

**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, DECEMBER 4, 2023 AT 7:00 P.M.**

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

ALSO PRESENT: Ms. Stein, Mr. Gibson and Ms. Milburn.

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. Dickey moved to approve the Budget and Finance Committee Meeting for December 15, 2022, Mr. Applegate second, all voted in favor with the exception of Ms. Griffith who abstained.

Mr. Applegate moved to approve the Work Session Meeting Minutes for August 23, 2023, Mr. Phipps second, all voted in favor.

Mr. Applegate moved to approve the Executive Session Meeting Minutes for November 16, 2023, Mr. Phipps second, all voted in favor with the exception of Mr. Dickey who abstained.

Mr. Applegate moved to approve the Regular Meeting Minutes for November 16, 2023, Mr. Dickey second, all voted in favor.

COMMUNICATIONS – COUNCIL:

Mr. Dickey thanked those that came together for the Light Up New Albany event. He stated that it takes effort from city staff, Develop New Albany, local businesses, and other entities to make this event happen and it was a fabulous night. He added that the new tree is stunning.

Mr. Turner stated that on December 16 at noon, Wreaths Across America will be placing wreaths on headstones and that is a great event. He added that they do a cleanup in the middle of January, but typically no one shows up for that, so he would encourage anyone that could to volunteer for both events.

Mr. Aebersold reported that the Caesars Foundation of Floyd County passed out checks to 34 organizations in the amount of \$350,000.00 and a week before/same week, the foundation donated \$250,000.00 to Ivy Tech for a family scholar house and student success center as well as \$50,000.00 for their new hospitality pilot program. He added that is very good that the city has a foundation like this that can donate throughout the year to help the people of New Albany and Floyd County.

Mr. Applegate stated that the Caesars Foundation was a great event and added that they also celebrated their 25th anniversary two weeks ago. He explained that this foundation gives more money than the entire Caesars organization, which isn't a knock on the organization, but a testament to how much the local foundation gives back to our community. He stated that the Light Up New Albany event was wonderful and safe event for the city and reminded everyone to check on their neighbors, especially if they are elders, at this time of year as temperatures drop.

Mrs. Griffith asked about **being** reimbursed for new council training in Evansville and mentioned that the new policy doesn't spell out how to put in requests for reimbursement.

Mr. Dickey stated that they had intended to put the approval in for councilmembers-elect to be able to go to this training but they failed to make the motion. He asked Mrs. Griffith if she would like to make a motion to allow them to attend that training, he would second the motion.

President Collier asked if they need to make a motion to amend the agenda before voting on this.

Ms. Stein advised the council that they do need to amend the agenda.

Mr. Applegate moved to amend the agenda to vote on the approval for council member to put in policy for training, Mr. Phipps second, all voted in favor with the exception of Mr. Turner who voted no. The motion does not pass.

Mr. Turner stated that he went to training last year and gave his receipt to the controller for reimbursement so he isn't sure they need to do anything with this.

Mr. Applegate stated that during the budget discussion, they did have conversations about the process and if they needed to approve each request to use the funds.

Mr. Turner stated that it is first-come, first-served.

Mrs. Griffith stated that she is getting at the ones that currently aren't on the council and asked about making a motion for them to use any funds left for training before they come on in January.

Mr. Aebersold asked if they had a per person limit.

Mr. Turner stated that there wasn't a limit but it had to be respectful.

Ms. Stein stated that she doesn't have the final policy on hand but read some of the requirements that they had discussed.

Mr. Applegate stated that the incoming members could wait for the first of the year to return the receipts.

Mr. Turner stated that he doesn't see any issue with them being reimbursed in 30 days rather than immediately.

Mr. Dickey stated that the issue is that they are at the end of the year so money expended right now would come out of 2023 budget and money after the first of the year, it would be out of the 2024 budget.

Mr. Turner stated that they aren't employees yet.

Mr. Dickey stated that there is training coming up before the first of the year and he wouldn't want to create an issue for them

Mrs. Griffith suggested a motion to allow newly elected members to take advantage of funds within the last 30 days of the year which would only be on election years.

Mr. Turner stated that he is going to vote no to this because it is money for current members.

Mrs. Griffith asked about the list of committees and boards and how the process works.

Mr. Phipps stated that it is the president's call.

Mrs. Griffith reported that Judge Stiller has an opening on the Justice Reinvestment Advisory Council that she would like to have appointed from this body and asked that it be added to those appointments. She added that it is the holiday season and reminded everyone to shop locally because the money does stay locally.

