

**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, JUNE 5, 2023 AT  
7:00 P.M.**

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

**ALSO PRESENT:** Ms. Stein, Mrs. Moeller, Mr. Gibson, Ms. Johnson, Mr. Hall 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. Applegate** moved to approve the Work Session Meeting Minutes for May 9, 2023, Mr. Phipps second, all voted in favor with the exception of Mr. Dickey who was not present.

**Mr. Phipps** moved to approve the Regular Meeting Minutes for May 18, 2023, Mr. Applegate second, all voted in favor with the exception of Mr. Dickey who was not present.

**COMMUNICATIONS – COUNCIL:**

**Mr. Phipps** stated that he wanted to thank the New Albany Police Department for keeping our community safe in the shooting incident that took place last week. He said that he also wants to wish a speedy recovery to Police Officer Byrne. He then reminded everyone that June is LGBT Pride Month so Happy Pride.

**Mrs. McLaughlin** stated that she would like to concur with what Mr. Phipps stated about the police department, and to Police Officer Byrne, she would like to send lots of prayers as well as to his family and she hopes he has a speedy recovery.

**Mr. Turner** stated that Cultural Pass is now available at the Floyd County Library and it is a summer program for kids. He said that you can get your kids or family involved and go out into the community and check out some things. He then said that he did get a call from a downtown business owner regarding handicapped parking spots on E. Main Street as the construction project is getting done. He stated that they don't feel like there are a lot of spaces for handicapped parking, and he was wondering if it is all going to be handicapped accessible on E. Main Street in front of the shops or how will that be addressed?

**Mr. Gibson** stated that there will be designated spots.

**Mr. Turner** stated that he also heard this week that AMR, effective July 31<sup>st</sup>, is no longer going to be providing our ambulance services. He said that the ambulance service will be taken over by another company which he thinks is AmeriPro and he is curious about that. He asked how long the remainder is on AMR's contract? He stated that he looked at the original contract and he believes that it ended in May and asked if we extended that for another two years? He asked how long will they be servicing us?

**Mr. Gibson** stated that they are still in discussions with them, so as of right now, we are still operating under the old previous contract and trying to get the proper contacts with the new company to start that new conversation. He said that we are currently operating under the previous contract even though it has expired.

**Mr. Turner** asked if there is any chance of bringing the ambulance service back into the fire department?

**Mr. Gibson** replied not today because it is something that would have to be looked at in depth fully. He stated that we did several years ago and the firefighters got burned out and didn't want to do it, so it would take a much better model than what was in place before. He said possibly in the future that could be done, but not in the near future.

**Mr. Turner** stated that Beautification Day is Saturday, June 10<sup>th</sup>, at 8:00 a.m. at city hall but you don't necessarily have to come downtown to make something happen. He said grab your neighbors and do something in your own neighborhood. He stated that he lives in the 5<sup>th</sup> District which is far away from downtown, but they like to get together to do what they can to make their neighborhood better.

**Mr. Blair** stated that he has the same sentiments as far as Police Officer Byrne and the New Albany Police Department. He said that shows a lot of bravery when you run towards fire and apprehend someone and he is just glad that no one got seriously hurt.

**Mr. Aebersold** stated that he wanted to concur with the comments about Police Officer Byrne and he heard that he is at home recovering now. He said that the department has done a wonderful job and he is so thankful for the staff, the officers, the first responders and everyone that was involved on that day.

**Mr. Applegate** stated that he feels the same about the NAPD and the surrounding areas that came to assist us on that dreadful morning. He said that he was located very close to everything and even though everything was going on, they felt really safe with NAPD and others setting up the perimeter where this was going on. He sent his best wishes to Police Officer Byrne.

**Mrs. Griffith** stated that she concurs with Mr. Applegate regarding the NAPD during the incident. She said that they both have businesses in that area and they did feel very safe. She added that she kept her clients and everyone under control. She said Mr. Applegate's wife reached and all of the neighbors were checking in with one another and everyone felt safe. She then stated that Team SoIN has their bi-monthly meeting tomorrow and these are always open to any council members, so she always encourages them to attend because it is great to learn what else is going on. She said that they are also doing a pass at the library and it is free and you can sign up for it, and it's a great way to take part in family activities throughout our area. She said that she also had a request about the handicapped parking. She stated that we have a cornerstone business owner that has been affected by this and he is on the docket to get a handicapped place fixed on his sidewalk, but he has had some negative comments this past week and she just thinks that as a community, they need to show him love. She said he has done everything in his power to get this fixed on the inside, but due to the city, he has to wait the process out and if there is any way we can speed up that process, she would really like that. She added that she has reached out to Mr. Summers on that.

**Mrs. Collier** stated that she too would like to thank the NAPD and everyone that responded when we had the situation here last week. She also wanted to thank the city staff for really communicating to the public and keeping them informed of the situation, so everyone could keep a safe distance from the affected area. She told Mr. Blair that she sent Mr. Brad Ramsey an email because she thinks that is the best place to start since he is very familiar with the property maintenance codes. She said that she asked him to reach out to Mr. Blair or if he wants to reach out to him, she thinks that is the best starting point.

**Mr. Blair** stated that he can reach out to Mr. John Burger and Mr. Brad Ramsey because they are the two Code Enforcement Officers.

**Mrs. Collier** stated that she received an update on the police cameras and read a statement from Police Chief Bailey that explained that the rollout is currently scheduled for July and August. It said that the final equipment necessary should be shipped soon and upon receipt, they will start training staff regarding usage, policies and procedures pertaining to the system. It said that training for the administrators has been completed and the training for the officers assigned to testing will occur during June with expected full implementation soon thereafter. She stated that she did check on live streaming and that it does display the number of viewers during the meeting as it is being viewed, but once everyone is off, it is not recorded. She said that regarding the parking garage parking spaces, she was able to speak with staff about that and they have been in communication with Riverside, which is the company that manages the garage. She stated that they have received a list of reserved spaces and spaces that are not, and they are going to work on making sure that each spot is appropriately marked. She stated that as far as boards and commissions, she knows that the staff spends a lot of time preparing minutes and that is the best way to get information because minutes are a detailed summary. She said that if you do want a particular person's take on a meeting, she would suggest sending them an email to see what it is. She said that she did check on the bid for traffic calming and if it is going to be citywide, it is going to take some time to get it.

**Mr. Turner** asked if they are putting out a bid or are they going to people directly?

**Mrs. Collier** stated that she has been told that they are waiting to receive a quote for that information and they have not received it.

**Mr. Turner** stated that he wonders if they are going to open it up for people to come and get business from the city or if the city is picking a vendor to do this service, because he would think that you would open it up for people to come and bid to keep it cheap.

**Mrs. Collier** stated that she will check on the process.

#### **COMMUNICATIONS – MAYOR:**

**Mr. Mike Hall** stated that they have had two Bicentennial Park Concerts so far this year and they have gotten a wonderful response from the public, so they just wanted to thank the council for supporting their events. He said that this weekend they actually set a new attendance record at River Run Family Waterpark. He stated that it was a packed weekend and 3,500 went through the property, so once again, they really appreciate the council supporting those events and activities. He said that he received a request about the Main Street advertising and he wanted to go through that. He stated that they appropriated \$20,000.00 and what they have done is very similar to what they showed the council in the presentation. He said that the paid advertising has been split between billboards, static ads in the News and Tribune and partner ads that are internet ads, and they partner with Develop New Albany and SoIN. He stated that they are running two simultaneous campaigns and one is a local campaign and one is a more regional campaign. He said that the cost breakdown is billboards \$11,500.00 so far, News and Tribune was \$6,000.00 so far, and the partner ads online have been ongoing since the inception and will continue. He stated that in addition to those, they are using social media as best as they can and they still update the construction website weekly. He said that they also internally put together a video to update everyone on the construction process to show where that is and to let people know exactly what is going on. He stated that they have been working with a vendor on more signage, equipment and additional clean up.

**Mr. Applegate** thanked the administration for all of the information that they released on the day of the shooting incident. He felt they did a very good job.

**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: G-23-04 Designated “Outdoor” Refreshment Area**

**Mrs. Collier** stated that she did receive a comment via email and she asked the clerk to distribute it to everyone. She said that the comment was from Mr. Roger Baylor, 1117 E. Spring Street. She said that she was not aware that we didn't read email comments any longer into the minutes since we are back to live meetings, so she will no read it.

