

**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, DECEMBER 21,
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 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 Public Hearing Meeting Minutes for December 4, 2023, Mr. Aebersold second, all voted in favor with the exception of Mr. Blair who abstained because he was not at the hearing.

Mr. Phipps moved to approve the Regular Meeting Minutes for December 4, 2023, Mr. Aebersold second, all voted in favor.

COMMUNICATIONS – COUNCIL:

Mrs. Griffith stated that it has been an honor to serve with the current council. She said that four of the members won't be here next year and they have been so helpful with her over the last year. She thanked each one of them for that and said that she is going to miss seeing their faces. She wished everyone and their families a Merry Christmas and Happy New Year.

Mr. Applegate stated that he wanted to wish everyone Happy Holidays and to be safe. He said that when it gets cold, make sure that everyone is taken care of and check on your neighbors and so forth. He said that it has been a true honor serving on this council. He said that it has been a different four years and he doesn't know what a regular four years would even look like. He stated that they started with a completely different council and they had two council members that passed away, they dealt with Covid and they had another member move on to a different position. He said that it looks a whole lot different than when the term began. He stated that he is really proud because they all, in general, worked together even if there were disagreements. He said that they all kept it to a good level and kept their class. He stated that sometimes when politics are involved, personal attacks take place and he feels that they all represented New Albany very well and he really appreciates that. He said that he appreciates the opportunity for serving New Albany and it is one of the most important things that he has done in his life, and he is very proud to have represented that seat. He thanked Ms. Stein as well as the administration. He stated that being in the administration can be a thankless job sometimes and he feels that they run an excellent city, and it has been a pleasure working with them.

Mr. Aebersold stated that it has been good working with all of the council for the last eight years. He said that in meeting so many people in the city that he never has worked with or knew before, he met a lot of good friends and he is really thankful for that. He stated that for the eight years that he has been here and involved with the other members, it has been good. He said that he enjoyed it and he hopes they enjoyed it. He stated that sometimes we council members don't get along on some things and disagree a lot, but we

all got along and got some things done. He said that he had a good time with it and he appreciates all of them. He wished everyone a Merry Christmas and a good holiday with family and friends, and he hopes that we have a great year ahead.

Mr. Blair stated that he wanted to wish everyone Happy Holidays and encouraged everyone to enjoy their time of with family and cherish those moments. He wanted to thank the four members that are out going for their service and dedication. He said that it is not easy being on the council and he appreciates everyone's efforts and doing what is best for the city. He then quoted John F. Kennedy and said "Let us not seek the Republican answer or the Democratic answer but the right answer". He stated that the reason he says that is because he knows that decisions are being made with the new members being seated in January as far as leadership positions, committee appointments and so forth, and he just asks that the president be mindful of who the people are that are knowledgeable or have expertise, and that they get appointed to positions where they can benefit the city. He said that all members have talents, so let's try to match up those talents where we can best utilize those skills and talents for the betterment of the city regardless of what party affiliation they have. He also said that he hopes they will keep that in mind with the council procedures and ordinances this evening. He stated that they are trying to do what is best for the city, not one party or the other.

Mr. Turner stated that there are people who are vulnerable in our community that do need to know where to go for the White Flag Shelter. He said that November 15th through April 15th the shelter will be at Culbertson Baptist Church. He added that they always need volunteers for White Flag Shelter, so if anyone has an opportunity to do that, he thinks that would be great.

Mr. Applegate stated that TARC will pick up at 6:00 p.m. for White Flag.

Mr. Turner stated that it has been an honor to serve and he enjoys the fray. He said that leadership's actions never position so it doesn't matter if he is elected or not, he is here to stay and he likes serving, and he thinks the people who know, know. He stated that he doesn't really need to speak much more about that or about what he has done on the council and what they have done together.

Mrs. McLaughlin stated that it is kind of an emotional night for her because this is her last time being here and it has been an honor to step up to her late husband's seat, and she couldn't have done it without the support of her fellow council members, the administration and the community. She said that she had so much support behind her which she greatly appreciates. She stated that she has made some mistakes along the way but she has learned a lot as well. She thanked everyone and said that she is going to miss them. She wished everyone a Merry Christmas and Happy Holidays and wished the new council members good luck. She said that she has learned a lot and have appreciated how much work gets put into this daily.

Mr. Phipps stated that he wanted to thank everyone that is leaving the council for their service and there is a lot he could say that he is not going to say. He said that he is not a person with a lot of mushy sentimentalism, so he is going to say what they used to say back in the 70s and that is "It's been real". He then stated that tonight is the winter solstice at 10:27 p.m., which is a sacred night dating back to antiquity, so he wished everyone a Happy Winter Solstice, a Merry Christmas, a Happy Kwanza and Happy Holidays in general for all of the other holidays that are taking place between now and the middle of January. He said that he looks forward to a new year and hopefully they can keep New Albany moving forward.

Mr. Dickey stated that he wants to echo a lot of the comments that his colleagues have said tonight. He thanked everyone for their service, particularly to those four members who are departing this body because their service to the city has been very much appreciated. He said that they intend to still avail themselves from time to time of their wisdom, so he told them to keep their phones handy. He wished everyone a very Happy Holiday and said there a lot of festive occasions that are happening, but we do want to

remember those who the holidays are, unfortunately, not as happy either because of trauma that they have experienced or memories, etc. that aren't as pleasant. He said to please keep all of those in your thoughts and prayers, and if you can help someone in need, do so not just at this holiday season but always.

