

**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, NOVEMBER 16,
2023 AT 7:00 P.M.**

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

ALSO PRESENT: Ms. Stein, Mrs. Moeller, Mr. Ed Wilkinson 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. Phipps moved to approve the Regular Meeting Minutes for November 6, 2023, Mrs. McLaughlin second, all voted in favor.

COMMUNICATIONS – COUNCIL:

Mrs. Griffith stated that training is coming up and she would like to see them kind of in the forefront on that and she reached out to Mr. Dickey regarding that. She said she has been meeting with some of the newly elected council members to see if they want to go and get some training before the new year. She stated that she would like to take advantage of it since they do have a budget for it. She said that there is one coming up on December 4th in Evansville and it is for the newly elected members. She also said that she knows she has been on the council since February, but she still feels like she could use that training. She stated that she would love to encourage anyone else to go to that also. She said that maybe she can get some of their thoughts on that later on. She then said that she was excited to read about the housing study in the redevelopment minutes. She asked if there is a place to go get more information on that?

Mr. Dickey stated that he thinks Ms. Johnson can provide some additional information on that for the council.

Mrs. Griffith stated that she was just reading about that today and it is exciting; she is glad that study came out and she didn't realize that we have the results from it. She then thanked Mr. Dickey and redevelopment for doing that and wished everyone a Happy Thanksgiving.

Mr. Applegate stated that he wanted to wish everyone Happy Holidays for the upcoming holidays and also wanted to remind them that it is sometimes a hard time for a lot of people, so look around and if you can help someone out or you notice that someone may not be doing okay, let them know that you are there for them. He said that a lot of families aren't around each other until the holidays only and we all know how much mental health plays a part in our society anymore. He stated to just kind of be aware and enjoy it. He also stated that it is getting colder and the kids will be out, so just in general, take care.

Mr. Aebersold stated that he hopes everyone has a good Thanksgiving with their friends and families, and will enjoy the time with them while they can.

Mr. Blair stated that as everyone knows, we had an election last week and he wanted to tell everyone that he really appreciates everyone stepping up and running for an office. He said that it takes a lot effort and dedication because running in an election is a lot tougher than what it appears at first, so he appreciates people doing that. He stated that

we had contested races in all categories, which is good. He said that he was disappointed in the turnout and wished that more people would take an interest in local government. He congratulated those who won and stated that he just appreciates people getting in the process and people willing to serve. He then stated that during the budget session, they talked about a stipend for the city employees to help them bridge that gap between the 2% pay increase and keeping pace with inflation. He said that he still hasn't gotten information so he can't really work on it until he has the information. He asked if that is something that everyone wants to pursue? He said that he can drop it if he is not going to get the votes, and to just let him know so that he can quit bugging Mrs. Moeller. He stated that he would like some feedback from the members on how to proceed with this.

Mr. Turner stated that he thinks it is a great idea and is worthy of consideration by this body. He thinks that if they get a chance to help the city employees, it is a great idea. He added that he is open to handling it however they can.

Mr. Phipps stated that he is okay with it.

Mr. Applegate stated that he is not going to be here next year but he would be interested in it if they can do it in the next two meetings, which he is not sure they can do. He asked if they can appropriate it before the end of the year?

Mr. Blair stated that Mr. Applegate is probably right that it will probably flow over to next council and that's fine.

Mr. Applegate stated that he would be interested in it and thought that they may have made a cost-of-living adjustment a few years back. He said that he didn't know if that continued or it equaled or where we're at. He stated that if they do it, they need to do a quick audit of the last five years to make sure that we are in that range.

Mr. Blair stated that he is thinking that it was 2012 or 2013 or something.

Mr. Applegate stated that he wouldn't have been here for that.

Mr. Blair stated that it sounds like it is worthy to pursue and the other thing is that he read in the paper that the school board approved an increase for school teachers. He asked if anyone knows what that percentage is? He thought they gave a flat amount for every employee but he didn't see on the whole what that percentage was.