**Mr. Turner** asked if anyone committed to reading it?

**Mrs. Collier** said that she did before she realized that we don't do that any longer.

**Mr. Turner** stated that he would then love to hear her read it into the minutes.

**Mrs. Collier** read the comment into the minutes which was not in favor of G-23-04. Said comment is on file in the city clerk's office.

**Mr. Mark Hengartner, 2504 Larkwood Drive**, stated that he is from St. Mark's Church and he spoke with their council president and they would like to have their church undesignated from the DORA map, so that they don't get parties in their parking lot or anything.

**Mr. Andrew Nicholson, 128 E. Main Street**, stated he is a resident of downtown and he does support DORA but he does have a few things that came to mind that he wants to make sure all of the city council members have thought about. He asked if any of the council members have looked into the ATC ordinances and what we have to do on top of what was in the packet? He said that there is a lot of litter on Friday and Saturday nights that happen, so he would like to see some type of trash pickup. He said as a resident, you can walk outside any of the bars late night and see cups, bottles and cans laying out there. He stated that a cool thing that he thinks would help keep our city safe, especially since DORA, is walking police officers who patrol and bring that presence. He said that walking cops really make a Mayberry feel. He stated that he agrees with Mr. Phipps on crosswalks because if you have gone to the Exchange or the Floyd County Brewing Company, you know that no one acknowledges that crosswalk. He said that we definitely need to look into crosswalks before we commit to anything here. He then asked if the businesses have to buy the cups from the city in order to participate? He said if so, he would like to know what the kickback would be and how the cups work. He then asked that any council member that would financially gain from this, please abstain from voting or at least make it public knowledge that you do get money from these businesses before you vote yes or no.

**Mr. Brent Braun, 610 E. Spring Street**, stated that he is the owner of the Magic Shop on E. Spring Street and this is does not include his business or Israel's next door. He said that this creates a loss of opportunity for them because they love to do things like Margaritas during his shows and sort of lean in and help Israel. He stated that he does see that expansion going east for business owners like himself, because they can afford to purchase property in the east end but not in the downtown area right now. He said that when they start putting up signage and infrastructure to start, he just wants to make sure that they are thinking about where the borders actually lie and how we can push the map and make right decision now.

**COMMUNICATION PETITIONER: G-23-04 Designated “Outdoor” Refreshment Area**

<b>G-23-04</b>	<b>Ordinance Authorizing the Creation of a Designated “Outdoor” Refreshment Area (“DORA”)</b>	<b>Applegate/ 1&amp;2 Phipps/ Dickey</b>
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**Mr. Applegate introduced Bill G-23-04 and moved to approve the first and second readings, Mr. Phipps second, Mr. Phipps, Mrs. McLaughlin, Mr. Aebersold, Mr. Applegate and Mrs. Collier voted yes, Mr. Turner, Mr. Blair and Mrs. Griffith voted no and Mr. Dickey was not present.**

**Mr. Turner moved to make this committee council as a whole, Mr. Blair second, Mr. Phipps, Mrs. McLaughlin, Mr. Applegate and Mrs. Collier voted no, Mr. Turner, Mr. Blair and Mrs. Griffith voted yes, Mr. Aebersold abstained and Mr. Dickey was not present.**

**Mr. Applegate** stated that this is legislation that has just recently passed through the state. He said that he has been keeping his eye on it along with the administration to see how this may fit with our downtown area. He stated this goes along with walkability and what they have tried to create with Bicentennial Park, the retail shops and the density of bars and restaurants throughout the area. He said that other areas that have already done this across the country seem to be having great responses. He thinks that there will be some things that they will learn throughout the process, but he thinks what they have put forward is very well thought out. He stated that if there are any questions about the logistics of the area, he would be more than happy to help. He said that he and Mr. Phipps have worked with Mr. Gibson on some of the legalities.

**Mr. Phipps** stated that he concurs with everything that Mr. Applegate said. He said that about five years ago he thought that this would be a great idea for downtown New Albany, but the state didn’t allow us to do it at that point, so he was really excited when they passed this in state legislature. He stated that so many times in our history, New Albany has been the caboose and this time we will be the engine leading this, and we will be the first city in Indiana to actually implement this. He said that it is exciting to be part of that change rather than being delayed as we have been so many times in the past. He told Mr. Braun that he also noticed that they left Israel’s out next door to him after the fact and he didn’t realize that his magic shop served alcohol or allowed in, so he is certainly open to modifying that to include both businesses. He stated that he is very excited about this and thinks it is going to help downtown businesses, and the data that they were provided with regarding other areas are pretty much all positive with only minor increases in litter and that sort of thing.

**Mr. Turner** stated that he took a survey to see what the people think and there were a couple of things that really stood out. He said that the main thing right now is that it is too big and there are concerns about lighting, safety while people are drinking and sanitation. He said that Troy, Ohio, didn’t have much trouble with sanitation but they do have 39 receptacles, and they also have souvenir type cups that people just don’t want to throw away. He added that public restrooms are a concern as well as policing. He said that he appreciates the data on what other communities have gone through and thinks that is really helpful. He stated that with the City of New Albany, we need to consider something more than that we have a police station close by. He said that it gets nerve-racking to hear that it is safe because of a brick-and-mortar building, because the police don’t sit in this building and wait to get called. He stated that the police are out doing their jobs or in their cars doing their work. He said that he would love to be safe first and then back off as necessary. He said that some of the things the he heard from business owners who own bars is that they really are opposed to having drinks come in, because if you bring a drink in from somewhere else, you create a potential liability. He added that is profit that they could be losing as well. He stated that in Athens, Ohio, they have a policy that they don’t allow any drinks going into any bars period and that is a great step and seems to be very successful for them. He added that he thinks that keeps it fair for

everyone. He said that he likes this and wants it to pass but the deal breaker for him is in Section 8 which is the designated door cups that must have the DORA logo provided by the city. He asked why would they go through a potential bottleneck of having to come to the city and maybe not having supplies on the weekends? He said instead of paying the city to market the city, they should pay to market themselves so we should give them control over their cups. He said that in Roanoke, the policy is that you just have to have a cup with the bar's logo on it. He stated that he would like to see them set a minimum like a 16-point black font that says DORA and anything else they want to do to it is at their discretion. He said that something else that he and Mrs. Griffith thought about was potentially having a wristband once a month, which could prevent underage people getting ahold of a cup and filling it up with their drink. He also said that he thinks they really need to consider no drinks inside.

**Mr. Applegate** stated if you don't have control of the cups you can always control, you could have someone have a 20 oz. cup because they can then charge more for that to then send outside. He said that with control of the cups, you can always control the size that is exiting a place instead of having some large gulp or something like that.

**Mr. Gibson** stated that the cups are not that you buy them from the City of New Albany, all that the ordinance recommends is that this logo, for the ability to identify, goes on the cups. He said that the size of cup is dictated by state statute and you get a 12 oz. cup for beer, a 10 oz. cup for mixed drinks and another size for wine. He also said that you are limited to give two drinks per person, per state statute again, from any one establishment as you are walking around downtown or through the district for that matter. He stated that with respect to taking drinks into another establishment, it is up to the individual establishments and they don't have to participate in that component of it. He said that they can be a vendor and sell it and allow people to take their drinks outside, but they do not have to allow individuals to bring those drinks into their establishment. He said that they are not trying to dictate anything but it all comes down to identification. He stated that as you see throughout the statute, there is additional signage that has to be put up pretty extensively, so they are trying to find a way to minimize sign clutter and whether they can use some things on the sidewalks instead of signs up. He stated that the ATC is meeting this week and they are hoping that they will provide a lot more guidance, which will be useful to the committee and to us when we sit down and start talking about different ways to make this better. He said that honestly, they don't have a lot to go on, it just passed in the April session and is effective July 1<sup>st</sup>, but there are a bunch of processes that we have to go through to get there.

**Mr. Turner** stated that St. Marks members are active and there are several of them on his survey and the response from a lot of them was, not at my church. He said that he didn't realize how many churches that we have in the downtown area.

**Mr. Gibson** stated that there are four or five within the district with the current map.

**Mr. Turner** asked if we can cut out such a large portion if we have churches that are saying no or should we start smaller on the zone and cut churches out as they come along? He said that the district includes all of these churches and we don't know if they are even on board or not, so does that even make this DORA legal?