Mrs. Collier stated that she wanted to also wish everyone a wonderful holiday season for all of the holidays that they might be celebrating in the upcoming weeks. She said that she would also like to say thank you to the four members that are not going to be with them next year. She stated that it has been a pleasure working with them and they will be missed.

COMMUNICATIONS – MAYOR:

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

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

Mr. Phipps stated that the rules committee met concerning the ordinance that they have a little later on which is G-23-05. He said that since it was Mr. Dickey's ordinance, he is going to ask him to do the summary on it.

Mr. Dickey stated that they provided a written report which also included a diagram of the process. He said essentially the committee made a few substantive amendments and they amended the proposed language of Section 30.22. He stated that under item number nine, they added a stipulation reflecting committee shall follow state statute regarding open door meetings. He thinks this was already established but they just wanted to underline the point. He said that under item ten – consideration of ordinances on second reading, they added public comment. He stated that on item 12, they added public comment following the introduction of resolutions. He said that on item two, they struck the proposed language because of the concerns that they were maybe doing something that got into other areas regarding presidential powers. He stated that they amended the proposed language of Section 30.36 under item B, it refers in the language to reflect current state law. He said that the committee accepted other minor language clarifications and the committee determined that as a function of process, the notice of the committee meeting and proposed ordinance to be considered will be forwarded by the city clerk to all council members. He stated that the committee discussed that during public comments on third readings, efforts should be made to hear new comments not received during the comment period. He said that may be something that they kind of remind folks as part of the signup or what have you. He stated that they attached the flow chart to provide a little bit more clarity to the members as far as process.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

COMMUNICATIONS PUBLIC: A-23-11 Salary Ordinance

COMMUNICATIONS PETITIONER: A-23-11 Salary Ordinance

A-23-11 Ordinance Setting Salaries for the year 2024

Phipps 3

Mr. Phipps introduced Bill A-23-11 and moved to approve the third reading, **Mr. Applegate** second, all voted in favor with the exception of **Mr. Turner** and **Mrs. Griffith** who voted no and **Mr. Blair** who did not vote since he was remote and this was a final action on a budget item. Bill A-23-11 becomes Ordinance A-23-16.

Mr. Turner moved to amend the ordinance to 10% raises for elected officials, **Mrs. Griffith** second, **Mr. Dickey**, **Mr. Phipps**, **Mrs. McLaughlin**, **Mr. Aebersold**, **Mr.**

Applegate and Mrs. Collier voted no and Mr. Turner, Mr. Blair and Mrs. Griffith voted yes. Amendment does not pass.

Mr. Phipps stated that they had their committee meeting earlier and he thinks that they discussed most of these issues and asked if there were any other comments for the record before they move forward on it?

Mr. Turner stated that during the committee meeting, he asked some questions and got the answers. He said that they haven't looked at total comp of elected officials. He stated that they looked at the base pay of Jeffersonville, but they didn't review their entire comp, so we don't know if they are paying five times as much for health insurance than we are. He said that we don't know what other benefits that they receive and there has been no market analysis for elected officials, and Jeffersonville is a different animal all together with their growth. He stated that he thinks it needs to be looked at. He said that there is no market analysis for our regular employees, so he wonders how we came up with the number of \$500.00 for a stipend if we really don't know what they need. He stated that they may not need anything or they may need more, we don't know, it's just an arbitrary number and he doesn't think that is good stewardship of our tax dollars. He said that we don't know if we, as elected officials, really need that if we haven't done a market study. He also said that one of the biggest concerns to him is this is really picking winners and losers here because he thinks about equity, fairness and politics and how we are spending our dollars. He stated that he knows that the unions are on a different contract, but the fact the we are excluding unions, the people who are actually essential to our city, many of those employees are essential to our city such as the firefighters and police, we're not even looking at them or earmarking dollars for them. He said that he does think that 44% and some of the raises are incredible and he would like to propose an amendment of doing 10% of what we are getting paid now as elected officials instead of 41% for the clerk and 44% for the city council. He stated that the reason that he says that is this is a big jump and the future councils can all choose to give themselves 10%-12% raises or whatever they think is necessary each year going forward. He said for this one year, he thinks they can break off a decent chunk of that and he thinks it is a reasonable ask. He stated that we have no data, and if he could have data on the need for a raise like this instead of just looking at a base pay, then it may be okay. He stated that when he looks at changing jobs, he doesn't say, "wow this base pay is great"; you have to think about the total comp and we have not looked at that. He said that this is bad stewardship of dollars and it is a slap in the face to our city employees far and wide. He stated that leaders should be last, so he is voting yes to the amendment.

Mr. Blair stated that he agrees with Mr. Turner, we need a comprehensive compensation study to see our pay is equitable to other councils. He said that he was actually talking with someone he knows from Connecticut, and they said that their councils don't even get paid and it is all volunteers. He stated that he really thinks that they need to look at what other places are doing. He also thinks that this is just not fair because it should've been determined back in the budgetary cycle; this should've been proposed back then. He said that we are doing this after the budget and after the election, so it looks like we are sneaking something in that we should've done during the budgetary meetings. He stated that he does think that 10% is a good compromise because that way we start to catch up and then let the new council members decide if they want to catch up things or not. He said with that, he will vote yes for the amendment.

Mrs. Griffith stated that she would like to reiterate what Mr. Turner and Mr. Blair both said. She thinks the 10% is a great compromise, and if it is something that needs to be fixed like we talked about in committee, let's figure out how to do that going forward and not with such a big chunk. She said that she is voting yes for the amendment.