Mr. Tuner explained that they received the agenda late on Wednesday so he asked Mrs. Glotzbach if the deadline for the ordinances was met. He stated that she confirmed via email that she did not receive the ordinances before the deadline, so he spoke with Ms. Stein who informed him that there are rare situations where something can be added. He asked what made this a rare situation and added that he thinks there needs to be a vote to add these items to the agenda since they were late. He read the section of the ordinance (30.15 D) which states that for the first Monday meeting of the month all items shall be submitted to the city clerk no later than 12:00 p.m. on Tuesday preceding the meeting.

Ms. Stein disagreed with Mr. Turner and explained that the second paragraph stipulates that items can be added after the deadline in rare situations, so obviously the ordinance contemplates this situation where something does make it on to the agenda after the deadline, and it doesn't say there has to be a vote in order to do so. She added that everyone received the materials and she believes the packets are usually sent out 24 hours after the deadline and that is about the same time frame that this packet went out.

Mr. Tuner asked what a rare situation is and what the spirit of the ordinance is because there is nothing that is an emergency from what he can tell.

Mr. Stein stated that she doesn't know why these items weren't there by noon and if the clerk was constantly getting items after the noon deadline, she may come to them to ask that they put a stop to it, but the way she reads it is that it is set this way so that they clerk knows when she can finalize the agenda, so that she can get it out on a schedule so everyone knows when to expect it. She added that she doesn't read it as a sudden death if an item isn't in by noon that it is out.

Mr. Phipps asked about the wording and what an "item" is, because the clerk's office was informed of each of the ordinances prior to the deadline but the complete packet itself was not submitted until after. He clarified that the item, to him, was the title of the ordinance and that was provided by the deadline.

Ms. Stein stated that the item would be the line item on the agenda.

Mr. Blair stated that one reason they had the deadline was that people had the information in a timely manner to reflect on it and ask questions. He added that traditionally, they have always received information fairly timely and he can't recall items being submitted past the deadline. He stated that he was traveling and was hoping to get this information and be able to read it while he was traveling and it was an inconvenience for him. He added that he thinks this sets a bad precedent for allowing submissions after the deadline and he believes they should vote on it if they are going to suspend the rules to put it on the agenda.

Ms. Stein stated that the items are technically on the agenda so they can't vote to amend an agenda to include something that is already on the agenda.

Mr. Turner asked if there is an emergency for these ordinances to where they have to be addressed tonight. He stated that when he reads the requirements, the spirit of it is not met and line items on the agenda are not details that they need to make decisions.

Mrs. Collier stated that she believes a rare situation is something that doesn't happen all the time, and this is that exact situation.

Mr. Turner asked what the rush is for tonight because both items will only impact in 2024.

Mr. Phipps stated that most ordinances have to be passed within the council that proposes them and he doesn't think you can roll an ordinance over to the next council.

Mr. Dickey stated that the items are on the agenda now and the clerk sent them out around 12:30 p.m. the day after the deadline, which is typically when they get their packets. He added that sometimes they have received them earlier and later but it is usually around 24 after the deadline, which is when they got this one, so he doesn't think they can argue that individuals didn't have their packets in a timely manner because it follows their standard practice. He explained that there seems to be a question tonight and under Robert's Rules of

Order the chair would make a declaration and the gentleman could challenge the ruling of the chair, and then they would vote.

Mr. Tuner stated that the ordinance says what it says and doesn't say what it doesn't say.

Mr. Dickey explained that it also has a clause that provides for the situation. He stated that he takes these deadlines very seriously and if the full ordinance didn't arrive it wasn't because they weren't working to get it in, it was because the electronic copy wasn't transferred over before noon. He explained that he was in the clerk's office on Tuesday coordinating with the council attorney and the city attorney on language, and he worked with Ms. Milburn at around 11:00 a.m. to make sure that the process was facilitated. He added that the intent, as far as he is concerned, was there to submit the items in a timely manner and if in the process of transferring things from attorney to staff was delayed, he appreciates Mr. Turner's point. He stated that it did make it to the agenda, the council president obviously approved the agenda and it was published within the normal order, so it has become a process question and the way to handle that process is for the chair to make a ruling and the council to vote on that ruling.

Mr. Turner asked Ms. Stein if she wrote the ordinances and what issues she encountered along the way.

