr. Aebersold,

Mr. Dickey withdrew his motion.

Mr. Turner stated that he attempted to do this about a year ago and the very day that he brought it up, the city did the transparency portal. He said that at that time, he did push for this to go because it was that all public meetings should be streamed. He stated that it was voted down, but one of the concerns was that they needed time to do a trial run to make sure that it worked and to make sure that all of the bugs are all worked out of it. He said that it has been a year and it is probably a good time to do this because he does see that we do stream the city council meeting pretty consistently. He stated that in his opinion, there is really no reason not to live stream every other meeting that the city has.

Mr. Dickey asked if this resolution intends to cover only meetings housed in city hall in the council chambers or is it applicable to boards, commissions and other bodies that hold meetings off site?

Mr. Turner stated that this is a non-binding resolution and he would assume that the city would do its best to stream every public meeting and make them available to everyone in the public. He said that specifically this room is equipped.

Mr. Dickey stated that not every board meets in this room. He said that the parks board meets at Silver Street Park, the tree board has done mobile meetings at cafes and the like, so he is just curious if it is meant to cover all of those situations or just meetings that happen in this room.

Mr. Turner stated that he thinks it should happen with every meeting, but since it is non-binding, those boards that have a difficulty streaming have a valid excuse other than maybe bringing in their own equipment and streaming it. He said that at the end of the day, this is a recommendation from the city council for all meetings to be streamed. He stated that it is not forcing them to do any of it, but it should be done.

Mr. Dickey asked if there has been any consideration or are you intending to apply this to bodies that the city is part of but not the only controlling interest, for instance, the health board? He said that we have city appointments on that but it is a separate entity and he thinks that they live streamed once when they met at Pine View, but other than that, they typically meet at the health department.

Mr. Turner asked who is in charge of that body?

Mr. Dickey stated that the board is ultimately responsible for itself.

Mr. Turner asked if it is a county board?

Mr. Dickey stated that it is a joint board, but he is just asking because it is a body that we have appointments to.

Mrs. Wheatley said that it is a county board but it has some city appointments.

Mr. Turner stated that he wouldn't be able to tell him anything about the county.

Mr. Dickey asked if he discussed the proposal to live stream all meetings with the city's communication staff?

Mr. Turner stated that he has discussed it throughout the year, but recently, no.

Mr. Dickey asked if discussed the prospect of live streaming all meetings with the city's IT staff?

Mr. Turner replied no.

Mr. Dickey asked if he discussed the prospect of live streaming all meetings with the city's legal staff?

Mr. Turner replied no.

Mr. Dickey asked if he discussed the prospect of live streaming all meetings with any of the boards, commissions, committees or related bodies?

Mr. Turner replied no.

Mr. Dickey asked if he has undertaken any review of cost or staffing implications to live stream all meetings?

Mr. Turner stated that we have the equipment here. He said that we could stream it to YouTube. He thinks they are the representatives of the people and those boards need to represent the people. He said that the work they do is for those boards, but every public meeting should be streamed.

Mr. Dickey stated that he is not attacking the principle at all, he is just asking if there has been any review of cost implications?

Mr. Turner asked what costs would there be?

Mr. Dickey stated that for example, right now we're live streaming the city councils which are two meetings a month. He said that if we move to live streaming 20 or so meetings a month, are their other considerations? He stated for example, costs for staff that have to activate and go through those meetings. He said that he thinks that Mr. Gibson and Mr. Hall are typically the ones that turn on that system for our purposes, but they are already attending this meeting for its duration. He stated that the question would be, are they attending or are there other staff equipped, or do we need to look at other staff? He said that he thinks the other questions he has is if he has considered a protocol for the live streaming process including the storage of the video, the website indexing, staff responsibilities and related consideration?

Mr. Turner stated that it doesn't need to be considered and the reason is that he streams for free. He said YouTube is free. He stated that if there is a cost to stream public meetings, it is very minimal if anything. He said that most meetings happen during the day so he assumes that people are here. He added that this is non-binding but it is just doing the right thing.

Mr. Dickey stated that he is not arguing the point, he is just fact checking here because he wants information so he can be informed. He then asked if he is aware that the General Assembly is currently considering legislation to further regulate live streaming of public meetings?

Mr. Turner said absolutely. He stated that what he did initiate last time was that we weren't going to stream, but we had to engage our state legislator, which at the time was Mr. Kevin Boehnlein. He said that is going through right now but there is no telling when it is going to be done. He asked if we, as the representatives of the people who live in this city, want to wait until we are mandated to do the right thing, or should we just be the leaders and lead the way and go ahead and make this happen?