Mr. Turner stated that the fact that we are not taking care of our city employees as a whole and looking at the entire picture of total comp makes this the most anti-union legislation that he has seen proposed since we have been in council. He thinks this should be shot down and you guys should readdress this entire ordinance next year and work the union in as well as the non-bargaining employees. He said that this a \$500.00 stipend one

time and these guys may need more than that. He asked if they could imagine the morale of a city employee that's just getting \$500.00 on a whim, just an arbitrary number thrown out there, meanwhile we are seeing 44% raises and 41% raises? He said that it is mind blowing to him and that's all he has to say.

Mr. Dickey stated that he just wanted to remind everyone that part of the reason we are here with some of these numbers is because this, and previous councils, decided not to do any increases. He certainly appreciates wanting to be fair-minded but he thinks, like so often in government, we are here because of a result of essentially not taking care of business previously. He thinks at some time, we're going to have to bite the bullet and decide where we need to be. He said that the proposal that Mr. Phipps has put forward is middle-road to the other Indiana cities of our similar size. He stated that it does not propose anything radical and puts us on par with the City of Jeffersonville, which is a sister city in all respects.

Mr. Turner asked what other cities and data are you using except for their base pay that you found on the internet? He said that he asked if we've looked at total comp and we haven't, so how are we getting these numbers? He stated that we could need 30% or we could need 60%; we don't really know.

Mr. Dickey stated that before he was interrupted, he was saying that we have looked at the numbers because the staff compiled information for us. He asked if we could study something until we are all 80 years old? He said absolutely, but again, he goes back to the history that's been well documented through discussions on this measure and that's why we are here. He stated that what he wants to do for the citizens of the city is get us to a point where we don't have to make these big increases or deal with this every five to ten years, because we didn't do anything to keep up with the times. He does agree with Mr. Turner that sometimes leaders take a hard knock, but he doesn't agree that leaders should take it all. He thinks that what has been put forward is very balanced, it matches with the data that has been presented to us and if we want to look forward at some of these issues, we certainly can and he thinks we will. He stated that he thinks that the administration will work with our unions to negotiate fair contracts there as well. He said that is the process.

Mr. Turner stated that Mr. Dickey referred to the city's compiled data. He said that if there is more data than just the base pay page you can find on the internet, he hasn't seen it. He stated that he has asked in this meeting about total comp and we don't have it, so there is no reasonable way that you can say that this is middle-of-the-road or have any opinion on it because we don't really know. He said that until we look at those issues, we can't just take Jeffersonville, it's a market analysis and it is the same thing with these employees. He stated that we haven't done a market analysis on our own employees, so how do we know that \$500.00 is right? He said that this is just anecdotal until we see empirical data. He stated that he would fully support a 44% raise if we had data other than just saying that this is the base rate that we found on the internet. He stated that there is no data to back up a need and we have not been shown anything but base pay.

Mr. Phipps stated that it was based on second-class cities across Indiana, it was not simply Jeffersonville.

Mr. Turner asked where the data is?

Mr. Phipps stated that we had it earlier when we were looking at this.

Mr. Turner stated that Jeffersonville is all he has seen and asked what their total comp is?

Mr. Phipps stated that he doesn't know the total comp, but you really can't compare one insurance plan to another because there are all sorts of deductibles that come into play as well. He said that unless they are exactly the same type of insurance plans, you can't compare them.

Mr. Turner said when you change jobs, do you just say, “wow, the base pay is great, I don’t want to look at the benefits”?

Mr. Phipps stated that is generally what he looks at.

Mr. Turner said okay, wow.

Mr. Phipps stated that he has had two jobs in his whole life and they didn’t present the package, they presented the annual salary. He also stated that the other packages change quite often from year to year in terms of what the compensation is or what the co-pays and deductibles are. He said that there are some city councils in Indiana that provide cell phones for their members.

Mr. Dickey stated that some provide computers too.

Mr. Turner stated that we don’t know.

Mr. Phipps stated that he does know that there are cases out there where that is the case. He added that we are not asking for any of that. He said that part of the reason too that it sounds so egregious that the council is receiving a 44% increase is that it was so dog on long to begin with. He stated that 44% of \$10,000.00 is a lot different than if you gave someone 44% of \$100,000.00. He said that we are not giving the mayor a 44% increase.

Mr. Turner stated that maybe Jeffersonville is paying \$1,000.00 a month for their health insurance, we don’t know.

Mr. Phipps stated that maybe they are, he doesn’t know.

Mr. Applegate stated that insurance also is whether you take it or not.

Mr. Turner stated that is your choice.

Mr. Applegate said right it is, but then if you’re not costing the city additional money due to insurance or something else, he asked if there is a thing that you get that back? He stated that it then gets into the whole realm of, when you’re talking about packages, what matters to people. He said that if you are working for a company that has good insurance and your spouse is looking for a job, they may be only looking for a higher base pay because they don’t have to worry about insurance. He stated that everyone looks at the base pay. He stated that a good comp plan is absolutely a big deal too, but ultimately when you look at apples to apples sometimes, it is that you have the base pay that you want. He then said that Mrs. Moeller has provided to them, at one budget or the other, the list of the other second-class cities throughout Indiana and their base pays.

Mr. Phipps stated that if we don’t do the market analysis, then how do we know that the union employees need \$500.00. He said maybe they do or maybe they don’t. He asked Mr. Turner if he is willing to cut that out and throw this whole thing out? He stated that \$500.00 is a lot of money to someone that is making \$30,000.00 a year. He said that is Christmas presents for their kids or a couple of trips to the grocery store. He stated that it may not seem like a whole lot to us, but we are of a more privileged lifestyle than a lot of people working hourly. He said that he is not doing it for the money, he didn’t even run for the council 12 years ago for the money; he had no idea that council members got paid, but there is also a certain amount of compensation and respect that you give to someone for the work they’ve done. He stated to take a look at someone who has maybe been a physician for 20 or 30 years; they don’t need the money anymore either.