Ms. Stein stated that she didn't write the ordinances.

Mr. Dickey explained that he worked in consultation with the city attorney and the council attorney.

Mr. Turner asked why the city attorney would be writing ordinances for the council and asked Ms. Stein what her involvement is because she is the council attorney.

Ms. Stein stated that she doesn't feel it is her place to answer that question.

Mr. Turner asked her if she had a chance to review it before it was submitted.

Ms. Stein replied yes.

Mr. Turner stated that he doesn't understand why the city attorney is writing council legislation.

Mr. Dickey stated that they depend on their attorneys to help and guide them with regards to legislation and he doesn't see any problem with seeking out that counsel and advice whether it be Ms. Stein, Mr. Gibson or any other attorney that is on staff for the city. He added that there are going to be some attorneys with expertise in different areas and they would want to consult them to get the best information that they can when crafting an ordinance.

Mrs. Collier made the decision that the council will hear the ordinances this evening because it was a rare event and something that doesn't happen all the time.

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

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

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

COMMUNICATIONS PUBLIC: A-23-11

COMMUNICATIONS PETITIONER: A-23-11

A-23-11 Ordinance Setting Salaries for the year

Phipps 1&2

Mr. Phipps introduced Bill A-23-11 and moved to approve the first and second readings, Mr. Turner second, all voted in favor with the exception of Mr. Turner and Mrs. Griffith who voted no and Mr. Blair abstained. Second reading passes.

Mr. Blair moved to amend the ordinance to eliminate the raises for elected officials and to increase the stipend for non-bargaining employees from \$500.00 to \$1500.00, Mr. Turner second, all members voted no with the exception of Mr. Blair and Mrs. Griffith who voted yes, amendment does not pass.

Mr. Phipps explained that they have discussed this on numerous occasions over the years, and in his 12 years on the council, they have only approved raises for elected officials on two of those years. He stated that they have discussed how city officials in New Albany are underpaid compared to other comparable second-class cities, including the ones in this area, such as Jeffersonville. He explained that they have increased the salaries for the mayor, clerk, council and council president to bring them in line with other second-class cities. He stated that the additions on the others that were listed are non-bargaining employees like police and fire that didn't get the percentage increase, same as the union. He added that Mr. Gibson provided the numbers to him for this ordinance and asked if he would like to speak.

Mr. Gibson explained that the police and fire employees were an oversight on their part when they did the original salary ordinances. He stated that rest of the salaries listed are comparable to Jeffersonville.

Mr. Aebersold asked how many non-union members this includes.

Mr. Gibson stated that it is 78 employees.

Mr. Phipps stated that in addition to that they provided for the \$500.00 one-time stipend for the other city employees.

Mr. Turner asked if union employees get the stipend.

Mr. Gibson explained that they do not because they are dictated by contract.

Mr. Turner asked if they have reviewed pay for all other employees besides elected officials.

Mr. Phipps stated that he did not

Mr. Turner stated that they don't know where we stand with the actual boots on the ground workers and if they are underpaid as well. He asked if it is legally okay for these all to be on the same ordinance.

Mr. Phipps stated that he isn't aware of any reason that they can't be listed together.

Mr. Turner asked if Ms. Stein wrote the ordinance.

Mr. Phipps stated that Mr. Gibson wrote the ordinance, and for the record, this has happened on other occasions, including the Human Rights Ordinance, which is something he is most proud of and it was written by Stan Robinson who was the city attorney at that time. He added that it is not a rare practice that the city attorney is involved in the writing of ordinances for the council.

Mr. Turner stated that Mr. Gibson said at a meeting that he does whatever the mayor tells him to do.

Mr. Gibson stated that is incorrect, he said that if the mayor requests that he attends these meetings, he does.

Mr. Turner stated that they do have a council attorney and he doesn't understand why they would be asking the city attorney to write ordinances for the legislative body.

Mr. Gibson stated that he has written 150-200 ordinances/resolutions for this body.

Mr. Turner stated that concerns him because they should be the ones dictating to some capacity what they see out there.

Mr. Gibson stated that they do, they vote on it to accept or not. He explained that he writes the salary ordinances and budget ordinances every year as well as the DORA ordinance, and they all have a process they have to go through. He added that Ms. Stein also has a full-time job and this isn't her only focus. He stated that these ordinances are all written for the benefit of the city, and their job is to analyze them and make changes or amendments and that is what they have done in the past.