**Mr. Gibson** stated that they can be excluded from the map but it will put a donut hole in the map, which will require additional signage, but they will get the final guidance from ATC on what that is and how that applies.

**Mr. Turner** asked if it will be at their cost if they decide that they don't want to participate or will it be at the city's cost?

**Mr. Gibson** replied no and stated that drafts that the council have are things that they anticipate that the city will be participating in getting to vendors to use.

**Mr. Turner** asked how they define who a permittee is and if it is by their legal business name or by address? He asked what if there are businesses that have multiple DBAs within it?

**Mr. Gibson** stated that it would be by their address if they want to be a permittee. He said that these are just potentials which is required for them to do in the ordinance, but there is another step that the city has to do and then also the permittee has to do to participate.

**Mr. Turner** asked if there is a cost to them?

**Mr. Gibson** stated from the city's standpoint, no, but from ATC, he can't answer that question. He also stated that the list was an attempt by staff to identify anyone that we kind of knew had some kind of either liquor license or participated in some type of event that involved alcohol in their functions in some fashion. He added that it does require the permittees to get a special permit from ATC if they want to participate even if they are in the district, but if a bar doesn't want to participate, they don't have to get the permit or participate.

**Mr. Phipps** asked if they carve out the churches, that wouldn't include the sidewalks that go around them?

**Mr. Gibson** stated that he can't really answer that question yet until ATC gives a little better guidance on what is expected and how they interpret that. He added that each district in the state kind of operates a little bit differently in their enforcement of the same rules.

**Mr. Turner** stated that if you think about the Hour of Power Church, that cuts out the YMCA if it is 200 ft., and it cuts out the Exchange and Parlour. He said that also according to statute, you have to have clearly defined boundaries through a street. He stated that you could potentially take out blocks with one church, so we may have to cut it up a little bit.

**Mr. Gibson** stated that is possible depending upon how that is interpreted and everything else. He said that the current map is pretty large and does have straight line borders, and the reason for most of those lines is to not to cut anybody out one way or another, and to just have clean lines like is necessary per statute. He added that they tried to stay out of residential areas with the current map. He also added that once they get a little more guidance, the map will be amended in ways.

**Mr. Aebersold** asked if you start cutting out churches, what is next? He asked if it would doctor's offices, lawyer's offices, the City-County Building, the library, etc.?

**Mr. Gibson** stated that the only recognition from state statute and the legislatures was churches and schools.

**Mr. Aebersold** stated that if you are walking around having fun and having drinks, he asked why would you want to go through a place like St. Mark's Church? He said that no one is going to do anything to St. Mark's, the library or any of these other places.

**Mr. Gibson** stated that there will be a few people that maybe have a couple too many, but they are doing that now for that matter. He said that the way they envision this and hopefully will work out that way, is that if there is an hour wait at one of our restaurants and it is six o'clock and some of the boutiques and stores are open, it will allow people to have a refreshment while they are waiting and possibly walk to another store and spend some money and then come back. He stated that they do limit how many you can get so it's not like you can get a 12-pack and walk around carrying it. He said that at the end of the day, if someone is going to have too much to drink, they are going to go to the bar to do that. He added that he doesn't think that this encourages that any more for that type of person.

**Mr. Turner** asked if you are allowed to carry a container of alcohol without this being done?

**Mr. Gibson** stated that if you are not publicly intoxicated, you can probably go to a liquor store and get a can of whatever and walk around and drink it. He said that Ms. Stein pointed out to him that there is a city ordinance on the books that talks about alcohol in public places, but that is a much different scenario that what we are talking about here.

**Mrs. Griffith** stated that she is very excited about this and she knows that it was said that it is going to committee, but her main concern is asking these local businesses their opinions and what is going to work best for them. She asked if there is going to be like a public hearing where some of the local bars, restaurants and retailers can come and give their opinions?

**Mr. Gibson** stated that there is a difference between public meetings and public hearings and public hearings are much more formal. He said that he doesn't see an issue with inviting a few people to the committee meeting.

**Mrs. Griffith** asked if they would be able to talk?

**Mr. Gibson** stated that he doesn't run the council's committee meetings, so that would be left up to the committee chair. He stated that this has been modeled off of, first and foremost, our state statute but they also fully tried to examine other communities that implemented these the best and what they are using. He said that they are not really reinventing the wheel here in New Albany at all.

**Mrs. Griffith** asked if there is going to be a work session or something to help the businesses know what to expect and how to communicate? She said that she is looking at how to get the businesses on board to know what to do. She stated that she spoke with Michelle earlier because she works at a retail outside of a place that already has this set up, and she had some pointers for retailers. She said that she just wants to make sure that the committee has input and Develop New Albany, to her, is the person who should take charge on this to help implement it, because they do have relationships already built with the local businesses.

**Mr. Gibson** stated that Mrs. Griffith is talking about a roll out. He said that if this is approved in some fashion, they are open to talking about a roll out at some point.

**Mr. Blair** stated that he had that interest as well and wants to make sure that the committee works with the local businesses. He said that two of the people who spoke were talking about the district boundaries, so let's make sure that we have the boundaries correct. He stated that he thinks the business community can help but that would be one of the committee's responsibilities, so he is very interested in who is on the committee, what committee it is, what the process will look like and what the committee will achieve.

**Mr. Turner** stated that he would like to have a work session with the council and have business owners come speak to us, because we are about to make a huge decision here that will affect all business owners. He then said that if they do have a committee, Mrs. Griffith needs to be on it because she has spent decades building this downtown and uptown up. She is the one that we need to hear from and she needs to be the one to tell them what's up.

**Mrs. Griffith** stated that she appreciates that.

**Mr. Blair** asked Mrs. Collier to elaborate on the committee.



**Mrs. Collier** stated that she had planned on an ad hoc committee because she has talked with Mr. Gibson and Ms. Stein and it just doesn't really fit into any of their present committees.

**Mr. Blair** stated that he would like to know who is on the committee before he votes and he agrees with Mr. Turner that Mrs. Griffith needs to be on that committee.

**Mrs. Collier** stated that she has talked to some others prior to this, and as it stands right now, the committee will be Mr. Applegate as the chair, Mr. Phipps as a sponsor and Mr. Aebersold as a long-time business owner.

**Mrs. Griffith** asked if Develop New Albany could take part in that discussion? She said that she would be happy with that because they have those relationships already built.

**Mr. Applegate** stated that he would be happy to reach out to Develop New Albany.

**Mr. Aebersold** asked if they want him to give up his spot on that committee and let Mrs. Griffith do it?

**Mrs. Collier** stated that she thinks it will be fine the way it is especially if we have Develop New Albany on board and take everyone's desires into consideration.

**Mr. Turner** told Mr. Aebersold that he doesn't have to serve on a committee if he doesn't want to. He then asked him who is best suited to really hear what the businesses have to say? He said that Mrs. Griffith has built her business in uptown and he thinks that they would be best suited to have Mrs. Griffith in his position if he is willing to step down.

**Mrs. Collier** stated that she is the one who sets the committee and she is appointing Mr. Phipps, Mr. Aebersold and Mr. Applegate as chair.

**Mrs. Griffith** stated that she would be happy to send her questions to the committee then. She said that she just wants to make sure that they are talking to the businesses.

**Mr. Aebersold** said that he knows that and that is exactly what needs to be on here.

**Mrs. Griffith** stated that right now she thinks that the map needs to be taken down a little bit. She said that there are some areas with no sidewalks, some areas with vacant buildings and she doesn't think that is what they want to start out with. She added that it clearly states in the statute that you can change that boundary at any time, so they can implement this today and go back next month and change it. She asked Mr. Gibson if that is correct?

**Mr. Gibson** said yes.

**Mrs. Griffith** stated that is something that they could constantly have working, so they could release this in a very small area and blow it out the next month if it works. She said that it is a great thing, but if they roll it out and don't do all of the details, it's not going to be good and will get negative comments.

**Mr. Blair** stated that he wholeheartedly thinks that Mrs. Griffith should be on that committee. He said obviously she is the most qualified, she has already done some legwork and visited with business owners, and she is very enthusiastic about this and wants to make it work. He stated that she is the most qualified person on this council to be on that committee. He said that Mr. Aebersold has already said that he would decline and let her on the committee, so he doesn't see why you would not put her on it.

**Mrs. Collier** stated that Mrs. Griffith is welcome to attend those committee meetings as long as they don't meet the maximum number of members there.