Mr. Dickey stated that as a principle, he totally understands and agrees that he wants the public to be involved as much as possible in our processes, because he thinks that allows them to get better processes. He said that the reason that he asked these questions is because he does think there are implications to what we are doing today. He stated for example, in talking to other municipal leaders, the City of Charlestown started out by Facebooking, largely using the mayor's phone. He said that they quickly discerned that was not an acceptable process. He stated that they developed their own process which involved hiring a consultant at, he believes, \$30,000.00 per year for the purpose of staffing, uploading and having available those meetings both on their Facebook page and now on a separate system. He thinks that other cities have gone about it differently. He said that even Floyd County, which has been very regular because of the auditor taking it on to stream the commissioners and council meetings, is not guaranteeing that they are going to live stream the other meetings of the county. He stated that it depends on a number of factors, they informed him, including whether or not there are staff that are proficient with the equipment to activate and turn it on. He said that the point he is getting to here is if we have General Assembly legislation, he thinks that we need to be very considerate about what they are going to implement, so that whatever we implement, is not a misdirection of time and energy in a way that doesn't comply with their statute. He stated that he thinks the other piece of what he is asking about is that he thinks the best process works in a consultative process and is important. He said that Mr.

Gibson, for example, and Ms. Wheatley, as counsel, can tell them about some of the legalities around certain proceedings. He stated he doesn't think that any of them, for example, would propose that we live stream an executive session, particularly when the board of works is talking about certain items like employment. He said that he wants to make sure that if we are going to go through and implement a process, he wants to make sure that it is done right and effectively, and he wants to make sure that we are able to do this in a way that sets us out in course from the start. He stated that he thinks they started with a great thing by streaming our city council meetings and he will agree with Mr. Turner that he wants to see other meetings streamed as a service to the public. He said that he also wants to make sure that it is done in the context of what changes are coming to the Open Door Law, and is done in a context which makes sense for residents out there, so they know and have consistency with how this is going to be implemented and done. He stated that is his only question, because as it is currently, he is concerned that we haven't really answered that. He said we have said "Yeah, I think it is great to live stream", but we've not answered the hard questions. He stated that we have not said that we are willing to put some money behind this. He added it may only be \$1,000.00 or it may be \$30,000.00, he doesn't know, but he wants to make sure that we have that information and do that due diligence before we implement or chase after something haphazardly.

Mr. Turner stated that we are not implementing. He said that this is a non-binding resolution and we are asking these boards to do the best they can do to provide public access to meetings. He said that they can stream them. He added that there is someone in the audience right now streaming and he streams from his computer. He stated that if the cost is too great and these boards say they can't do this through YouTube during the day at 2:00 p.m. or during the day at 10:00 a.m., then give the council a reason for it. He said that they are not forcing anyone with this resolution to do anything because it is non-binding. He stated that what they as a council are doing is saying "You know, we represent the people so we want them to have access to everything that is discussed". He said that there is clearly a reason to not stream executive meetings, so that would be an excusable thing to not have streamed. He stated that there is no reason that we, with this equipment, cannot stream every meeting that is public right here in this room. He said that he hasn't seen anything come across the budget for streaming costs in our council budget. He stated that YouTube is free and it holds data. He said in his opinion, we are finding a lot of excuses to potentially say no.

Mr. Dickey stated that he is not saying no. He said he is saying that they need to do thorough research to do it right.

Mr. Turner stated that they are not implementing this and it is not forcing anyone.

Mr. Dickey stated, so in other words, you just want to toss out something and turn it over to the administration to figure it out.

Mr. Turner said absolutely.

Mr. Blair stated that he doesn't think that it is that complex. He said that if a meeting is open to the public and people are allowed to come into this room, they should be able to go online and see the meeting. He stated that when they were presented the new city hall, they were told that it would have state-of-the-art communications, and the perception was that every meeting held in this room could be streamed. He said that it is not that difficult. He stated that we have an IT director and we have already shown that we can do it for city council meetings, so why can't we do it for every other meeting that is held in this room where the public is invited to attend?

Mr. Dickey stated that they haven't asked those individuals. He said some of them are here right now and we haven't even turned to them and asked them.

Mr. Blair stated that this is non-binding and is saying that the council would like for them to do this.

Mr. Dickey asked that if he thinks the police department needs 10 extra cars, do you propose to add 10 extra cars without having a conversation with the police chief?