Mr. Turner asked how he came up with \$500.00?

Mr. Phipps stated that someone mentioned that at the meeting. He said that it wasn’t even him. He stated that someone said “can’t we just give them a stipend of maybe \$500.00 or \$700.00”.

Mr. Turner stated that we are just throwing tax dollars out there.

Mr. Phipps stated that \$500.00 is what we can afford to give them. He said that he would like to give them a whole lot more because in this country, Americans are paid like crap compared to most places, but you have to start somewhere. He stated that \$500.00 is a small amount but it is going to make a big difference to some of our lowest paid employees.

Mr. Turner stated that he thinks that we really need to pull this back and look at it and address it because if they are in that bad of shape, we really need to make it right. He said that this is offensive.

Mr. Dickey addressed the president and said that they are really not hearing any new points here and asked if they are ready to call the question?

Mrs. Collier wanted to make a statement and said that the stipend is coming from the 2023 budget and we can look at something additional in the 2024 budget when we get to the 2024 budget, but that amount is just what is available to do now with what is remaining in the budget for 2023. She said that the salary stuff is for the 2024 budget but the stipend is actually in the 2023 budget.

Mr. Turner stated that everything we spend dollars on and say yes to is something that we have to say no to. He said that there are so many needs in our community and we're just throwing out some arbitrary number that we don't know if we need it or not, and we are saying no to everything else.

Mr. Dickey addressed the president again and stated that he would like to submit that we are not really covering new material and would like to call for the question.

Mr. Turner stated that this is picking and choosing winners and losers in government with not data to back it up. He said that it absolutely forgets about our essential employees and our union. He stated that this is an offensive piece of legislation and he absolutely votes no to it.

Mr. Blair stated that he thinks he is prevented from voting since he is remote. He asked if that is correct because it is a budgetary item?

Ms. Stein stated that she doesn't think so because it is not approving the budget, it's amending it. She said that she wasn't sure.

Mr. Turner said that it is a final action on a budget.

Ms. Stein said yes, Mr. Blair probably shouldn't.

Mr. Blair stated that he just won't vote.

COMMUNICATIONS PUBLIC: G-23-05 Council Procedures

COMMUNICATIONS PETITIONER: G-23-05 Council Procedures

**G-23-05 An Ordinance Amending City Ordinances Regarding Dickey 3
Common Council § 30.16, 30.22 and 30.36 and
adding § 30.03 and § 30.04**

Mr. Dickey introduced Bill G-23-05 and moved to approve the third reading, Mr. Phipps second, all voted in favor with the exception of Mr. Turner, Mr. Blair and Mrs. Griffith who voted no. Bill G-23-05 becomes Ordinance G-23-17.

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

Mr. Blair moved to strike Section 30.36, Item F, Mr. Turner second, Mr. Dickey, Mr. Phipps, Mrs. McLaughlin, Mr. Aebersold, Mr. Applegate and Mrs. Collier voted no and Mr. Turner, Mr. Blair and Mrs. Griffith voted yes. Amendment does not pass.

Mr. Blair moved to delete Section 30.04, Mr. Turner second, Mr. Dickey, Mr. Phipps, Mrs. McLaughlin, Mr. Aebersold, Mr. Applegate and Mrs. Collier voted no and Mr. Turner, Mr. Blair and Mrs. Griffith voted yes. Amendment does not pass.

Mr. Turner moved to delete Section 30.03, Mrs. Griffith second, Mr. Dickey, Mr. Phipps, Mrs. McLaughlin, Mr. Aebersold, Mr. Applegate and Mrs. Collier voted no and Mr. Turner, Mr. Blair and Mrs. Griffith voted yes. Amendment does not pass.

Mr. Dickey moved to accept the committee report to incorporate all of the amendments that they worked out, Mr. Phipps second, Mr. Dickey, Mr. Phipps, Mrs. McLaughlin, Mr. Aebersold, Mr. Applegate, Mrs. Griffith and Mrs. Collier voted yes and Mr. Turner and Mr. Blair voted no. Amendment does pass.

Mr. Turner stated that this is a week before he is leaving this council and this is procedures for the next council and this is how you guys are going to operate. He said that there is no reason for this council to be making decisions on behalf of the council coming in because this is how they should want to operate their council. He stated that for that reason, he does think they should table it and bring it into the next year with the new council.

Mr. Dickey stated that he thinks they discussed this at the last meeting and made it clear that part of this is to enable the members here, who have experience, to be able to benefit the process and to reset certain items, so that they align with the new council taking place in January. He said that there are no nefarious motives and it seems that we have a lot of animosity here tonight and he doesn't think that is necessary, but if there is no other discussion on this, he would call the question on the motion to table so that they can move forward.

Mr. Turner stated that they have the majority right now with five that will be on the council. He said that just to say there is nothing nefarious and there is bad blood or whatever, he just thinks it is the responsible thing to do. He stated that almost half of them are leaving this council and they still have a solid majority that will be coming back, so this is just the reasonable thing to do. He said that the four new council members should be in this discussion. He said how dare he tell the new council what to do.