**Mr. Turner** stated that he wants to motion to make this committee council as a whole for economic development reasons. He said that this is clearly an economic development thing and the economic development committee is the council as a whole.

**Mrs. Griffith** stated that she thinks the committee will make great decisions and thanked the others for their confidence in her, but she is glad to know that Develop New Albany is going to be a part of that too.

**Mr. Turner** stated that as the ordinance stands unamended and the fact that he doesn't think that they are doing their due diligence with putting their best people forward for this committee to make sure that all voices are heard, he will have to vote no.

**Mr. Blair** stated that he wanted to explain his vote for the same reasons. He said that they need to, as a group of leaders, put their best people in positions to make decisions. He also said that it is not fair to the citizens that we have someone very capable of making decisions and we are not using them, so until they hear the third reading, his vote is no.

**Mr. Applegate** stated that being a business owner in New Albany over the past 10 years, he feels that this is a wonderful ordinance and it is in the right hands and they will make decisions as a committee so he votes yes.

**Mrs. Griffith** stated that she is very excited about this project, but at this time she has to vote no because she does not have all of the details in front of her. She said that she is looking forward to seeing all of the amendments.

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

#### **COMMUNICATIONS PUBLIC: R-23-04 Dissolve Animal Shelter Interlocal Agreement**

**Mr. Dale Bagshaw, 85 Galt Street**, stated that he is a member of the Floyd County Council and he first wants to make it known that he doesn't like the terms "the city" and "the county". He said that we are one community of citizens that live in the second smallest county in Indiana and we should not act as if we are adversaries all of the time. He stated that we should be working for the common good for the citizens of our community. He said that he, as a member of the Floyd County Council, wants to give his perspective on the animal shelter situation. He said that it has been stated many times that the county doesn't not pay their fair share, and in his view, the county does not know what their fair share is. He stated that the county has requested total revenue and expenditures and those have never been provided. He said that adoption fees, fees to get dogs out of doggie jail, donations from individuals and corporations and the Animal Gala revenues should be disclosed so they know the total revenue and be part of the budget. He stated that Article 12 of the interlocal agreement states that the two fiscal bodies shall meet in a joint session to determine the budget of the animal shelter. He said that he has been serving on the county council for six years and that has never happened. He stated that the county has reached out a couple of times but they never received a response. He said that Article 4 of the amended interlocal agreement states in part that the animal shelter will pick up, remove and dispose of dead animals including dogs, cats and deer. He stated that it is his understanding that the county road department does most of this. He said that he thinks it is appropriate for the fiscal body of the county to ask these questions such as revenue made to the county. He also said that he is not speaking for the council, he is speaking for himself. He stated that their attorney said that the contract between the city and the county has been breached, so the county doesn't really owe anything, but they can gift the city the funds to operate the animal shelter. He said that in the last couple of years they decided to take the actuals of the year previous, divide it by 50% and give that amount because that is the data that they received. He stated that at budget time they ask questions to all of the county departments such as the health department, which disclosed all of their grants and all of their revenues, as does community corrections and probation. He said therefore it seems appropriate for the

council to ask questions about the animal shelter. He stated that in closing, he thinks the county and the city should work together for the betterment of our community of about 80,000 people. He said that he thinks they should work together with the animal shelter, the parks, and yes, even 911. He stated that he thinks the citizens of our community would be better served by merged government but he realizes that it probably won't happen in his lifetime because there is not the will to do so.

**COMMUNICATIONS PETITIONER: R-23-04 Dissolve Animal Shelter Interlocal Agreement**

**R-23-04            Resolution to Dissolve Interlocal Agreement            Applegate/  
                         Regarding New Albany-Floyd County Animal            Phipps  
                         Shelter Due to Floyd County Government's  
                         Failure to Fund Operation**

**Mr. Applegate introduced R-23-04 and moved to approve, Mr. Phipps second,**

**Mr. Phipps withdrew second.**

**Mr. Applegate reintroduced R-23-04 as amended and moved to approve, Mr. Phipps second, all voted in favor with the exception of Mr. Turner who voted no and Mr. Dickey who was not present.**

**Mr. Turner moved to table this item, Mr. Blair second, Mr. Phipps, Mrs. McLaughlin, Mr. Aebersold, Mr. Applegate and Mrs. Collier voted no, Mr. Turner, Mr. Blair and Mrs. Griffith voted yes and Mr. Dickey was not present.**

**Mr. Turner moved to send this to committee, there was no second.**

**Mr. Turner moved to add Whereas, the Common Council of the City of New Albany has never met for the budget with the county, Mr. Blair second, Mr. Phipps, Mrs. McLaughlin, Mr. Aebersold, Mr. Applegate and Mrs. Collier voted no, Mr. Turner, Mr. Blair and Mrs. Griffith voted yes and Mr. Dickey was not present.**

**Mr. Phipps moved to amend the resolution and take out "and thereafter", Mr. Blair second,**

**Mr. Blair withdrew his second.**

**Mr. Phipps moved to amend the resolution by taking out "it will continue fully funding the animal shelter in the year 2024 budget and thereafter", Mr. Blair second, Mr. Phipps, Mrs. McLaughlin, Mr. Blair, Mr. Aebersold, Mr. Applegate, Mrs. Griffith and Mrs. Collier voted yes, Mr. Turner voted no and Mr. Dickey was not present.**

**Mr. Turner** stated that the reason he motioned to table this is because we have a county council member here that says he wants to work with us and we've got two new commissioners, so if there is ever a time to get back and work this out, this is the time. He then said that he doesn't understand the city council's part, other than meeting the county council for a budget session, but we have never met them for a budget session. He stated that this is between the executives and if the mayor wants to dissolve this, he doesn't need the council to do it.

**Mr. Blair** stated that agrees. He said that he has been on the council for 11 years and we have not once met with the county council to set a joint budget. He stated that the county council, through their legal attorney for the last three or four years, has sent us notice to have a meeting with them and we just ignored that. He said that it is not just the county that is guilty, we have two guilty parties here. He stated that they have a county council member saying that they are going to make a payment this year and he thinks that is reasonable. He said for them to make a payment on a full budget when they don't know

the actual cost means they are going to spend more on the budget. He stated that the fact that they are paying what they owe, at least they are recognizing that they owe something and are paying what they feel like is a reasonable amount. He said that this is non-binding and is not going to mean anything so he agrees to tabling this and let's get back to the working table and work this out.

**Mr. Phipps** stated that he has been on the council for 11 years also, and since that period in time, they have short changed us \$1.3M. He said that Mr. Blair said that they pay what they think they should pay. He stated that he thinks gasoline prices are too high too but he can't go and say that he just wants to pay \$2.25 for this gas, I don't want to pay \$3.45 or whatever it is. He said that he has to pay what it actually costs and we've got the cost of what it is taking to run the shelter, and when they do not pay their share, the City of New Albany has to pay for it because we don't want animals to suffer. He stated that he doesn't care about the county residents, he cares about the animals.

**Mr. Blair** asked Mr. Phipps what the plan is then?

**Mr. Phipps** stated that we will probably have to fund it.

**Mr. Blair** said so you're going to pay \$6.00 for gas when it will only cost \$4.50.

**Mr. Applegate** stated that in the past, we fund it all year long and then maybe they pay out of riverboat. He said that it is not in their budget so they don't have to pay us anything, and as he has stated, everyone has broken this agreement over and over. He stated that he remembers going to a county meeting when he was first on the council and the question was asked to state how many runs are in the county. He said that he remembers former Council Member Caesar said all of them because every one of these runs are in the county. He thinks everybody forgets about that. He stated that if you do the math from the county perspective, you're talking \$8.00 per year per person to have a no-kill animal shelter. He said that we are not at liberty right now to not pay any bills for the remainder of the year because we don't know if or when we might get paid.

**Mr. Blair** asked if we are 100% right here then why don't we just sue them for breach of contract and ask them for the funds? He said that is what we should be doing, but we have also not held our obligations too. He thinks that if we would have gotten involved in the budgetary process, they may have put a line item out there and budgeted for it, but they didn't feel like they were a part of the budget process and we ignored the agreement.

**Mr. Applegate** stated that the only thing we can do is do what we can control, which is acknowledge that this agreement is not working and we need to move forward. He said that he is not in favor of tabling this because we don't have time to wait.