Mr. Turner stated that is an expertise of the police and this is us asking for our people to have access to a meeting. He said that is what their responsibility is.

Mr. Dickey stated that some meetings of which are also subunits of government. He said for example, we've already discussed in previous sessions how the sewer utility has a certain autonomy as its own unit. He then asked Ms. Wheatley about that.

Ms. Wheatley said that it is separation of powers in the sense that as a legislative branch, some of these boards and agencies that you are talking about are of the executive branch. She stated that one branch can't tell the other one what to do, and she understands that they are saying this is non-binding, but when it comes right down to it, what the legislative branch wants the executive branch to do is just what they want.

Mr. Turner stated that this is just a suggestion and the mayor has to sign off on this resolution at the end and he can veto it. He said if that is the case, if it is on the executive, he asked why are we not doing it? He stated that this is easy because we have the equipment, we have the website and we have the transparency portal, so this is easy. He said that if we have a board and the people on it say they can't for these reasons and there is some kind of conflict, then he believes that everyone in the city would understand that and would be reasonable about it. He stated that board of works and redevelopment should absolutely be streamed unless it is about disciplinary action with firefighters, police or something like that. He said because this is non-binding and it is a suggestion, at the end of the day, they can just say no.

Mr. Dickey said but it is not. He stated that you say here "The City Council Hereby Resolves to Live Stream All Public Meetings VIA the Transparency Portal with Regular Live Streaming to Commence Within the One Calendar Month".

Mr. Turner stated that is a suggestion.

Mr. Dickey said no, it is a statement "Therefore Be It Resolved".

Mr. Turner stated these are recommendations from our council. He asked Ms. Wheatley if this resolution is binding?

Ms. Wheatley replied no, it's not, but she thinks the wording could be a little clearer because when you are saying "Resolves to Live Stream All Public Meetings", again, the separation of powers is that you can't resolve to live stream all public meetings. She said that you can resolve to live stream yours.

Mr. Turner asked how it should be worded? He stated that they resolve it because this is them saying that within a month, they would like these boards to stream. He added that he would hope that they all would.

Mr. Dickey stated that to an earlier point, he would love for the chief to implement the body cameras in April, but he doesn't have the equipment and doesn't have it together.

Mr. Turner stated that we have the equipment.

Mr. Dickey stated that they have not discussed or implemented, and he doesn't feel like anyone in the administration has yet to finite information on the protocol that they would like to use for how to manage this. He said, yes, on appearance it seems like it is easy and we just throw a switch and there we go. He stated that the reality is that we are not talking about our own private computer that we are going to stream on our Facebook page. He said that you and I can do that all day long and there is nothing to stop us from that, and that is an allowable, permissible thing to do, but we are a government and with

that comes certain responsibilities and certain questions of access. He added that as the legislature is working on this, they are the only body that can adopt a new protocol which should be approved, if the legislation carries, by no later than the end of April. He stated that we are going to have to deal with this in a real way once they implement that legislation. He asked why we would not want to work collectively together, as an administration and as an informed body listening to the will of the legislature with regards to what is and is not law? He said those are his concerns and he is asked to vote for this and he is concerned that we are putting a little bit of the cart before the horse. He stated that in principle, he is with him because there is no one that will be a bigger proponent of Open Door Law in this body than him. He said that he believes that is the spirit by which all democracy thrives, but he wants to make sure that we go about this the right way and he is concerned because we haven't had these conversations. He then stated that he doesn't see Mr. Gibson anymore, but he would be curious about what his position from the standpoint of the administration is with regards to the pieces that go into this, and how they are doing it right now for us versus how they would have to change for a larger implementation.

Mr. Turner stated that we are getting the cart before the horse by streaming this council meeting. He doesn't understand the difference between a public council meeting, a public board of works meeting and a public redevelopment and what changes. He said that we have staff on hand all of the time and if it takes someone to turn a switch, turn a switch. He stated that he is in IT and understands the difficulty of turning on a camera and connecting to maybe a website or connecting to maybe YouTube, and he is telling everyone that it is not significant. He said that it sounds to him that you would rather be told to do the right thing than to do the right thing. He stated that we don't need to wait for the state to direct us and mandate us to do the right thing; we can do it now and lead the way and do the right thing for the people who live here.