Mr. Turner stated that things should come from on-high all the time because that is the city attorney telling them what the law should be.

Mr. Gibson stated that when he drafts an ordinance, he isn't telling them what the law is, he is giving them the ability to pass their own laws and modify them if they see fit within the parameters that he and Ms. Stein may advise on legally. He added that he isn't writing any law, he is giving them drafts to consider.

Mr. Blair asked Mr. Gibson if the funding for this is coming out of the general account.

Mr. Gibson explained that it will ultimately come out of the general fund and stated that the first stipend would be this year and next year it will be out of the 2024 budget.

Mr. Blair asked how they derived the \$500.00

Mr. Gibson stated that it isn't an exact science, it was a reasonable number that would be beneficial to the employees.

Mr. Blair asked if there is enough funding if they wanted to increase it to \$1000.00 or \$1500.00

Mr. Gibson stated that he isn't sure but he could look at the numbers for them before the next meeting.

Mr. Turner asked about line items of one of the deputy chief positions that jumped 125% and if it is a new position.

Mr. Gibson stated that there are different levels of deputy chief positions with different responsibilities and that is why they will see the difference in their salaries.

Mr. Turner stated that it is a big jump for one year and Gateway doesn't say what the positions are.

Mr. Gibson stated that the four deputy chief positions on the fire department are Mayfield, Kron, Baylor, and Koehler.

Mr. Turner stated that he thought Koehler retired.

Mr. Gibson stated that he has put in for it.

Mrs. Griffith stated that she is good with the employees getting a raise but she can't vote to give herself a raise. She added that she knows it is to bring them up to the current level

but she would much rather see the employees get it versus the elected positions. She asked if there is a way to take out the mayor, clerk, council and council president.

Mr. Phipps explained that this is the reason they are in the position that they are in. He explained that for many years they didn't take a raise and he said before he was re-elected, they need to do it for the next council coming on so that they don't put any new people in a weird position to vote on this. He added that he doesn't feel thrilled about doing it, but it is the only way they can get it done and then they go with whatever percentage raise is given each year, otherwise they will be the hole again.

Mrs. Griffith stated that she would like to see one of their goals for 2024 be to make sure all employees are caught up and work with department heads more closely, so that they don't run into this in the future on all city employees.

Mr. Turner stated that the police department is starting to become competitive with other departments and he would like to know how they are keeping their talent and attracting police officers as surrounding cities start to raise their department pay. He explained that he would like to see money earmarked for patrolmen first-class because it directly relates to their retirement and will give incentives to recruit and make officers want to stay (and leave as they get older). He added that he would much rather see employees taken care of than anyone that is elected/leaders and they can't do that if they don't know if the employees are being underpaid right now. He stated that some of these raises are at 40% or higher but every other employee is getting a \$500.00 stipend, which to him, is almost a slap in the face. He asked why they aren't looking at the employees first and emphasized that the police have to be taken care of because buildings don't protect people, and this should be included in their 2024 budget.

Mr. Blair stated that the timing of asking for this increase, especially for elected officials, would have been appropriate pre-election back when they did the budget sessions. He added that this information would have been out to the voters to help them make decisions on who to vote for. He stated that they are doing this after the election and it looks like they are sneaking something in and the timing is inappropriate. He added that it appears to him that they gave some fairly large increases to a dozen department heads and other positions but the regular line workers, which is the bulk of the employees, only received a 2% increase and he is concerned about their ability keep in pace with inflation. He stated that giving them the \$1500.00 stipend would average an additional 2% increase and if they want to give raises to the elected officials, they need to do a market study that includes other benefits/perks included in their positions.

Mr. Phipps stated that he would support the additional stipend if they can afford it but they can't make that decision tonight without knowing if the money is there, but they can go on with this reading and Mr. Gibson can provide them with more numbers. He added that he is always in favor of paying people more, because in general in America, people aren't paid well.

Mr. Aebersold stated that he isn't going to be here next year but if he was staying on, and they needed additional money for workers, he would be happy to forgo the raise. He added that being a council member isn't his full-time job but that is the case for the regular city employees. He discussed the time they all actually spend a week on council business and stated that he doesn't do this for the money, but to serve and support the community which is what all of them are doing.

Mr. Phipps stated two out of the 12 years he has been on the council they got a raise, but it is always the same excuse that they don't feel ethical voting on their own raise. He added that this is the only way that it happens, just as in congress, and part of doing their job is raising that salary for their colleagues and those that follow them in the future.