**Mr. Turner** stated that he is concerned about the staff at the shelter and the animals. He asked how we can staff an animal shelter when we are cutting out 54% of their service rate? He also asked how many times the mayor has met with the commissioners about the animal shelter?

**Mr. Gibson** stated that he met with Dr. Knable last week. He met with Mr. Kamer numerous times last year. He met with Mr. Carrothers more than a handful of times over the last two years at least. He said that in all of these meetings, no resolution has ever come out of them, so Mayor Gahan has done his due diligence to try and reach out to the executives to get this resolved.

**Mr. Turner** stated then he thinks the mayor should dissolve this, if that is the route he needs to take. He said that it is not in the council's hands.

**Mr. Gibson** stated that interlocals are entered into by county commissioners, city mayors, county councils and city councils.

**Mr. Blair** asked why is this a resolution and not an ordinance?

**Mr. Gibson** stated that it is not necessary to be an ordinance.

**Mr. Blair** asked in order for this to be dissolved, the council will have to vote on it to approve the dissolution?

**Mr. Gibson** stated that is what this is doing.

**Mr. Turner** asked if they are required to do that?

**Ms. Stein** stated that she believes that is correct.

**Mr. Aebersold** asked if the mayor came together with a new proposal within the last six months or so and Mr. Carrothers was supposed to take it to the commissioners and then the commissioners would take it to the council? He said that the response was from their lawyer that no one is interested in it. He asked if that is correct.

**Mr. Gibson** replied yes. He stated that there were negotiations going back and forth between the mayor's office and the commissioner's office on different ways to potentially settle it. He said that the final correspondence that we got from them from the commissioner's attorney was that they are fine with the way it is and that ended those conversations. He said that when Mr. Kamer came in, discussions got picked up again.

**Mr. Aebersold** asked if they have ever come back to us and presented a proposal that they would like to work with?

**Mr. Gibson** stated that there were negotiations back and forth.

**Mr. Aebersold** said that he understands that there were negotiations but did they ever come back with a proposal?

**Mr. Gibson** replied no because it was ended at that particular point.

**Mr. Aebersold** stated that they have never come up with anything, have they?

**Mr. Gibson** replied they didn't receive anything. He stated that we are unfortunately where we are and he has been dealing with this more than most issues, so he doesn't take it lightly when we have to do this.

**Mr. Applegate** stated that at a recent shelter board meeting, they would recommend that this go away.

**Mr. Gibson** stated that this old interlocal just doesn't work. He said that it probably wasn't drafted properly and if they are interpreting one way and we are another way, it is obvious that it doesn't work.

**Mr. Applegate** stated that he has nine animals and he can tell them that every single cost for them has roughly doubled. He said that we need to make sure that our animals are protected and that the jobs at the animal shelter are protected, and if the county decides they want to pay for whatever they feel, they are welcome to, but right now we have to make some decisions.

**Mr. Blair** asked what the plan is?

**Mr. Applegate** stated that we have to take it by the horns and do it.

**Mr. Turner** said so we are going to pay \$400,000.00 more maybe?

**Mr. Applegate** stated that it is no different than what we end up spending every single year in hopes that the county may come back with \$250,000.00 or whatever they have.

He said that you can see from the sheet that was provided that the last years it was roughly \$250,000.00. He stated that we have to look at it and possibly adjust our area or charge a fee for additional runs or whatever that may look like. He said that we have to make those decisions to get our animals and our employees taken care of because we are running out of money if we are not already there on the budget.

**Mr. Turner** stated that he was at that meeting and the county people wanted to work with us continuously and the county representatives still want to work with us. He doesn't understand how we are going to be on the hook for \$400,000.00 if we are cutting 54% of our services.

**Mr. Applegate** stated that we don't get \$400,000.00 from the county.

**Mr. Turner** stated that whatever it is, we are paying for all of it. He asked how far \$250,000.00 goes on a road to be repaved?

**Mr. Applegate** asked if he is saying that a road is more important than an animal?

**Mr. Turner** replied no and that he saying why would we cut off the county and still expect to pay county prices?

**Mr. Applegate** called point of order on the discussion and called for the vote on the table.

**Mr. Turner** stated that Mr. Applegate brought the dollars so he is responding to him.

**Mr. Blair** stated that they have a right to know what the plan is. He said that when you cut the contract, are you going to cut services? Are we going to supplement it? What is the plan?

**Mr. Phipps** stated that they can discuss that once they vote on the table.

**Mr. Aebersold** stated that we are going to make out the rest of the year. He said that we have been going through year after year without them fully funding it. He asked how have we been doing that?

**Mr. Turner** said now we will be fully funding it.

**Mr. Aebersold** stated that we didn't cut out anything and the animal shelter still took care of everything all over. He then asked how many times have they come to us or the mayor with their proposals over the last five years or so? He added that over all of those five years or so, they have never fully funded the animal shelter. He said it is now June and they haven't paid anything this year and we've still had to pay all of the payroll and all of the expenses. He asked how much they paid last year?

**Mr. Turner** said \$250,000.00. He stated that Mr. Aebersold was on the animal shelter in 2022 and asked him how many times he reached out to the county to get them to the table?

**Mr. Aebersold** stated that when he was on the animal shelter, he didn't have a vote. He said that he was just there to see what was going on and bring something back to the council if he needed to.

**Mr. Turner** stated that he could've reached out to them.

**Mr. Blair** asked Mr. Aebersold how many times he brought things back to the council?

**Mr. Aebersold** stated that there weren't any concerns so there wasn't anything to bring back.

**Mr. Turner** stated except for the bills, the lawyers and Ms. Connie Moon reaching out to see if we could meet. He said that Mrs. Collier has been on the animal shelter since the beginning of the year and asked her how many times she has reached out to the county to meet?

**Mrs. Collier** stated that she has not.

**Mr. Aebersold** stated that there is always at least one county council member at the animal shelter meetings.

**Mr. Turner** stated that you have the choice to reach out to them if something is wrong and we know we're getting bills, we see the invoices and we see them ask for revenues that they don't get. He said that he has asked for revenues as late as last Monday and he has not even been acknowledged by our controller.

**Mrs. Collier** stated that she has been asked but it was just not fruitful.

**Mr. Turner** asked when?

**Mrs. Collier** stated that it has been a little bit, but from her experience, it wasn't going to go anywhere.

**Mr. Turner** stated that if we are dissolving this, and we are, he doesn't understand how we can continue to pay county prices if we dissolve them out. He said that our prices should be city prices only. He asked how we can say that we are going to fully fund this thing with the county's costs as well all the way through 2024?

**Mrs. Collier** stated that right now they are talking about the question to table this.

**Mrs. Griffith** stated that she was for this until the current discussion and thanked them for bringing things to light. She said that she would like to vote yes on the table.

**Mr. Phipps** stated that we will fund this without cutting anyone's position and we are certainly no going to let any animals suffer. He said that he would agree that we need to kind of relook at what we do in a situation like that. He stated for example, one of the reasons that he thinks they should be separate is that the county animal issues are very different than the city issues. He said primarily we deal with people with dogs and cats that are running loose or that need to be dropped. He stated that we don't have dead cows and dead horses on Spring Street. He stated that maybe one of the ways they could compromise this is that anyone in the county can drop of a dog or a cat at the shelter, and we are not going to ask questions and take care of it, but we aren't going to go pick up a horse up in Greenville. He said that maybe we save a little bit of money on something like that but then we can really beef up our animal shelter and make it a state-of-the-art facility. He stated that the building needs help, it has been in decline just like the City-County Building plus the county wouldn't maintain it. He said that people complained when we separated the parks and thought that we would spend more money. He stated that some political parties are about the cheapest government possible, but he thinks one of the roles of government is to provide adequate services for the citizens of the city. He said, yes, we are spending more money on our parks today but look at the bang for the buck that we have gotten from our parks; they are phenomenal. He stated just over the weekend he saw people complaining about the horrible conditions in Community Park and he just thought that someone would surely try to blame that on the city council and the city and he was going to say "hey buddy, it is a county park and is not our responsibility". He said similarly, we could run and maintain a much better animal shelter than what we have had in the past. He also said that he guarantees that as long as he is on the council, we will never turn away a dog or a cat. He stated that if we have to cut somewhere else, he will never let an animal suffer and he does believe that animals are more important than roads.