Mr. Dickey stated that he remembered reading the article and it listed certain dollar amounts in there, but he doesn't remember it well enough to say definitely what they approved.

Mr. Blair stated that he can call Chris or someone at the school in the financial department to find out.

Mr. Dickey stated that he does remember that everyone received a minimum increase of something like \$2,200.00 or something like that, but he doesn't remember how that was applied for classification and seniority or anything like that.

Mr. Blair asked Mrs. Moeller if putting together an ordinance or something for increases for city employees is something that they can work on?

Mrs. Moeller stated that she wouldn't necessarily work on the ordinance.

Mr. Blair asked if she could get him the information?

Mrs. Moeller replied she supposes and stated that council has budgeted a 2% increase and the employees have gotten that each year plus they received premium pay following Covid.

Mr. Blair said that is probably what he was thinking of.

Mrs. Moeller stated that there has been steady wage increases of 2% each year.

Mrs. Griffith stated that she thinks what created that conversation this year was that they were going through the budget and it was 8% inflation and we are only giving a 2% raise. She said that Mr. Blair had brought up at that time how we could increase that a little bit and that's when they both had mentioned that.

Mrs. Moeller stated that you also have to factor into pay, like most businesses do, benefits as well.

Mr. Blair stated that is why he was just proposing a stipend.

Mrs. Moeller stated that you also have to look at the total package of what an employee receives, it is pretty good. She asked do we always want to pay our employees well? She said yes, but we have to be mindful of the budget too and also try to keep their benefits up. She added that we are well known for having some of the best benefits in the area and we would like to keep that.

Mr. Blair stated that he gets what she is saying but that takes more of a comprehensive compensation study and market study and so forth when you start comparing. He said that he is just reacting to what inflation was. He stated that last month he thinks it was 3.6% and this month it was 3.2%. He said that inflation is starting to come down a little bit but we still eroded their purchasing power by not keeping that.

Mrs. Moeller stated that they have budgeted in 2% for 2024 as well, so you have to factor that in.

Mr. Blair stated that he understands.

Mr. Turner stated that he sees his councilwoman here and thanked her for being present. He said that he is looking forward to seeing what she can do and he is here to help her in any way he can, and he hopes that the district will support her and make sure that her term is successful as well. He then stated that the Jingle Walk is this Saturday from 2:00 p.m. to 6:00 p.m. He said that the outdoor book sale at the Floyd County Library is December 2nd from 10:00 a.m. to 2:00 p.m. He stated that Reach Across America is December 16th at noon at the National Cemetery and he always does that every year. He then said that he read in the News and Tribune Facebook post about the city getting into another legal battle about the dam at Providence Way. He stated that he is not here to say take the dam away or keep the dam, but his concern is how much we have spent in legal fees in fighting these battles, and all the way up until date, we have gotten beat by the state every single time. He asked how long can we continue to spend money on legal fees for something that is being basically an initiative by the state? He said that at some point, we have to think if our tax dollars are just getting thrown away because the state's initiative is to take these dams out, which are dangerous. He stated that he would like to know how much we have spent so far and how much we plan to keep on spending on the potentially frivolous lawsuit. He added that he was going to ask Mr. Gibson those questions tonight but he had to leave. He said that every step along the way they have beat us.

Mrs. McLaughlin stated that she did want to thank all of the candidates that came out to support and run for office. She said that her representative is here as well. She stated that she is a little melancholy with it because this seat does mean a lot to her, and she knows that Mr. Chris FitzGerald will do a great job. She thanked him for running and making the win. She said that she did want to mention the Jingle Walk as well. She said that it does start at 1:00 p.m. if you were to purchase a \$30.00 ticket and it would get you that extra hour as well as a wine glass and will support downtown businesses. She stated that the following week is Small Business Week where you can come down and support that as well. She said that any receipt that you do buy from a business, you can take it to Develop New Albany and they will put you in a drawing. She then wished everyone a Happy Thanksgiving and said to have a safe and happy holiday.