Mr. Turner asked why he hasn't proposed it and put it to a vote.

Mr. Phipps stated that he has harped on it every year and it has been part of the previous packages, but has been amended out without the votes to keep it in. He added that he hasn't proposed a separate legislation for them to get a raise, but he has brought it up every year at budget time that they need to keep the elected officials at the level that they should be. He stated that he wishes that they had done this years ago and that they would be taking the same raise as everyone else. but people want to be on their political high-horse and worried about what the constituents are going to do. He explained that when he ran for this office, he said he would always vote for what he thinks is right regardless of political outfall, and he is sticking to that. He added that this is the right thing to do and if there are political ramifications for him in four years, so be it.

Mr. Turner stated that except in 12 years he hasn't proposed a raise.

Mr. Phipps stated that he has advocated for a raise every year but it was never brought separately.

Mr. Blair stated that he doesn't think he has ever heard an amendment to increase the salary during budget sessions.

Mr. Phipps explained that the percentage increase was always included in the salary ordinances for the council but it was routinely amended out on the third reading, and had they left that in, there wouldn't be a need for this proposal tonight.

Mr. Tuner stated that if people aren't paid well, as he mentioned, he questions why they are looking at elected officials first and not the employees.

Mr. Phipps stated that this is a smaller amount and they have to start somewhere.

Mr. Dickey stated that he appreciates hindsight and they can fight old battles, but it is in the past and they are where they are now. He explained that it would behoove them to keep on the matter at hand and pointed out that there were several items discussed during budget talks that included a 2% raise for employees, and received information that illustrated that the elected officials were on the bottom ¼ off comparable cities across the state of Indiana. He added that those facts have not changed and in some cases they have gotten worse. He explained that with regards to how much time council members put in, they are essentially always on-call to answer concerns/questions and to serve as ambassadors for the city, and it is incumbent on them to put in as much as possible. He complimented Mr. Turner who, on several occasions, held availabilities and others that have taken time to go to events and organize other opportunities to interact with their constituents. He added that it is part of their duty to avail themselves so that they can provide good feedback as part of this body. He stated that at the end of day, they need to look at all of the issues they are discussing to make sure they are compensating employees to a sufficient level, to make sure elected officials are compensated accordingly and to make sure they are being fair with negotiations. He added that he appreciates the sensitivity and the difficulty of the discussion, but they knew these situations needed to be addressed and he would hope that they wouldn't stall making improvements, even if they have to be done incrementally to look at the large picture for employees.

Mr. Turner stated that he would like to see raises of this size done incrementally over time instead of all at once and added that he is not in favor of one-time money. He explained that the root cause is that employees aren't paid enough and they need to figure out what that is because one-time money is gone as quick as they get it, meanwhile others are getting significant raises. He added that he would definitely like to see what options are available when the committee discusses this, and while the stipend is a step in the right direction, he would much rather see an actual raise.

Mr. Dickey stated that he wouldn't be in favor of the amendment but would be willing to considered additional funds if the council is inclined for the non-bargaining employees.

with several scheduled presentations, there would likely need to be a decision made on what they could physically tackle during a normal meeting and this typically falls on the president to work out.

Mr. Turner stated that it seems like this is expanding the role of the president and giving them significant control over the agenda as well as possibly the flow of council sessions.

Mr. Dickey stated that the order of agenda is still codified in the code, so that would carry precedence and if they wanted to amend the process, it takes a vote from the body.

Mr. Turner stated that when he proposes an ordinance it goes through the council attorney and then is submitted to the clerk to be put on the agenda, and that way this reads is that the president could say no to that item being on the agenda. He asked if he was correct in reading it that way.

Ms. Stein stated that it is a little vague.

Mr. Turner stated that this is definitely an improvement on the process in some ways, but in some ways, it could be amended for further improvements. He referenced 30.22 which reads like the first reading is introduced by a member and deferred to the committee immediately by the president.

Mr. Dickey stated that this is correct.

Mr. Turner stated that it is then brought back to the following meeting for a second reading to discuss the committee findings and then possible move forward for a third reading at that same meeting.

Mr. Dickey stated that is correct and essentially affirms the committee report.

Mr. Turner stated that at that first meeting it sounds like they could suspend the rules to approve it or kill it if they decided to do so.