Mr. Applegate stated that he will say that he thinks that we are already leading the way with streaming our own meetings and that is why we did what we did to stream our own meetings. He said that he does look at this from a different side because we have not figured out how to put that on a stream, we haven't figured out how to get that mic to listen to incoming audio and there are things that just aren't figured out. He stated that to him, it is disappointing that it hasn't been figured out yet. He said that is what he would like to see because this is something that we are leading on and he would like to see these things get ironed out. He said that Mr. Turner said at the last meeting that it wasn't streaming but then it was or whatever that was.

Mr. Turner stated that it was two websites.

Mr. Applegate stated that he knows some of these meetings haven't been streamed or they have been but there was a glitch or something. He said that he has been brought in from other places to look at it because they have run into snags by using a phone and doing it the free way. He stated that if someone wants to come in and set their phone up, no one has said that they can't put a camera up or stream meetings. He thinks that if they can look at it from a sense of let's figure out how to get all of these elements correct, he would love to get ours fixed correct. He would like to be able to make sure that all of the mics are set up and that we are all speaking directly into the them and that it is clear. He said that Mr. Turner is looking at it from an IT side and he is looking at it from an actual live sense on how our mics work, where they point to and how do all of the mics go up and stream. He also said that he looks at where they go as far as if it is a free-market like YouTube where it's a holding spot or do you put it in something where you do have more secure access. He stated that those are all questions that he would think should be or could be answered. He said that he doesn't know what the state is going to end up deciding on what the minimum standard is, and he thinks that everybody should always try to do better and do things that we can lead the way on. He stated that if there is a new minimum then he thinks that has to be enforced, but up until that, he thinks that it should be always looked at. He said that he hasn't asked where we are with the opportunity of streaming other meetings or what would be protocol. He would love to see some of those answers there before we say that they need to do this, because he would hate to see the

executive body stream something and then it is not good enough. He stated that he doesn't want to see the council say "We didn't mean that, we mean you should do it this way, and then you should do it this way". He said that then that goal post keeps getting moved. He then stated that they should maybe start with themselves and figure out how they can get their meetings figured out and get a little better before we do all meetings. He said that he agrees that they should be more transparent with these public meetings but he would like to look at these elements in their meetings to help the process as a whole versus telling the executive body to do this.

Mr. Turner stated that if we can stream a council meeting for a year, we can stream any meeting that happens in this room. He said that we are not reinventing the wheel. He also said that something is better than nothing, and technical stuff happens all of the time and it just doesn't work, but it is still an attempt to do the right thing. He stated that because it is not mandated and stream fails that day, it's okay and we can try to do better next time. He said if there is a meeting that is not public like a true public meeting, of course you wouldn't stream those. He stated that there is nothing mandating us right now except for the fact that we can just do the right thing. He said eventually there will be something coming from the state and we can adjust as necessary, but the fact of the matter is, we've been doing it for a year and anything in this room can be done. He stated that something is better than nothing.

Mr. Blair stated that they just need to pass this resolution as a step in getting the meetings streamed. He said that if they need to make some amendments to the resolution such as it pertains to just the meetings that meet in this room or give them three months rather than one month, he thinks that is a good thing to do. He stated that they have to get to the point where they are more transparent and they communicate better with the public, and this is one step to getting them going in that direction. He said that they don't need to put a bunch of road blocks up saying that they thought about this or that. He also said that this is not a mandate, it is a suggestion from the city council and is a step in the right direction to get information out to the public.

Mr. Aebersold stated that it seems like there were a lot of questions. He suggested getting a committee together and talking privately with a lot of these boards about how they could do it and get some information. He asked how many boards there are?

Mr. Dickey stated that he roughly counted that there would be at least 20 meetings per month that would be considered public.

Mr. Aebersold stated that he thinks they should get some people together and bring the information back saying that they have talked with these boards and 99% of them are in favor of it, and they just want to know what kind of equipment they need to do it right. He also stated that they can also discuss if it is going to cost money to do it or if it is going to require that someone to be on hand 24 hours a day to do it. He said that it sounds like a great idea and everyone agrees with it, but he thinks they need to get some more information to do this.

Mr. Turner stated that if he was going to mandate and enforce an action like that, he would get those details, but we have the equipment so they can choose to do the public meeting as their board can commit to doing it with that equipment. He said that if you are at a tree board meeting at a coffee shop and they choose to stream from a cell phone during the meeting, choose to stream from the cell phone. He stated that there is nothing breaking the law about streaming a video. He added that they are streaming council right now. He said if he was forcing them to do something, then he would have all of those details, but he is basically saying use what we have and do the best you can do. He stated that it is a step in the right direction.