Mr. Aebersold stated that he has been on the council for eight years, Mr. Phipps has been on for 12 and you all have been on for four years. He said that we have looked at ordinances and so forth coming before the board for four years and we know how the situation works, what the issues are and how come we run into some problems sometimes in trying to get answers. He stated that if you put this off until next time, they will work for a couple of years and someone will say, "we want this a little better so that we don't waste so much time arguing here". He said that we would have information coming in ahead of time to make some decisions and let people talk about that and be able to give them answers. He stated that we've gone through this for four years and we know what it is like. He said that this ordinance looks fine and the new council can change it if they want to after they go through it for a year. He stated that this eliminates some stuff and it moves us forward in making this meeting with the public, and running our organization here much smoother he thinks. He said all we are doing is saying we have been through it and here is what we want to do to make it better and pass it on. He stated that if they want to change it later on, they could do the same thing. He said that he has been here eight years and gone through this and he thinks it is a good idea.

Mr. Applegate stated that before two years ago when he was president, the committee system was never used. He said that it could have been changed, but ultimately the next year, President Collier kept that involved and it got tweaked throughout the process, and now all we are doing is cleaning up what we started with and going by what our current ordinance says regarding committees. He stated that we are just adding that to the new procedure that we would like to follow to place some order on the meetings and to keep ultimate decorum in the president's job. He thinks that this adds to that and further this experiment that we have tried over the past two years of using committees. He said this establishes a procedure instead of everything just flying at us fast. He stated that is what we are trying to look at with this and he thinks that if he can do anything before he leaves, it would be to at least give a clean copy to the incoming folks of what the rules are that we were intending. He said that when he first come on the council things happened fairly quickly, and he had gone to a lot of meetings prior to his first council meeting, but he thinks this is just cleaning up some of the items that we have installed from previous years of ordinances that were actually never followed. He stated that no one used committee meetings before and now we do and now we're using them to really vet and put forth better legislation.

Mr. Blair stated that he has been on the council for 12 years and the process and procedures that we used previously seemed to work really well. He said that we had committee meetings and some were mandatory and some were just as needed or necessary. He thinks to have a committee meeting as necessary is more efficient. He stated that he has been involved in a couple of committee meetings this year, including the one that we just had on the salary ordinance, which was just a waste of time. He said that we didn't solve anything in that committee meeting. He stated that he liked the way they had it before where we could go to the committee if other things needed to be worked out. He also thinks that the new members should be able to weigh in on this, so let's delay it another meeting and Mr. Dickey can meet with the new members to explain it to them. He said that if the new members think it is an improvement, they can vote for it come the first meeting in January. He stated that he really hates to push something on the new members regarding processes and procedures that don't even need to be changed; let them make the decision on how they would like to proceed and how they want the meetings to run. He said that they are pretty smart individuals and he thinks they will figure it out pretty quickly which procedures they think are best, so he thinks we should leave it for them to make that decision.

Mrs. Griffith stated that as she said in the committee meeting, she agrees and likes the majority of the changes but there are still a couple of things that she wasn't happy about. She said that we have this down for them to vote on so it is everyone's expertise all the way down, so she doesn't see that there would be a problem to delay it one meeting so that the new council people can vote on it. She stated that we have it all laid out for them so let them make the decision on it and that way they will understand the process too because they will be reading through the ordinance. She said that she loves the flow chart and she thinks that was a great way of putting it out there.

Mr. Blair stated that the one thing he was concerned about in this legislation of procedures is that we may not have the third reading if it does not pass in second reading, so if it fails in the second reading that means that it doesn't have a third reading. He said that he can think of several ordinances that passed, especially zoning ordinances, that failed on the second reading and then new information was presented, or in one case, we actually negotiated with the developer who then made some concessions, so we voted yes in the third reading. He stated that he thinks the time between the second and third reading is valuable and he thinks we should allow that to continue even if it doesn't pass the second reading, he thinks it should go to the third reading so we could maybe get more information. He said that he wanted to make a motion to amend the ordinance to strike Section 30.36 which says that it doesn't go to the third reading if the second reading doesn't pass.

Mr. Turner stated that one that comes to mind is Receveur's property out on Mel Smith Road. He said that it came through and failed the second reading, but he came back better prepared and it actually passed.

Mr. Applegate said right, but if you are looking at this in the different process, you would have the first reading then it would get assigned to a committee and come back on a different date for a second reading, so there is time in between, instead of being second and third reading when we don't have any information. He stated that he thinks it is a benefit from looking at it this way because we would have it first then it goes to committee and we could say, "hey, what about this information or what about that", and then the committee would be able to meet and go over those items that we have all had comment on, so he does think it is a different process than the Receveur situation. He said in that situation, the first and second failed and we were able to do the same thing that we should've been able to do between the first and second reading and then the second reading would've looked a whole lot better. He added that people didn't realize that project passed because it failed at the second reading and he told them that it passed on the third reading, and they felt there was some political business going on because it had everyone go away and not come back. He stated that this does split up the first and second readings and he does like that because then it can be vetted between.

Mr. Dickey stated that he thinks Mr. Applegate has enumerated the principle of what is embodied in this rule change very well. He said that the other item that he would add is there is nothing that stops this body from tabling a piece of legislation or recommitting to a committee, if they so choose, because they are worried that it is going to fail because it doesn't have a majority of five positive votes. He added that we are working in the legislative process and that is how it should work.

Mr. Phipps stated that he would concur exactly with what Mr. Applegate and Mr. Dickey said. He said that the hypothetical one that was laid out a minute ago could have been prevented under the new model.

Mr. Turner stated that if he understands the flow chart right, one of the council members will write an ordinance and preferably they will let the president know.