Mr. Phipps stated that he wanted to congratulate the people that won the previous election as well and he sees that three of them are here tonight. He said that he looks forward to working with them in the coming year, so he hopes they can accomplish a lot and keep New Albany moving forward in the next four years. He then wished everyone a Happy Thanksgiving.

Mr. Dickey stated that he wanted to congratulate those who ran and won in the election. He said that he wanted to also thank those who ran in general because obviously we want to keep a happy, functioning democracy and it takes folks stepping up to run for these positions in order to do that. He also wanted to thank our veterans, we just celebrated Veteran's Day and that fell between their meetings and he feels it very important to recognize, as many times as we can, those who served our country. He stated he knows that Mr. Turner, for example, has served and he is not sure of everyone who has served, but he just wants to recognize in mass all of those veterans. He said that he wanted to mention the training because there are several regional trainings up until the one in Madison on December 18th. He stated that there is also the boot camp in January and he knows that it is common for that information to get shared, and he knows that they will probably have some more orientation information for some of the new members from the administration as well. He added that he looks forward to that. He then stated that he wanted to thank some of the public works' staff who have been working on a couple of trouble items. He said obviously we have been going through a utility project that is not in the city's control, it is in Duke's control he knows on Vincennes Street. He stated that Mr. Thompson was helping him address some resident's concerns about access and deliveries to some folks in that area. He then said that he knows they have been struggling with some deteriorating pavement on Cherry Street Hill and his understanding is that we've been able to do a little bit of additional work to try and patch that up in more lasting ways. He stated that hopefully they will see those items get corrected here and he appreciates the staff's work to resolve those.

Mrs. Collier stated that she wanted to give her congratulations to everyone that won in the election last week and also thank everyone that did run because it is a lot of work, and it doesn't always end the way you want it to, so it takes a special person to do it and she just wanted to thank everyone that did.

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

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

Mrs. Collier stated that the Public Health & Safety Committee consists of Mr. Turner, Mr. Applegate and herself, and being that two of the three of us will no longer be on the council next year, they are just going to kind of put a hold on the process until the committee is reappointed at the first of the year. She said they will then get everyone up to speed on what the three of them have found out during their committee meetings over the last year, and move forward after the first of the year with the new committee. She then stated that Mr. Blair and she met last for the Public Utilities & Transportation Committee to discuss the wastewater billing audit. She said that they basically came out of that committee with no recommendation. She stated that it was just the two of them and after they spoke for some time, they decided that it was best just to bring it to a vote.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

COMMUNICATIONS PUBLIC: A-23-10 One Southern Indiana

COMMUNICATIONS PETITIONER: A-23-10 One Southern Indiana

Mr. Applegate introduced Bill A-23-10 and moved to approve the first and second readings, Mr. Phipps second.

Mr. Phipps withdrew his second.

Mr. Dickey moved to change the fund to EDIT, Mrs. Phipps second, all voted in favor.

Mr. Applegate reintroduced Bill A-23-10 as amended and moved to approve the first and second readings, Mr. Phipps, all voted in favor with the exception of Mr. Turner who voted no.

Mr. Applegate stated the council had One Southern Indiana in recently to give their annual update and they were going to be here tonight, but Mr. Launius is actually in Japan with members of the surrounding counties and River Ridge, and they are meeting with the heads of a lot of the parent companies of the companies that are in our industrial parks and around the area. He said that they are doing their job and what we are paying them to do, so that's why there is no representative from One Southern Indiana here. He stated that ultimately this is a yearly contract of what we do, and he would say as with a lot of things that are in our budget, there is the tax dollar scenario and this is being taken out of Riverboat, which is where it has come out of before, but he could see this as actually being an EDIT item. He feels that it could be an item that is in our tax dollars for our understanding of One Southern Indiana and economic development or Chamber of Commerce, so if anyone does want to amend that to use as EDIT funds, we could do that and he would take that amendment. He said that he doesn't know if Mrs. Moeller has anything about whether it matters or not and how we are with our Riverboat funds.