Mr. Aebersold stated that it sounded like from the line that was read in it that we were directing them to do it and not just asking them to do it.

Mr. Turner stated that it is a resolution; there is no directive.

Mr. Applegate said let's be right here and if we say they need to do this and then it is not done, that could be fodder and it could be political fodder. He thinks that if we really want to do it right, then we need to get feedback from the boards or the boards could just not do anything, and then we can say, "Well they are not acting on what we said for them to do" and then it would be fodder. He stated that they could try to figure it out and help versus just saying what we think someone else should do. He said that it does worry him a little bit to where if it is done, then it is not done right or it's not done fast enough, etc., then you start applying that sense of pressure when we are just making stuff up to do. He stated that he thinks they would feel the same way if it was directed down to them on certain things. He said that if they had the ability to figure out a way to look at these things and see if they need help or if there will be any costs, they could help in those processes versus just saying do it. He added that he thinks you can hide behind non-binding and he knows that Mr. Blair is not the biggest fan of resolutions and he can understand why.

Mr. Turner stated that if you have the capability to do something and you choose not to do it, you should be held accountable for it. He said that we should be doing the best that we can do and this is a step in the right direction as Mr. Blair said. He stated that he has a problem with resolutions too, especially when they are outside of city government. He said that resolutions have a lot of impact when, as a council, you say to certain boards that as the council that represents the people, my people deserve to see public meetings from their office any time there is a meeting. He stated that this resolution is saying that we, as the representatives of the people, want you to stream these meetings. He said that if the city and those boards choose not to do it, they should be held accountable because this is the right thing to do. He also said that in the public opinion, anyone that does not do this should be held accountable for it.

Mrs. Griffith stated that she thinks this is something that they need to pass and at least get started before it is mandated. She asked if they could make an amendment that it applies to any meetings held in council chambers to begin with since it is set up and ready to go? She said that they can create a committee that can follow up on a lot of the questions and see how we can get ahead of this before it is mandated. She stated that they need to go ahead and get this going.

Mr. Dickey stated that from his standpoint, if we want to have a committee to review this and work in consultation with all of the parties involved, he thinks that makes complete sense, because then they can get a true picture of what they are getting into and what they are involved with. He said that he doesn't hear anyone here not wanting to be open and provide the convenience of a live stream of any of these public meetings. He stated that he thinks this is a lot like when they dealt with the chain link fence issue. He said that there were concerns that people had and they were valid concerns, whether they were with planning and zoning, with council members or with the public. He stated that they were able to work those out through a process and he thinks that the same thing can be said here, and if we have the benefit of knowing what the state legislature is going to implement, that's all the better. He said then we can go ahead and align ourselves with that and be that much more ahead of the curve, because he guarantees that a lot of the other communities out there are not going to be as far along as we are and able to do this.

Mrs. Griffith asked if they have an existing committee that this falls under?

Mrs. Collier stated that she wants to touch on a few things that her colleagues have said because she agrees with a lot of them. She said first, she thinks the best thing to do would be to send it to committee which would be the rules committee, because there are so many things that were not addressed prior to this coming before them. She stated that she would like to get a more in-depth look at those things that were not addressed and with this being so close to the state legislature, she would hate to spend any amount of staff time or resources to put something into place just for the state to come up with something that we have to maneuver and spend additional resources and time to meet their requirements. She said that a committee would just be an opportunity to look at

things more in-depth and see what might happen, as well as, the whole issue with the separation of powers. She stated that she would hate for another board to feel like they were under any amount of pressure from us, because we are passing this without looking at it a little more closely. She suggested that they have a vote to send this to the rules committee to look at it a little further before they actually vote on it.

Mr. Blair stated that he is not taking his second off of the table. He said that he thinks they should vote, and then after the vote if they want to send it to committee, that's their prerogative.

Mrs. Griffith stated that she agrees on that. She said that she agrees with Mr. Blair and Mr. Turner because this equipment was set up when the city moved down here, and it was in the public opinion that the meetings were going to be live streamed. She stated that it is great that it is has been happening now and since it is set up, there is no reason that they can't pass this tonight with only meetings held in this room. She said just like Mr. Turner said, suggest that it is for the other ones as well, but it is a step in the right direction. She also said that they realize no one knows what the mandate is going to be from the state, but it is public streaming so it is going to be something along the lines that we will be setting up as it is.