Mr. Dickey stated that this makes no changes to what they have done in the past when they need to move something expediently.

Mr. Turner stated that after the first reading, committee meeting and the second reading is the first time the public gets a chance to speak, so at any given time legislation could be passed or killed before the public gets a chance to speak.

Mr. Dickey stated that hypothetically legislation could die.

Turner stated that going back to committee again maybe needs to be added.

Mr. Dickey stated that one thing that he thinks has been confusing at times for the public is when they have had votes where legislation hasn't received a majority and then goes on for a third reading under their rules, and this would create a streamlined process. He explained that there are some items that still require two meetings such as appropriations.

Mr. Turner stated that going back to the committee again probably needs to be added to the wording because this only mentions one time.

Mr. Dickey stated that the process only dictates one time and it is up to this body on whether or not it wants to make a motion to allow additional actions.

Mr. Turner stated that before the public has a chance to speak legislation could unanimously pass by a suspension of the rules, it could be terminated with a suspension of the rules, it could be tabled or sent to committee and then the second reading comes with still no public comment. He added that a lot of valuable information comes from public comment and at the second reading unanimous approval, termination, tabling and being sent to a third reading is all an option without public comment. He stated that it is an expedient process but at the cost of listening to the people they represent. He added that the third reading is also when they hear from the petitioner and doesn't understand how it could go through a first and

second reading without hearing from them, and at what point does the petitioner say what they are requesting from the body.

Mr. Dickey stated that as part of the second reading and committee report, the petitioner would be allowed an opportunity to speak to their legislation. He added that what they are trying to do is make sure measures are vetted and he uses congress as a model for the process. He stated that the committee process is also open and if a citizen wants to attend, he would presume they would be allowed to be there, and if the committee chose, they could take in public testimony.

Mr. Turner stated that they need to be mindful of what they are doing because these laws will go further than them and it has to be bulletproof.

Mr. Applegate stated that he thinks that the spirit with the president section makes sense but it does leave that vagueness that someone could take advantage of so that language could be cleaned up, but if all the other items in the proposed ordinance make sense, then it might not be needed. He stated that his intent from the committee side was that things would go through committee so they are looked over before they go on the agenda, and the bill that hits the floor is a little bit forward. He added that he would clean the committee items up to where the flow chart is looked at and very clean for public understanding.

Mrs. Griffith stated that her first thought was to let the new members vote on this, but she does understand that expertise can be a good factor in this. She added that she is glad to see that it will be going to the rules committee, but she doesn't feel that she has the expertise on this and asked if it would be open to the public or other seasoned members. She added that it is somewhat vague in areas and she feels like they took out too much of the public input and that is a concern for her. She stated that she likes the additional of 30.03 in the caucus section but it may open it up to some behind closed doors meetings and she wants to clean that language up a bit.

Mr. Dickey stated that with regards to committee meetings, members can attend but they always tend to err on the side of caution so there is no appearance of impropriety. He explained that it might be appropriate to treat caucus meetings like they treat a public notice for a special meeting so that it is announced. He added that these wouldn't necessarily be public meetings but it would help keep the public informed. He reiterated that the caucus can't make decisions or take votes and is purely a discussion.

Mr. Turner asked about the two additions and stated that the caucus piece is mandated by statute so he doesn't see why they would need to have it in their ordinance. He added that if the statute changes and it is built in their ordinance, they need to keep track of both. He explained that he does see what the point is with the conflict-of-interest section but he almost feels that it is too restrictive. He added that Robert's Rules of Order doesn't mandate that anyone has to recuse themselves from a vote and this legislature could almost force a conflict-of-interest discussion.

Mr. Dickey stated that he would prefer to leave it in because it more expressly underlines the process. He added that it makes sense to document it and support it and just refers back to the statute.

Mr. Aebersold stated that what they have now allows for a lot of people with a lot of questions and they spend a lot of times trying to answer those questions. He said that he sees this proposed bill allowing for a committee to have extensive discussions and get the information together before the council has a public meeting, so that they have the ability to answer any questions or answer questions before it even comes for a vote for a smoother process with more information available.

Mr. Dickey stated that he thinks he is on target with that thought. He recommended that they might need to allow public comment before this body votes to approve the committee report. He stated that the rules committee can discuss that before it is brought back for third reading. He added that the ultimate goal is to make sure issues are vetted and they are creating a sound process that keeps the members and the public on track. He stated that 30.16 could also be looked at to allow for the wording to be less vague and they can either do that tonight or have the committee look at it.