Mr. Dickey stated that the way it works is that the ordinance is filed with the clerk, the clerk informs the president, and at whatever point that happens, the president can refer it to the committee chair for that appropriate committee that they are referring it to. He said that if that is done in such a sufficient manner, say tomorrow you introduce something, there should be enough time in order to, not only have that committee consider meeting before the next meeting, but they may also have finished their work and be able to report it out. He stated that it could be three meetings or it could be two meetings; it depends on your timing and the timing with regards to the meeting agendas when we post the notice for what would be the second reading from concurring or not with the committee report to the third meeting or the second meeting, which is with regards to final passage.

Mr. Turner said that is why there is the overlap right there. He stated that someone could at 11:59 a.m. on the deadline send an ordinance to the clerk and the president would not get it in time to go to committee, so it would go to the first reading.

Mr. Dickey stated that there would be an announcement by the president and they would make it known that it was filed at 11:59 a.m. the day of the deadline and it has been referred to the committee of public works.

Mr. Turner stated that if that happens, the first reading would come to where the president would make it a first reading.

Mr. Dickey stated that the president would just announce that it has been referred to the committee; it has been filed and referred to the committee.

Mr. Turner said so it wouldn't be a reading and seconded or anything like that?

Mr. Dickey said no, it's not a reading. He stated that to clarify this, they went over it with the attorneys to make sure that they hit all of their marks, but essentially that first reading becomes simply an introduction and acknowledgement that it has been introduced and deferred to a committee.

Mrs. Griffith stated just to put a note on there, that committee is open to the public. She said that it one thing that they changed so that 48-hour notice will go out and all committee meetings will be open to the public. She asked if that is correct?

Mr. Dickey stated that is correct. He said that he would assert that we are a government entity and you have to have that process.

Mrs. Griffith stated yes, we have to put those notices out there and she agrees with that.

Mr. Dickey stated that the committee could have experts come and the committee could do additional study work.

Mr. Phipps stated to answer Mr. Turner's question, in some cases it could speed the process up and in other cases it could slow it down, depending upon the timing of when it was introduced and the calendar of when the meetings would fall.

Mr. Dickey stated that it should be noted that the other provision is that there is always the option to suspend the rules from the outset. He said for example, if that was a bill that was put forward by Mr. Turner right at deadline and there was some urgency to it, we could always agree by unanimous with two-thirds present that it is something that we want to consider and move it forward to a floor discussion.

Mr. Turner stated that it could go to committee before council if it's sent in time. He said that it could be brought to council by the president who says that it is going to committee, then it could go to a second reading in the next meeting after the committee reports. He stated that it can pass, fail, get sent to committee again or it could be tabled. He said that it then goes to committee potentially and comes back to council for the third reading and could pass or fail. He stated that is pretty much it at that point, right?

Mr. Dickey stated that it could be amended on the floor too.

Mr. Phipps stated that it could die after that second reading.

Mr. Turner said that it could die after the first reading if you suspend the rules.

Mr. Dickey said yes, technically.

Mr. Applegate asked if it would be a first or second reading at that time?

Mr. Dickey stated that he would say that you would be on a first and second at that point because you have technically jumped the committee process.

Mr. Blair asked if that means that if something gets voted down, it can only be debated one time at a public council meeting?

Mr. Dickey stated that there would be committee reports with or without amendments, there would be public comments and then there would be an affirmative vote to accept the committee report or not. He said hypothetically there would an opportunity there to have a period of discussion and then you would go to third reading, and again, you would have the same process and then a final vote. He stated that you would have two opportunities for the public to speak and you would have two opportunities for the council members to speak at that point. He said that second and third readings are not at the same meeting.

Mr. Blair stated that it wouldn't necessarily be in a scheduled city council meeting though.

Mr. Dickey asked what he meant by that?

Mr. Blair stated that it sounds to him like something could only be discussed or debated one time in the council meeting and then get voted down, then it is done.

Mr. Dickey stated that if it is voted down at the second reading, yes, it would be dead.

Mr. Blair stated that he thinks there is some value and merit in having a discussion and giving people time to reflect and maybe ask some questions before the next meeting, but if you have one debate in the council meeting and then it is voted down, you don't have that opportunity to reflect upon what has been said or to gather additional information before that third reading.

Mr. Dickey stated that he would argue that the appropriate position that you would take if you like the legislation but want to see changes would be to move it on as to confirm with the committee report, and then bring forward the amendments that you would want to bring at third reading. He said or the other item would be to try and inform, through the committee hearing, the legislation so that changes that you wanted were incorporated prior to it coming for action at the second reading stage.

Mr. Blair stated that he wouldn't think he would get enough information, unless we had a chance like we did tonight with having a discussion with the whole nine members. He said that there is something to be said about letting something sit for a second, let it settle and then look at it again.

Mr. Dickey stated that the other action that he didn't mention is, hypothetically you could move to delay or table something until another opportunity, so there could potentially be an action that draws something out.

Mr. Applegate stated that he does think that it said that typically when a bill comes forward, none of us have seen it until it hits the agenda. He said that when it hits the agenda, we are aware of it, and then once we are aware of it and it goes to committee, we are able to ask questions and able to talk to people. He stated that the committee goes in and vets it and changes it, so technically before we even have a vote on it, it may have been altered or changed in a positive way so that those items don't need to be discussed.

Mr. Blair asked doesn't that put a lot of importance on the committee though? He stated that it puts a lot of our power in the committee versus the council as a whole.