Mrs. Moeller stated that she did check the cash flow in each fund and either one would be fine. She also stated that in case they did change their mind, she did advertise it both ways.

Mr. Blair asked who has the two seats for the City of New Albany?

Mr. Applegate stated that he is on the economic development commission and then there is a board seat, which can't be an elected official, and that is Mr. Jeremy Sprecker. He said that he is a resident here in Southern Indiana and also works for Norton's. He added that he thinks Ms. Johnson is on there as well on the economic development side.

Mr. Blair asked if that is their restriction that it can't be an elected official?

Mr. Applegate replies yes and stated that no one on their board is.

Mr. Blair stated that he doesn't remember appointing him and asked if that is something that the council does?

Mr. Applegate stated that he was under the impression that we had done this last year, but they are on fiscal year budget and we are on calendar year budget, so the last time that we actually had this in front of us was in July of 2022. He said that all of last year, it carried on so we are a little bit behind on actually putting this back up. He said that he thinks Mr. Sprecker was appointed pretty close to after we made that agreement. He added that there were a couple of people in the hospital and stuff at One Southern Indiana, so it did take them a little while to confirm him as the appointee. He stated that he has been great and has kept him in contact with little bits of stuff. He also stated that if we want them to come back or if we have any changes or anything else, let him know.

Mr. Turner stated that he would like to see New Albany's numbers which they have not provided to him yet. He said that he asked for it last year when we did this.

Mr. Applegate stated that he would let them know.

Mr. Aebersold stated that he would rather this come out of the EDIT funds because he just likes to see Riverboat sit there and if any emergency situations come up, that is a good place to take that out of.

Mr. Applegate stated that he kind of agrees and he agrees with Mr. Turner when he brings up certain items that when we flip a bill for something that's out of some different funds, its good for Riverboat funds and then we have a Rainy Day as well. He said that when he looked at this, he thought this could actually be used from EDIT because it is tax dollars going to benefit the City of New Albany and citizens of New Albany. He stated that he would take that amendment if they want to amend it.

Mr. Turner stated that last year he gave them some leeway when the council voted for this and he said that he would like to see New Albany's numbers next time. He said that they have not provided those and they came before us and said that they would get them to me. He stated that he knows that they are probably coming, but he hasn't seen them so he is voting no on this.

COMMUNICATIONS PUBLIC: A-23-09 Wastewater Billing Audit

COMMUNICATIONS PETITIONER: A-23-09 Wastewater Billing Audit

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| A-23-09 | An Ordinance to Solicit a Request for Proposals for an Agreed-Upon Procedures Engagement on the Wastewater Utility Billing in New Albany | Blair/Aebersold/ Griffith/Turner 3 |
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Mr. Blair introduced Bill A-23-09 and moved to approve the third reading, Mr. Turner 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 recused himself.

Mr. Dickey stated that he is going to recuse himself again on this item.

Mr. Blair stated that he doesn't know how much he can talk about the executive session that they just had. He thinks it was a very good session and he thinks they had a very frank and informative discussion and he appreciates Mr. Gibson for being there and addressing concerns. He stated that the one thing that he is still concerned about is that after someone receives a pre-lien letter and then we negotiate a payment. He said that they have to call in, but we are willing to negotiate and it doesn't sound like we are consistent in the terms that we negotiate with individuals. He stated that it almost sounds like that we let them dictate what the payment is going to be, and he really thinks that we need to have consistent procedures on collections. He said that he thinks we are setting ourselves up for a discrimination law suit maybe or not being consistent in the way that we apply the procedures for collections. He stated that he brought up the word forbearance, which is a legal agreement that you work with if someone is going outside the regular terms of collections. He said that his ordinance does look into that situation and will quantify different situations and let us know exact data and what is going on. He stated that it is hard for him to sit here and understand how they work with people in certain ways, but at least in the ordinance, we are tracking a late payment from the time the payment is due, and we're seeing how many people are following state statute and city ordinances in making that payment and how many people aren't. He said that at least it identifies what the problem is and what quantifies the problem, and then we can put a management process together. He said that he knows some people are saying that \$15,000.00 sounds like a lot of money, and it is, but he thinks \$15,000.00 is well spent if we can get information and help us understand how are payment system works and how our payments are being collected. He stated that he will remind everyone that we are all scratching our heads over paying \$18,000.00 for financial reports that are basically useless, and it is something that we should've stopped long ago, but we continue to do that. He said that our sewer board was responsible for that and he would've thought that