Mr. Turner stated that he is good to allow the rules committee to address all of the amendments in one shot.

Mr. Applegate stated that his is fine with that as long as they are marked and noted and the comments are taken into consideration. He added that he likes the overall format of the bill but he wants to see it go to committee to be fine-tuned.

Mr. Phipps asked if this will go to the rules committee and if those members would be available to meet 12/6 at 1:00 p.m. or 12/12 at 1:00 p.m.

The Rules committee set a meeting for December 6th at 1:00 p.m. in the media room at City Hall.

Mrs. Griffith asked if others can attend.

Mr. Phipps stated that the practice has been that the public can attend but not comment and maybe that is something they need to look at going forward.

Mr. Applegate asked about allowing for a quorum and if they are all allowed to be there.

Mr. Phipps stated that until they pass the bill that allows for a caucus, he would be more comfortable following their standard practice.

Mrs. Collier stated that she would like to attend because she does have some concerns that she wants to make sure are addressed.

Mr. Turner stated that by law caucus is already available to them.

Mr. Phipps stated that he doesn't feel comfortable changing their standard practice mid-stream.

Mr. Dickey stated that if they have any additional comments to email them or communicate them in some way before the meeting

Mr. Tuner stated that this fundamentally changes the dynamics and four of them will not be here next year, so he doesn't think it is their responsibility to make these changes. He spoke to concerns raised in Federalist No. 10 written by James Madison that warned of factional dominance in a democratic system by centralizing power in the hands of what is going to be a 7-2 majority. He stated that the amendments risk creating a tyranny of the majority and it marginalizes minority voices, which is based on what the president says. He added that these changes undermine the essence of representative democracy which thrives on diverse viewpoints and debate, and reducing minority voices and public input weakens the council's accountability and transparency. He stated that Madison cautions that the danger to democracy is the faction's ability to execute their will unchecked and the proposed amendments pave the way for such unchecked power to serve the majority faction at the expense of the broader community, and it is imperative that the council reconsidered these amendments.

Mr. Blair stated that he hasn't had a chance to review the details of this legislation and he thinks it is getting pushed through too quickly at the end of a four-year term before four new members come on. He added that he also doesn't think this should have made it on the agenda because it was late.

Mrs. Griffith stated that she does feel like it is getting pushed through and would like to allow for the new members to have their input.

COMMUNICATIONS PUBLIC: A-23-10 One Southern Indiana

COMMUNICATIONS PETITIONER: A-23-10 One Southern Indiana

**A-23-10 Ordinance for the Appropriation of EDIT
Funds for One Southern Indiana**

Applegate 3

Mr. Applegate introduced Bill A-23-10 and moved to approve the third reading, Mr. Turner second, all voted in favor. Bill A-23-10 becomes Ordinance A-23-11.

Mr. Applegate explained that 1Si has been in before and at the last meeting they changed the amended version to allow the money to come out of EDIT which is reflected on the final bill if approved. He stated that John Launius is here tonight to answer any questions. He added that we are fortunate to have an economic development group in our area and they are the local chamber, so they cover multiple layers for them. He stated that he did receive questions about some population information about New Albany at the last meeting and Mr. Launius provided that for them.

Mr. Turner thanked Mr. Launius for the data. He pointed out some concerns he has including the fact that New Albany is growing at a lower rate than all other surrounding municipalities. He explained that the state is growing at 4.7%, Floyd County grew 8.8%, Clark County grew 10% and New Albany grew 4% in the last 10 years according to the census. He stated that he would love to see more regionalism and he thinks that comes from the city in general. He added that he doesn't think the administration thinks as regionally as they should, and they have isolated themselves in many situations, but this is a regional opportunity for them to all grow. He stated that he is concerned with the poverty level in New Albany that is almost at 20% and really hasn't changed over several censuses. He added that Mrs. Griffith went to a climate trends analysis and she shared some of the information and he found it wild that there are 52% rentals in the City of New Albany, and in 5 census tracts, 25.5% of families are in poverty which is 97% higher than the US average. He stated that they give tax abatements to everyone but he does believe that 1Si takes a lot of credit for natural growth. He added that he would love to see 1Si focused on growing New Albany in the right direction and he has complete faith in Mr. Launius in his new position.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 9:14 p.m.

Jennie Collier, President

Mindy Milburn, Deputy City Clerk