**Mr. Turner** stated that he doesn't understand how we can cut out 54% of who pays the bills.

**Mr. Phipps** stated that is 54% of the budget and we are not going to cut that.

**Mr. Turner** asked why not?

**Mr. Phipps** stated because that is what it takes to run the shelter.

**Mr. Turner** said for the county also.

**Mr. Applegate** stated that the alternative could be that if you are not a city resident, maybe we do take a fee if there is something that would come from the county. He said maybe there are extra charges that are not in there now. He stated that he doesn't know but that is what happens in Jeffersonville.

**Mrs. Griffith** asked if we could go ahead and move this date to the end of the year instead of enforcing it in June so that we have time to get those answers?

**Mr. Applegate** stated that we are running out of money.

**Mrs. Griffith** said but we are going to have to fund it regardless and then if the county does end up paying in December like they have the last couple of years, then we will be \$250,000.00 to the good.

**Mr. Applegate** stated that if you looked at it from an employee standpoint, would you say I may stay here until the end of the year and maybe I will be paid.

**Mrs. Griffith** asked if they were supposed to meet with the county as part of the interlocal agreement?

**Ms. Stein** stated that there is a condition on it. She said that it is not automatic every year, there is a condition on it and since she has been working with the council, there hasn't always been a request, so she interpreted it as unless there was a request to meet, they didn't need to meet.

**Mr. Blair** stated that there have been requests.

**Mr. Turner** also stated that there have been requests.

**Ms. Stein** stated that she said there hasn't always been a request every year since she has been working with the council. She said that sometimes those requests came after we approved our budget, and once there was a meeting but during that meeting, they wanted to basically renegotiate the agreement versus talk about the budget for that year. She stated that she does not interpret it that the council is violating the agreement.

**Mr. Blair** stated that he believes that any money we get is better than nothing and if we are going to provide the services anyway, let's continue to provide the services. He said that we may have to do a short-term allocation to make sure the employees retain their jobs, so why dissolve the agreement when we may still get some money at the end. He stated that something is better than nothing. He stated that animal control is a big piece of what the animal shelter does so what happens in the county in the case of an aggressive dog? He asked if we are going to say that we aren't going to address it or how do you even charge for something like that?

**Mr. Applegate** stated that the agreement is not working so let's move on and go forward and make sure that they are funded as is through the end of the year until we figure out how we need to make an appropriation for that. He said by getting rid of the agreement, we may be able to start looking at what another contract down the line may look like.



**Mr. Blair** stated that they do love animals and sometimes treat their dogs better than they treat the kids. He said that he agrees with Mr. Phipps that we need to take care of animals but we also have an obligation to our taxpayers. He stated that we can't just continue to raise taxes.

**Mr. Applegate** stated that we are not raising taxes. He said that the county is raising taxes to fix the properties.

**Mr. Blair** stated that you just said that we will have to make another allocation or we are going to budget for the full amount. He said that is increasing our spending so it is increasing taxes. He asked how is that not?

**Mr. Applegate** stated that if we say we need to use that out of our budget and add an appropriation from riverboat or rainy day and we have it in our balance, we are not raising taxes to pay for that.

**Mr. Blair** stated that is money that we could use somewhere else. He said that then if you are going to fully budget it, we will budget through our property tax dollars so we are raising taxes. He stated that we are raising the cost to the citizens of New Albany.

**Mr. Applegate** stated that he doesn't see that at all.

**Mr. Blair** stated that if you spend more money, it costs more.

**Mr. Applegate** stated that maybe the future of what that agreement can potentially look like would not increase what we spend. He said that is the element to work on now.

**Mr. Blair** said why don't we do a joint budget session with the county council this year and see what happens?

**Mr. Turner** told Mr. Blair that he could motion to have a committee on it and invite them to show up and ask the mayor to come. He said that the resolution says that we will continue to fund the animal shelter through the 2024 budget and thereafter. He stated that language says that we are no longer willing to work with the county and that's fine. He said that his biggest rub here is that our costs should go down if we are paying the county's portion. He stated that we should be back to where we are spending \$354,000.00 a year. He said that the poor animal shelter employees have been in the middle of this the whole time and they are the real victims here. He stated that if you take out 54% of their stuff, the people are not going to be able to work there.

**Mr. Applegate** stated that there was a page given to the council on what was paid and what wasn't. He also stated that when they talk, they have to talk apples to apples and last year they paid \$250,000.00 so it is a \$250,000.00 question. He added that Mr. Turner keeps referring to 54% of the budget, but ultimately, they haven't paid that ever.

**Mr. Turner** stated that the \$250,000.00 is money that we are going to have to find. He said that Mr. Bagshaw mentioned they requested revenues. He asked Mrs. Moeller if she had ever given them revenues that they asked for?

**Mrs. Moeller** stated that she has given them invoices and with those invoices are attached budget to actuals so they can see what has been spent.

**Mr. Turner** asked her if she ever shows grants or services rendered so they can see the money that comes in?

**Mrs. Moeller** stated that there is none.

**Mr. Turner** asked if they don't take money for adoptions or anything?

**Mrs. Moeller** stated that all of those revenues go right back into the animal shelter's non-reverting, none of it goes into the city's coffers.

**Mr. Turner** asked when the animal shelter non-reverting fund was started?

**Mrs. Moeller** asked which one?

**Mr. Turner** said we just started it last year or this year, right?

**Mrs. Moeller** replied no. She stated that they have two non-reverting which are the animal control runs and a veterinary one. She added that then they have a budget which is non-reverting.

**Mr. Gibson** stated that they cover this during budget time. He explained that there is one fund that city money goes into and the county money goes into and that is the one that the council got a copy of. He stated that they have two non-reverting funds which funds from animal runs, fees, etc. will go into. He said that is not part of the interlocal agreement. He then stated that the county was given over 500 pages of documents at least two years ago and it was budget to actuals and revenues. He said that they came back with a counter saying that they thought they paid more.

**Mrs. Griffith** stated that she has learned a lot because this is the first time she has heard information on the animal shelter. She said that she doesn't know that there has to be such a rush and asked if there is a way to push this date back some just so we can get some more answers? She stated that she will have a hard time voting yes now because she didn't even really realize that the animal shelter is saying that we are fully going to budget that without even knowing what that budget is. She added that she has not been through a budget session yet so it is going to be rough for her to make that decision tonight.

**Mr. Gibson** stated that the budget to actual is actually in there.

**Mr. Applegate** stated that the budget hasn't changed much but it has gone up over the years.

**Mrs. Griffith** asked if there is a way to push this out until the end of the year?

**Mr. Gibson** stated that this thing has been pushed out for over a decade. He said that it has gone through three commissioners now trying to reach an agreement and move forward. He stated that it has gone through city supplementing funding throughout many of those times not knowing if we were going to get paid or not. He said that we were never even given notice that they were actually appropriating any money or budgeting any money. He told Mrs. Griffith that she is a business owner and if she had a partner that was not even acknowledging that the agreement is in place and saying that she will get some money moving forward, that would not be acceptable. He added that we are not even getting acknowledgement that we will get some moving forward anymore.

**Mrs. Griffith** stated that she agrees with Mr. Blair that we are not innocent in this whole process either, because there are multiple things that we do with the county that aren't always paid either.

**Mr. Blair** stated that how ever you want to call it, it is going to cost us more money and it is coming out of city funds, so it will take away from other things. He added that he doesn't know how we are going to get around animal control because some people don't even know if they live in the city or county, and they are going to be mad as heck if they don't get service. He thinks that we are going to be obligated to provide services. He stated that he wants to see what will happen if they take the additional step and meet with the county on the budget. He said that we have never done that. He also stated that when Mr. McLaughlin was on the council, he always said that it was the administration that

had control over the agreement and he didn't realize until tonight that it is also the council.

**Mr. Applegate** stated that executive and commissioners are the only ones that can make changes to the agreement.

**Mr. Blair** said let's invite them to do a joint budget and see if they fund it or not and see if they use it as a line item. He stated that we can always agree to dissolve it after the budget session. He also said that if they say no, then they can dissolve the contract right then.

**Mr. Turner** stated that he wanted to motion to send it to committee.

**Mr. Aebersold** asked how long they want to wait until they do something this year? He said this is June so we are about to use our 47% up.

**Mr. Applegate** stated that it is already used.

**Mr. Aebersold** asked if they want to go to the county and asked for about \$100,000.00 to hold us over for a little while and then come December ask for the rest of the money? He asked what are we waiting for?