they would have stepped up and said that we don't need this type of reporting anymore, so let's discontinue that, but they just continued on with the \$18,000.00, which is a wasted expense. He added that the \$15,000.00 is a one-time expense and gives us accurate data and information that we can use.

Mr. Turner stated that he agrees with a lot of what Mr. Blair said. He said that his biggest thing with going into the executive meeting was where did any processes potentially fail and where can we make improvement. He stated that he is pretty satisfied with the discussion that they had about some things that have happened in the past. He said that his thing along with Mr. Blair's is who decides who gets flexibility when they are unable to pay their bills. He stated that if we don't have a standard in government then we really shouldn't be making judgment calls with tax dollars. He said we are not a private entity where we can decide that we can be flexible with this person and he would like to see some guidelines in there. He stated that it sounds like that there is a commitment to start looking at that, which he would really like to see. He said that you may have a friend that you want to be good to but we can't be that way in government. He stated that it is tax dollars and we should respect it and how we spend those dollars or collect them. He said that he was satisfied with the executive meeting.

Mrs. Griffith stated that she agrees with what Mr. Blair and Mr. Turner said. She would still like to proceed with this because she doesn't think there is anything wrong with looking at it and having someone else come in and look at it. She said that she would really like to see it pass.

Mr. Turner stated that a lot of stuff has happened over the years such as Covid and there have been a lot of things that we have caught, so he is happy with the way that we will be moving forward, but is there anything that slipped through the cracks? He said that he thinks it is incredibly important for us to take a look if we need to, because like Mr. Blair said, this is a reasonable cost to find out where our dollars are going. He stated that he is in favor and voting yes on this.

Mr. Aebersold stated that after looking at this thing for several weeks, he has still not met with anyone at the sewer billing department to find out what happened and he would've like to have been able to do that. He said that he doesn't know if the committee has met with them or not, but he hasn't gotten back the kind of information that he would probably like to get. He thinks that what is going to be received next year is going be a lot of information on paper and you are really not going to get down to the real cause of what happened. He asked what messed it up in the billing department for a couple of months or whatever? He said that's what we need to know. He stated that he thinks that we are just going to get a bunch of numbers and he would like to sit down with the people that are in charge of that and ask what happened. He thinks that you are just going to end up with a bunch of numbers and not be able to make a good choice on this so he is voting no on it.

Mr. Applegate stated that he thinks initially when you read this about the audit or the request for it, we get audited by the SBOA and those audits have come back from the numbers side extremely well. He said that as they have talked over, he thinks this ordinance was based off of us not receiving numbers and not understanding them from the DMLO side, but we also learned in the last meeting that we have different reporting and those numbers showed really well. He does think that there should be some changes to whether or not DMLO is involved and then maybe some of the processes that were mentioned, but otherwise based off of the straight audit, he would vote no.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

Historic Preservation Commission – Mayor's reappointment of Colt Sanders

Mrs. Collier stated that they do have the mayor's reappointment of Mr. Colt Sanders to the Historic Preservation Commission to vote on. She called for a hand vote and all members voted in favor.

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 7:39 p.m.

Jennie Collier, President

Vicki Glotzbach, City Clerk