Mr. Applegate stated that he doesn't think so. He thinks that it uses the committees to do work and makes us be a little more thorough on the upfront. He said that once we see that bill, then we are able to look at it and talk to those committees about what we do and don't like. He stated that if those things aren't addressed, then you can bring those things up in the council meeting. He said that the chain fences bill is a perfect example. He stated that the first time it came up on them pretty quickly and it didn't just sit with anybody but a few people, then just got turned down. He stated that another year went by and then when it got brought back up, we were already able to have that a little vetted, so the second time it came before us, we talked about it because we were already aware of the bill. He said that they pointed out things that they didn't like about it the first time so then those items got changed and ultimately the bill then got passed. He stated that it is not trying to make things more divisive, it is actually trying to bring council together to be on the front end of things and put the best thing forward that we get instead of something rushed.

Mr. Blair asked if any council member can attend the committee meetings or is just those members that are appointed to that committee?

Mr. Dickey stated that he would assert that any council member can attend a committee meeting but he thinks the voting members of that committee would be whoever was appointed to that committee.

Mr. Blair said but a council member can attend any committee meeting that they choose and it will be publicized and we will all be aware of when the meeting is.

Mr. Dickey said yes.

Mr. Aebersold stated that he thinks that his idea on that fence was a great idea and is exactly what we are looking at. He said that the way we are doing this he thinks would have eliminated that mess a long time ago. He stated that the problem was that we never got the information, it was all written wrong and if we would have gone through a committee the first time, it probably would have passed then. He thinks this process would make it really clear for the next council to make decisions on the first time a new ordinance comes around.

Mr. Blair stated that his amendment was that it should go to the third reading regardless of the vote on the second reading. He asked why it would hurt to go ahead and have that third reading even if it has been voted down on the second?

Mr. Dickey stated that he thinks it is efficiency.

Mr. Turner asked if that is on the same day?

Mr. Aebersold said he doesn't think so.

Mr. Blair stated that sometimes these committee meetings are very inefficient; we just had one two hours ago. He said that there was no reason for them meet because nothing changed; they just discussed it. He stated that there are a lot of inefficiencies built into this process so he doesn't see where it would hurt to go ahead and do the third reading regardless.

Mr. Phipps stated that there was a situation that we had a couple of years ago about giving money to the Main Street businesses. He said that it was introduced and then we found out after the fact that we legally could not do that. He said we went ahead and had that third reading and we explained that, and we still had people coming asking for that money after we explained that we could not do that. He stated that they got their hopes up before, and then once we got that explained, we shouldn't have had to come back again and go through all of that again when we couldn't do it. He said things like that could be vetted through the committee process and we could consult with legal on something that could be questionable like that, and they say "that is legally not possible", then we wouldn't bring it back and have to go through that whole process knowing that we are not going to vote for it because we can't.

Mr. Blair stated he agrees that there could be things that don't work so well. He said that in the situation that Mr. Phipps mentioned, we were able to give them an explanation on why we couldn't pass that.

Mr. Phipps said that before that happened, we had 10-12 people get up asking for it and explaining that they supported it even though we knew that we couldn't vote in favor of it later on, so it wasted our time and theirs in that situation.

Mr. Blair stated that we could've mentioned it in the public official comments that we couldn't do it. He said that there are other ways to communicate to the public.

Mr. Turner stated that he thinks that Mr. Blair's amendment is an absolutely reasonable request and he is voting in favor of it.

Mrs. Griffith stated that everyone brought up valid points and she probably should've asked this beforehand but there are still two readings, correct? She asked if they are still in the meeting two times regardless?

Mr. Dickey replied yes.

Mrs. Griffith said then she is okay with it but she is in favor of striking that section.

Mr. Blair stated that on the conflict of interest, he doesn't see why that is necessary because an individual is going to have to determine themselves and of their own merit whether they have a conflict of interest. He said that it should be pretty apparent and he doesn't think that it should be invoked by the council. He also said that he has recused himself several times because of conflicts of interest and it was very apparent to him that there was a conflict. He stated that he would like to move to amend the ordinance and delete Section 30.04 and just abide as they do now to Robert's Rules of Order. He asked if someone can just say that they have a conflict of interest without going through that process?

Mr. Dickey stated that the way it is written, he thinks that a member of the council could recuse themselves if they so choose. He said that the question is what happens when an individual has an appearance of a conflict and is not willing to recuse. He stated that there is no mechanism for this body to deal with that situation.

Mr. Phipps stated that a few meetings back Mr. Dickey recused himself on the matter in regards to the sewer billing department, when in fact, he doesn't really think that he should have had to. He said that if Mr. Blair is saying what he wants followed then he could have not have been forced to do that. He also said that he doesn't think that he needed to but he did the right thing for appearances sake. He stated this is just a stop guard in case someone didn't do the ethical thing and it was blatant that there was a conflict of interest.

Mr. Applegate stated that if someone thinks that someone else should leave because of a conflict of interest and that person doesn't think so, it would then put it to a vote. He added that it would just make it clear what to do in that situation.

Mr. Blair stated that in the past when he has had situations where he didn't know if he had a conflict, he just consulted with the attorney and let her guide him.

Mr. Turner stated that we have a mechanism in place which is Robert's Rules of Order. He said this is something that can be handled by the individual and he recuses himself once a year on a vote. He said that this is unnecessary because who is ultimately in charge of saying who has a conflict? He said the majority and then you can't speak? He stated that he is voting in favor of the amendment.

Mr. Applegate stated that this just makes things clearer.