**Mr. Applegate** stated that we are also hoping in good faith that they may say that we did provide service so they are going to cut us a check anyway. He said even with the agreement gone, they can pay us for doing work for them and being a part of the county. He stated that could go a long way in what the future may look like if this is out of there. He said that he wants to work towards the future.

**Mr. Turner** asked what happens with the property if we do this? He asked who owns the property?

**Mr. Gibson** stated that the interlocal agreement says that it is owned 50/50 but if you look at the property records, somehow it went to the building authority.

**Mr. Turner** stated that the building authority released the building not too long ago.

**Mr. Gibson** stated if so, they didn't provide us with notice of that and there has never been a lease that he is aware of that the building authority ever did. He said that any maintenance that has ever been done in that building, the majority of it has been done by the city, but the county has participated a couple of times here and there as he recalls. He stated that it has not been done by the building authority.

**Mr. Turner** asked what if they own it and they evict us because we busted this agreement up?

**Mr. Gibson** stated that we will make due and find a way to continue services like we always have. He said that he thinks there are some legal questions for sure of the actual ownership.

**Mr. Turner** stated that he feels like one entity owns the land and one entity owns the building.

**Mr. Gibson** stated that he would have to look again.

**Mr. Blair** stated that there is nothing that says that we can't budget early. He said that we could set a separate budget for the animal shelter in July and set the date and invite the county and see if they show up. He said that if there is urgency around this, let's just push the budget date up.

**Mr. Applegate** stated that he just doesn't know why we would want to stay in this contract.

**Mr. Blair** stated because we are getting some money from them.

**Mr. Applegate** stated that we may. He said that we had no guarantee that they would write us a check this year for this money. He stated that if they want to cut us a check, it's the same with or without this agreement because they don't feel that they have to because it is not in the budget. He said that there is really no difference so let's move forward.

**Mr. Blair** stated it is because we haven't cooperated in the budget sessions.

**Mr. Applegate** stated that we keep looking back, let's look to the future.

**Mr. Aebersold** stated that they haven't had it in their budget for years, have they?

**Mr. Applegate** said never.

**Mr. Aebersold** asked what are we going to do between now and the end of the year to change this whole situation?

**Mr. Blair** stated that we are going to cooperate and meet with them because we haven't done that.

**Mr. Aebersold** said so the nine of us are going to meet with them?

**Mr. Blair** stated the nine of us or a subsection of representatives of the council. He said that it says in the contract that we meet jointly to set the budget and we have never honored that.

**Mr. Turner** stated that he would like to make an amendment. He said that as he looks through the resolution, there are a lot of Whereas, the county is wrong, the county is wrong, etc. He would like to add a Whereas that the Common Council of the City of New Albany has never met for budget with the county.

**Mr. Blair** stated that he would second that and vote yes because it is a factual statement.

**Mr. Phipps** stated that he wanted to make a possibly amendment. He said that he mentioned it to Mr. Gibson earlier and he thinks it would be okay to omit it. He stated that his concern is what happens after 2024. He said that he is okay with money used for the rest of this year and include it in 2024 in our budget process, but he thinks thereafter, we should not necessarily provide services for the county. He stated that gives them 18 months to come up with their own plan as to what they are going to do past 2024. He said that he does think that it would be a waste of money to continue to provide services for the county if we are not getting money back from them. He stated maybe with the exclusion of dropping off a dog or a cat. He said that we need to throw it back into their court beyond 2024 and then the people in the county can elect people to those positions of leadership or pressure those people in leadership to come up with their own plan. He stated or if they want to contract with us at that point, we can charge them higher rates like we do with sewage. He said that he is okay with paying for 2023 and 2024, he is just proposing taking out "and thereafter".

**Mr. Blair** stated that he would be willing to agree with him if he just did it for six months through 2023.

**Mr. Phipps** stated that he doesn't think that gives them enough time. He said that he doesn't want an animal to suffer that year in case they drop off.

**Mr. Applegate** stated that the reason he wanted that in there is that they would figure out how animals would be protected after 2024, not for a continuation of services.

**Mr. Phipps** stated that he read it the other way and that it was taking them off the hook for ever doing anything responsible for their animals, and he does not want that perception.

**Mr. Gibson** stated that Mr. Blair's suggestion of six months does give enough time for negotiations on what kind of services they maybe want. He said that he has had conversations with some of them and he is getting the gist that is something they would maybe prefer, because the needs are slightly different with controls, runs and service standpoint.

**Mr. Phipps** asked if we wouldn't need to figure out our budget in case they decide not to because we will be doing budgets in a couple of months.

**Mr. Gibson** stated that is why he thinks that six months would be enough time probably to negotiate some kind of agreement as far as a service schedule and whatever else. He said that as far as budget, we will budget for what we believe is necessary to make sure that we can fulfill any potential agreement.

**Mr. Phipps** asked if it would be okay to take out the 2024 part then?

**Mr. Gibson** replied yes because we are going to run the department by itself as necessary because the city does definitely have a need.

**Mrs. Griffith** stated for clarification, will we take care of Floyd County or are they just kind of pushed out now?

**Mr. Blair** stated that we would take care of Floyd County through the end of this year and make an additional appropriation to carry the expenses to do that. He said then we are going to stop providing services to the county on January 1<sup>st</sup> 2024, and then hopefully in that interim, we can negotiate a fee schedule or some kind of a service schedule with them. He stated that he likes it because it puts urgency there and it also gives us a source of revenue coming in. He said we may have to pay for six months and pay the full amount but at least it gives us the opportunity to work with them and get revenue in. He stated that they are going to need animal control for sure and we want them to have it.

**Mr. Phipps** stated that he still doesn't want to see a dog or cat suffer that maybe needed to be dropped off here.

**Mr. Blair** stated that he agrees and he is also concerned about vicious animals as far as what to do with a dog that is aggressive towards people.

**Mr. Turner** stated that both sides have to be willing to work together though. He said that is no different than what we are doing now, because we are providing service and we are paying for service and hoping that they will give us something. He stated that he would rather work with them or cut them off. He added that he doesn't think that any of our city tax dollars need to go to anything that is done in the county, and of course our animal shelter will not refuse an animal.

**Mr. Blair** stated that we are going to have an interim period of seven months that we are going to have to pay that potentially, but it is a one-time, short-term fee and then we will set out budget accordingly for 2024. He said hopefully the budget will include what we negotiate with the county on some kind of a service contract.

**Mr. Turner** stated that he would like to add to the amendment that we, as the council, commit to meeting with the county council and also doing our part to push for the mayor to meet with the commissioners. He said that we have two brand new commissioners within six months and they deserve us to do the right thing and we cannot deny them that option.

**Mr. Applegate** stated that he thinks that we should get rid of this agreement and look at it for six months because that gives us time to look at what next year looks like. He said then we can decide how much those charges are for the county. He also said that if we don't help the county, those animals come downhill too. He added that the county may not want to pay it so they may go out and get another vendor.

**Mr. Blair** asked Mr. Applegate if he is okay with it going through 2023?

**Mr. Applegate** stated that it scares him because they have to figure out at budget time how they can make sure that the animal shelter goes on through 2024. He said that he is hearing here that everyone cares about animals and we are committed to putting a budget number in there for 2024.

**Mrs. Griffith** asked if there is a way to put in there, just to make sure that we are doing our due diligence, that by November 2023, we have something set in stone for the service layout so that this can be dissolved tonight and make the amendment? She stated that would ensure that we will come together at a certain meeting in November, so that they are fully aware of what those service dollars will be and then all of the animals will be taken care of in 2024.

**Mr. Applegate** stated that he is back to looking at it from a business side. He said that we now saying that this agreement is gone and we are looking at this as a New Albany Animal Shelter and set our prices. He stated that they may get quotes from someone else and say they don't want our services.

**Mr. Blair** stated that it may be too quick and that Mr. Applegate is right in that everything does flow downhill. He said that the other piece of it is that if we are not providing services to the county, we seriously have to look at reducing expenses. He said that he looked at the budget and about 80% of it is variable costs and employee costs, so if we aren't providing as much service, we won't need all of those employees. He added that we may have to go back and cut the expenses part of the budget at some point too.

**Mr. Applegate** stated that he thinks that is why we need to start setting the new parameter of what we are looking like in the future.