Mrs. Collier stated that anything in that regard does have a cost related to it, whether it be staff time or things that we don't even take into consideration, and she just really thinks that should be looked into. She said that any amount of staff time or resources that is wasted is something they should avoid at all costs in her opinion. She added that she has worked for the city and she realizes how much of a work load they have and she would hate for them to spend any amount of time wasted to just have to reevaluate it once the state comes out with something else.

Mr. Aebersold asked Mrs. Griffith if she is saying that we get in contact with all of these boards and tell them that they can come into this room and meet and live stream any time they want?

Mrs. Griffith replied yes. She stated that if this room is set up for it, to her, that makes sense. She said that it is city hall.

Mr. Turner said that it makes perfect sense.

Mr. Blair stated that he thinks it is groups that regularly meet here that would do the streaming. He said if some other board met somewhere else, we wouldn't ask them to come in here.

Mr. Aebersold asked if the meetings held in this room right now are live streamed?

Mr. Blair stated just the city council meeting. He said that he would even define it further and say redevelopment and board of works, because those are the two meetings that are held during the day and are harder to attend. He stated that there have been several times that he wanted to go to those meetings and something else was a conflict during the day and he just couldn't make it. He said that he could definitely play it on his cell phone and watch the meeting. He stated that if they want to restrict it to just those two meetings, he thinks that is a step in the right direction.

Mr. Turner stated that the good thing about that is if there is a legal issue or maybe if it costs too much money, these boards can say there is a legal issue and it costs too much money, so we can't do it.

Mr. Dickey asked why they don't ask them to begin with?

Mr. Turner stated that he doesn't need to because the government serves the people, not the other way around.

Mr. Dickey said exactly, but again, we are representatives of the people so in doing our due diligence, why don't we ask these individuals for their consultation?

Mr. Turner said we are doing it, we're streaming.

Mr. Dickey said we are streaming.

Mrs. Collier stated that before they had this come before them, why weren't there any conversations with any of these bodies?

Mr. Turner said because we have been doing it for a year.

Mr. Dickey stated that Mr. Turner answered no to every one of those questions about did you talk to the IT department, did you talk to legal, etc.

Mr. Turner said we are doing it, so why would he need to talk to them? He stated that we have the capability, it's turning it on during the day.

Mr. Dickey stated that you are televising a meeting, you are not having a conversation to gain information about something that could be a legislative prerogative.

Mr. Turner stated that he doesn't need to. He said that there is no mandate and they can do the right thing. He also said that Mr. Dickey is finding every reason to try to shoot this thing down seemingly.

Mr. Dickey said he is not.

Mr. Turner said then let's vote on it.

Mr. Dickey stated that his position is that if they are going to move forward with something, he thinks that it needs to be done right, well thought out and they need to have some conversation so that they all know what they are going into. He said earlier this year, they dealt with a police station and Mr. Turner and Mr. Blair made a valid position that they didn't feel that they had everything that they wanted to move forward with that. He stated that he respects that they made a vote on what they felt was the evidence and the information. He said that they are asking him to simply make a vote and say yes to doing this, and they haven't looked at, haven't talked about it and haven't even discussed it with anyone in the executive branch or city.

Mr. Turner stated that the police station is binding and it costs almost \$18M and this costs nothing. He said this is going to be a decision for them to make and he says that they vote on it right now.

Mr. Aebersold stated that he thought Mrs. Griffith had an amendment on the table.

Mrs. Collier stated that it didn't get a second.

Mr. Blair stated that no one proposed an amendment. He said that they talked about it but no one proposed it.

Mrs. Collier stated that Mrs. Griffith proposed an amendment but it didn't get a second.

Mr. Turner stated that she didn't propose an amendment.

Mrs. Griffith stated that she was asking about a suggestion.

Mr. Dickey stated that he would like to propose an amendment to send the resolution to committee so that it can be further studied and brought back to us so that we can have full information and put together a good plan to implement forward.

Mr. Turner stated that there is no implementation because it is non-binding.

Mr. Dickey checked with Ms. Wheatley to make sure that the motion to send it to committee had to be voted on first and asked her if that is correct?

Ms. Wheatley replied yes.

Mr. Turner stated that they have to vote on the resolution.

Mr. Dickey asked President Collier if she recognized the motion to send it to committee?

Mrs. Collier stated that she does but they may need to call for the question.

Mr. Turner stated that Mr. Blair did not remove his second.

Mr. Blair stated that he would have to remove his second before they could address any other votes.

Mr. Turner stated that Mr. Blair didn't remove his second.

Mr. Dickey asked Ms. Wheatley if you can move on a motion to send it to committee?

Ms. Wheatley replied yes. She stated the motion to send it to committee needs to be voted on first.

Mr. Blair asked if that is true even if the motion to approve the resolution got a second? He stated that it was already presented before the council.

Ms. Wheatley stated that she didn't hear the second.

Mr. Blair asked the clerk if she heard the second?

Mrs. Glotzbach stated that she heard Mrs. Griffith second. She explained that Mr. Blair and Mrs. Griffith both second at the same time and Mr. Blair gave it to Mrs. Griffith.

Mr. Turner stated that in the past, they have sent these resolutions to committee prior to the discussion, so he thinks that they need to vote on it.

Mr. Blair stated that he thinks it is the president's prerogative after the vote to send it to committee.

Mr. Dickey stated that we only do one vote on these.

Mr. Turner agreed and said they are non-binding.

Mr. Dickey stated that there is no reason to send it to committee after that point.

Mr. Turner said exactly, no resolution should ever be sent to committee. He stated that is a very good point.

Mr. Dickey stated that he disagrees with that. He said that he thinks legislating is a hard process and he thinks it is done best when they take their time and deliberate on these things, and involve the people that have to implement these decisions that they make.

Mr. Turner stated that he thinks it is best when it is done publicly.

Mr. Dickey stated that he doesn't think they do themselves justice by rushing through these. He said that he would not propose that congress rush through major legislation to be proposed, and he would not propose that the general assembly rush through. He stated that sometimes it happens but he doesn't like it.

Mr. Blair stated that this is not a major policy; it is just common sense. He said you just put the computer on video and have the meetings recorded.

Mr. Turner said that we have been doing it for a year.

Mr. Blair stated that it is simple and easy to do.

Mr. Dickey stated that he thinks it sounds simple but that's usually when things get hung up. He said that he has seen it happen tons of times before and he is just asking to take the time to have the conversations to do it correctly. He has never understood why they can't have conversations and asked why have they not had any conversations with the appropriate people on this?

Mr. Turner said because they have proven that it is capable. He stated that we have done it for a year.

Mr. Dickey withdrew his motion and called for the question to pass the resolution. He then stated he is a proud proponent of Indiana's Open Door Law, and he believes that we should have as much sunshine in our government processes as possible. He said he also believes that the best legislation comes when we take time to study and do our due diligence. He stated that tonight he has heard a nice debate, but he has not heard the factual information in order to make a good solid decision about approving this resolution. He said that because of that, he cannot in good conscience, even though he wants to out of principle, vote for this. He stated that he will also, however, not vote against it this because he does respect the spirit in which Mr. Turner has presented it. He said for that reason, he is abstaining from this vote. He stated that he will not put forward something that has not been well thought out and has not had the benefit of vetting to make sure that we do something right and proper.

Mrs. McLaughlin stated that she will abstain as well because she feels, as a council, that they really don't have a right to be telling other boards how they are supposed to be doing their meetings. She said that she thinks it is something that needs to be investigated a little more and does need to go to a committee.

Mr. Turner stated that they serve the people and they can dictate what boards do because it is the right thing by the people they represent. He said that at some point in time, this council, through ordinances throughout our history, have given these boards their authority, so when we have an opportunity to do the right thing, we do it. He asked if they need further discussion? He stated no because we have proven the capabilities by having these meetings streamed for one year. He said that if there is a legality issue with council meetings or any other meeting, how have we been doing it for a year? He stated that when the state comes through and mandates whatever they have, we should already be on top of this and doing the right thing. He said that the people are first and he is all about doing the right thing and there is no cost; we've been doing it for a year so he is absolutely going to vote yes to this.

Mr. Blair stated that he agrees that it is the right thing to do. He said we need to make sure the public is informed and give them information. He stated that it is no different if they get on a computer or view a meeting on their cell phone or laptop or walk into this room and listen. He said it just makes it more convenient and easier for the public to get information as well as another way for government to be transparent. He stated that we have the technology and capabilities to do this so he will vote yes.

Mr. Aebersold stated that he thinks everyone in here will agree to the transparency and to have these things online for all or as many of these boards we have in this community. He said that it is obvious that they don't all agree on this resolution and he thinks that they need more information. He thinks with more information they will make this thing work a lot better and go through a lot more smoothly. He stated that he thinks it should have gone into committee and they should have contacted other agencies in the

community to get their thoughts and ideas on how they want to do it. He said that he thinks they need to have more information and for that reason he is going to abstain on this.