**Mr. Blair** stated that is why he suggests that they come together for a budget session. He said that Mr. Bagshaw mentioned the formula which seemed very logical to him, and he just doesn't want to be in the position where we are walking away from funding. He stated that he doesn't want to provide services yet walk away from funding.

**Mr. Applegate** stated that he doesn't see that ever changing unless we actually sign a contract with them.

**Mr. Blair** stated that we could rewrite the agreement.

**Mr. Applegate** stated that is what he is saying, we get rid of this agreement and start looking at what is next.

**Mr. Blair** stated that he just doesn't want to give the services away for free but that is how this resolution is written.

**Mr. Applegate** said that he can understand that but we are doing that right now.

**Mr. Blair** stated that they are not paying their full amount so he agrees.

**Mr. Phipps** stated that he originally just wanted to take "and thereafter" out of the resolution and asked if they are wanting to take 2024 out as well?

**Mr. Gibson** stated that the intention is that no matter what, they need time to plan for it and that could mean us sitting down and doing a service agreement with them at some

point. He said that he thinks we are talking about doing that through the end of the year. He stated that after that, if we have that agreement done, we will be planning for that revenue hopefully coming in along with our budget and what our expenses will be. He said that he would expect our 2024 expenses to diminish some because we will not have as much potentially.

**Mr. Phipps** asked if they should take out the whole sentence?

**Mr. Gibson** stated that it should say something to the effect that we are committed to funding through 2023.

**Mr. Blair** asked if they could have an original budget and a provisional budget? He said one could expect the county to participate and one that could expect them not to.

**Mr. Gibson** said that he could try to see what he can put together.

**Mr. Blair** said that he is saying from a budgeting standpoint.

**Mr. Phipps** stated that we are not going to have the end of the year data in August or September when we start our budgeting process.

**Mr. Gibson** stated that we would like the sooner the better if they want a service agreement and for those conversations to start immediately. He said that ideally that would be done before we start budgets.

**Mr. Blair** stated that he likes giving them the end of the year deadline.

**Mrs. Collier** asked if they are still discussing the original amendment.

**Mr. Phipps** stated that they need to just take out “it will continue fully funding the animal shelter in the year 2024 budget and thereafter”.

**Mr. Blair** stated that he could live with that.

**Mr. Turner** stated that there is no commitment from the city to move forward and just rely on them to come to us so he is voting no on the amendment.

**Mr. Applegate** stated that we have to budget to make sure that we have an animal shelter for New Albany through 2024 and beyond, but whatever that is, we have to make it good for New Albany so he is voting yes on the amendment.

**Mrs. Griffith** stated that she would like something written in here to where we know by the end of the year that the county and this council has come together to know what their options are. She said that she just wants to make sure that we are doing what we are supposed to do as a council to make sure that the county is informed.

**Mr. Blair** stated that was his intent with the amendment that they just approved. He said that we are cancelling the contract at the end of this year, so if the county doesn't come to us and negotiate some sort of service agreement or contract, we are not providing any services to the county next year.

**Mr. Turner** said that he thought they were dissolving it tonight.

**Mr. Blair** said no, in six months.

**Mr. Applegate** stated that the amendment is that we pay for it through the end of the year as is and that gives us time to look at what is next.

**Mr. Blair** said yes, we are dissolving it tonight. He stated that we are giving them to the end of the year to cut services off, but they have the opportunity to come to us and negotiate services or a new contract.

**Mr. Applegate** stated that the hope is that they will cut a check for the services that we provided this year.

**Mr. Turner** stated that we are already under the assumption that the county is not going to alter their path from this decision. He said that the trust between these two parties has been so broken throughout this process by both sides and there is no way that they will ever get to another agreement with us again. He stated as city people to pay more into the county after dissolving this thing, he is concerned about the employees at the animal shelter because they are going to lose 54%. He said that means that people are going to have to be let go. He stated that you also have, with people going away, less service from guys that have done that job for so long so the quality is going to decline. He stated that he thinks that dissolving this contract at this point in time is a bad idea and he thinks it is going to cost jobs and he doesn't want city tax dollars to go to county services. He said that they could contract with Harrison County for all we know. He stated that he thinks this is going to be a bad deal so he is voting no.

**Mr. Blair** stated that he disagrees with Mr. Turner so he is voting yes.

**Mrs. Griffith** stated that she appreciates the conversation and everything that she has learned tonight and she has faith that these two governing bodies will come together at some point so she is voting yes.

#### **BOARD APPOINTMENTS:**

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

**Mr. Andrew Nicholson, 128 E. Main Street**, stated that he would like to commend everyone for being here as long as they have. He said that if anyone is interested on how many people watch the live streamed meetings, he has all of the records for the meetings that he has recorded. He said that he has sex, age and location of all viewers if anyone wants that information. He said that here recently at these meetings there has been a lot of confusion. He stated that there have been rules being enforced about blurting out so he sent an email to all city council members and only five responded. He said that they make it very hard to talk to them when it is very clear that they won't even respond back to the public. He stated that he did get emails from five of the members and learned that four don't know what it means to blurt out, including the president. He said that he did have one person reply to him and educate him on a couple of things and that was Mr. Applegate. He stated that he gave him the ordinance that says the president shall preside over all meetings and preserve order and decorum, so he thanked Mr. Applegate. He said that he also learned that he was using a political email and he may not want to do that, and out of everyone that responded, Mr. Applegate was the only one that knew that. He stated that if that is a rule, he recommends that the council members read up on their ordinances, or in the case with Mrs. Collier, reach out to the legal team because she didn't know what blurting out meant either. He said now he has a few questions to ask. He asked how people are supposed to talk with their city council members if they won't even answer back to their emails? He stated that the president referred him to a forwarded email for clarification that was sent from Ms. Stein. He asked how someone can enforce a rule and they don't even know the clarification on what it is? He read the email and said that he was confused and asked if Ms. Stein is the president of the common council, because according to this email, she is. He asked how can you enforce a rule when you don't even know what the rule is? He continued to read the email and asked if the taxpayers pay for the council attorney to write their emails? He stated that at the last meeting when Mr. Turner said that he would like to explain his vote, Ms. Stein had a loud outburst, scoffed and walked out to the back of the room. He also stated that tonight as the council was fighting like cats and dogs, there was an outburst by one member of the city council and others snickered. He asked if the rules are for everyone or just for him?



He asked how he can actually get answers from his city council, especially the president, and who is actually the president? He asked if it is Ms. Stein or Mrs. Collier?

**Mr. Scott Reid, 2416 Green Valley Road**, stated that he does come to a lot of the meetings and he talks to a lot of the people in the community, and the reason he came tonight is that there are a lot of conversations going on. He said that there seems to be a common theme that is concerning to the people that he talks to. He stated that it is having the right people on boards. He asked if we are putting bankers where there needs to be finance or downtown city people on boards when they are a part of it? He said that when we did the hotel, if you knew what he knows because that is his business, you would have a lot more questions on the business part of the hotel. He stated that he loves the hotel and hopes that it works but what they said they were going to do profit wise didn't make sense. He said that maybe someone else should've been on that committee that is in hospitality. He stated that today when we are talking about "DORA", maybe we should invite some tavern owners and other people for their side of it. He said that we have these ideas and create committees, but we are not asking the people that are actually part of the business what they think. He added that it is just common knowledge. He stated that when we talk about it, the smartest person in the room shouldn't be the council members. He said when business people get together, if he is the leader or president, he doesn't want to be the smartest guy in the room. He wants everyone else to be the smartest and direct him in the right way. He said that it doesn't seem like it happens that way, and we don't pick experts to be on these committees, we pick people that are politically connected and he thinks that we need to do more. He stated that he thinks Mr. Turner brought that up a while back. He stated that actually towards the end of the meeting tonight, it actually came to a pretty good logical conclusion but it took a long time to get there. He said that he appreciates that and they need to do more of that. He then stated that they talked about the Summit at the last meeting regarding Taco Bell and the Fairfield Inn. He said the Fairfield Inn pays \$200,000.00 a year in taxes and Taco Bell pays about \$20,000.00, so Mr. Blair is right that we are not even close to collecting that debt. He said that we spent \$3.5M to put the road in and we had to spend another \$1M to put the drainage back behind the Salvation Army, so it will be a long time for that stuff to come around.

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 9:46 p.m.

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Jennie Collier, President

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Vicki Glotzbach, City Clerk