Mr. Applegate stated that he agrees because he gets grief from all sides and everywhere regarding the committee element that was started last year under his presidency, and he still does believe that, just like our state government and Us government does, most things will go into committee to be vetted and then come out. He said that he would have been a proponent of sending this through the committee process because he believes a better product comes out of that process. He stated he wishes that it would have been sent to committee, but since it wasn't, he is not against it, but it is hard for him to vote for it, so he is going to abstain as well.

Mrs. Griffith stated that she thinks that it is important that we do keep this simple. She said that the equipment is in here, they are public meetings and it is a great starting point. She stated that she would like to see them more proactive when they talk about the committees and she is new to this, but she hasn't had a meeting yet and they have spoken about this. She also stated that this would be something that would be great to be proactive to talk about in the future. She said for now, she is going to vote yes on this because she thinks it is important to go ahead and get this passed and get the ball rolling. She said that they are already set up, as it was stated, and she is for it.

Mrs. Collier stated that she just wants to say that this is nothing that she is opposed to, but she would have just liked to have it addressed before they had to come to this vote. She said that will also abstain.

Mr. Blair stated that since there were yes votes and abstentions, he would request that President Collier send this to a committee and announce that.

Mrs. Collier stated that it can be reviewed in a committee which would be the rules committee. She said that is what she wanted to happen before they actually put it to a vote.

Mr. Blair asked if the rules committee has to go ahead and meet and start discussing this?

Mr. Applegate stated that it is not regarding this specific resolution, it would just be talking about the subject or recommendations.

Mrs. Collier stated that is correct. She said that it wouldn't be on this resolution as it is written, but if they want to have a committee meeting to see how they could best handle this in the future, they can do that. She stated that she feels like her hand was almost forced because she did not have enough information to make a yes or no vote. She said that if they feel like this is something for the rules committee to explore so that they can better handle this situation in the future, then she will send the situation to rules, but not this resolution.

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

Mr. Jeff Mayott, Fostered Up Art, stated that he wanted to bring to attention and thank Extol Media because they are doing a lot of free marketing videos for a lot of downtown businesses that have been affected by the Main Street construction. He said that they are doing them for free and he just wanted to state that again because he thinks that it is amazing. He stated that brings him back to the last time he spoke. He said that he would have loved to have had a productive conversation with Mr. Applegate, but unfortunately, it was brought to his attention at that time that there are no open conversations at this time in the meeting. He stated that he does want to thank Extol for what they are doing and he hates that they weren't able to have an open conversation when he was here the

last time. He said that he wanted to bring this issue to the council's attention because he thinks that it needs to be changed. He feels that if someone from the public wants to come up and wants an open conversation with a member or with the council, that should be allowed to happen. He stated that no one stopped Mr. Dickey when he interjected himself saying that he visits some of the businesses downtown when he was speaking and no one stopped him from that or corrected him. He said that when he tried to have that open conversation with Mr. Applegate, he held himself accountable and said that is not typically how it works in here, which he thinks was phenomenal. He thanked Mr. Applegate for that again and again wanted to bring this specific issue to the council and hopefully that is something that someone can submit to be changed. He said that he personally doesn't want to keep bringing issues up and not be able to get feedback, and if he is bringing something up to someone, they should be able to defend themselves to the public.

Mr. Andrew Nicholson, 128 E. Main Street, stated that the he took a lot of information in really quickly. He said that what he was going to talk about is the sound system. He stated that he has not been attending just this meeting, but every meeting since they are not live streamed, and he does have to take time out of his day to come down here. He said that he actually gets to live stream them for you guys and the audio is atrocious. He stated that unless you stand up and lean into the microphone, you can't hear well and most people lean back away from the microphone. He said that luckily, he projects a loud voice. He stated that he does recommend for the city council, with all of this up-to-date equipment, to actually get up-to-date equipment. He said that the you are scared to make these go live because you're scared of the equipment, but you spent \$22.5M on this building. He thinks that it is almost laughable to see all the abstains tonight, because it shows your lack of fortitude to stand up for what you really believe in. He stated that we all know your interests now, and last but not least, you do have a media expert here on the council that does Extol Live on YouTube for free. He is sure that you could have some council members help you out with that, and you can watch those live all of the time. He said that he actually watched those live on his way here to make sure that you could and still keep records and stuff. He stated that true colors showed tonight, not just on who said no, but who was afraid to say no.

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:43 p.m.

Jennie Collier, President

Vicki Glotzbach, City Clerk