Mr. Turner stated that he would like to offer another amendment. He said that he would like to scratch Section 30.03 regarding caucuses. He stated that this is already in state statute and this is almost verbatim out of the statute that is referenced here. He said that he fears they are going to set themselves up by putting this in this ordinance because we are not necessarily going to see the changes in the state statute. He stated for instance, we have a City of New Albany flag out front and he knows there was a comment made that we look through our ordinances and try to keep them up-to-date, but we have a City of New Albany flag throughout the city and that is not the flag in our ordinance. He said that has never been updated. He stated that it is a small thing but if we go in with the consideration that this is right and we never look at statute and statute changes, then we could put ourselves up to a pretty serious situation. He said that he started reviewing some of the public access stuff and our public access counselor has made some rulings on some stuff that has happened in Bloomington recently, and it is pretty scary about caucuses. He stated that it is an incredibly fine line that you can cross and he has passed

some opinions down and he thinks this is dangerous. He thinks that if someone wants to call a caucus, it's handled by statute and he would say that they just motion to call a caucus. He said that it is for political reasons from what he can tell, and with him being a Libertarian, he couldn't caucus with anyone from the way he read it.

Mr. Phipps stated that it is not exclusively political parties. He said that for example, if there was an ordinance coming forth that was going to have an adverse effect on women, the female members of the council could caucus and look at their strategies to move forward. He also said that we are going to have two LGBTQ people on the council together and Mr. FitzGerald and he could get together and have a LGBTQ caucus, because we feel that the council is doing something homophobic or something like that. He stated that they could caucus to look at their strategies to counter that. He said that it doesn't have to be based on politics and can be based on any number of variables where the council people have some commonality either in party or in terms of social identity or in terms of expertise or concern. He stated that might be a caucus of people that are concerned about homelessness in the community or it could be on improving the quality of life for animals or something like that. He said it is not exclusively party and it doesn't say that.

Mr. Turner stated that it says planning a political strategy, correct?

Mr. Phipps stated that political strategy is not limited to a party.

Mr. Turner stated that he understands that and it is kind of a moot point. He is saying that it is already state law and asked why it is in our ordinance?

Mr. Phipps stated that he thinks because we haven't really followed it; we were very strict about saying you couldn't even get five council people in the same room together without fear of it constituting a quorum. He said we limited the number of council people that could come to a committee meeting in the past because we didn't want five people there out of fear that it constituted a quorum, so he thinks with this being in the ordinance, it will clarify all of that and bring it inline with the state statute. He also said that he assumes that they can more than four council people in those committee meetings, correct?

Mr. Turner stated that you can without this being in writing.

Mr. Dickey stated that part of the reason to put this in our code is to reinforce the point that this is an option. He said as we all know; the public isn't always as savvy at understanding the multiple layers of government. He stated that in our case, city government is actually on the same level with state government. He said state government is the parent organization in which our powers derive from and this is restating that this is an option and a tool in the toolbox. He stated that just like every ordinance that we pass, if in the next legislative session the general assembly changes something, at that point we would either have to update our code or it would override our code as a principle of law. He added that lots of time you will see communities update based on a legislative change. He thinks that is something that comes to us, and perhaps we should have, to your example, already updated our code if there is a concern about the flag and what we are using. He said that may be something that a future council would be highly recommended to take up. He stated that he thinks it is up to the council to decide how important that is to them or if we just acknowledge, "hey, state law changed in 2007 and essentially appealed this section of the ordinance". He said that a great example of this actually comes out of Bloomington. He stated that Bloomington was moving at one point to put prohibitions on plastic bags. He said that the state legislature in its infinite wisdom decided to take that power away from local government. He stated that he is not here to say who was right, but at that point, it changed what Bloomington was doing with regards to their plastic bag ordinance; it killed it.

Mr. Turner said so hypothetically if we don't catch changes in the state statute and we operate based on this old piece of legislation that we have written into our ordinance, the

public access counselor can say, “you guys have violated the law”. He stated that instead we are using this and going to call a caucus based on this statute and we always refer back to it. He said that we have stuff from 1956 in our ordinances and there is no way that we are looking at our ordinances every year because things change so much. He stated that is his fear with that and it is just to keep us all honest and he doesn’t know what is going to happen in 10 years.

Mr. Dickey stated that he thinks that is part of the advice that we receive from our legal counsel. He said that every year, for example, our associations such as AIM (Accelerate Indiana Municipalities) provides updates from the legislative session. He stated that they just did yesterday a preview of the legislative session. He said that they will give us the verdict of what happens in the next legislative session and our attorneys will advise us as to where we need to go from there.

Mr. Blair stated that his concern is that this will make political parties more divisive by trying to get a certain group going the same way. He understands what Mr. Phipps said as far as anyone can caucus, but he thinks the intent is going to be to try to line up members of a certain political party to vote a certain way, so he is voting yes for this amendment.

Mrs. Griffith stated that as she stated in the committee meeting, she wasn’t for this because of the gray areas that Mr. Applegate brought up, places that you can read into it and that was her whole thing with having that amendment in there. She said that as Mr. Turner said, it is not something that really needs to be in there because it is in our state statute, so she is voting yes to the amendment.

Mr. Dickey addressed that president and stated that he believes they have been debating this piece of legislation now for at least 30 minutes, maybe 40 minutes. He said that they have touched on amendments to each section so he would go ahead and urge that they call the question on the motion to pass. He stated that he would like to move to accept the committee report to incorporate all of the amendments that they worked out.

Mr. Turner stated that he is not going to be in favor of this because of reasons that we have just tried to amend. He said that he thinks there is a lot of glut that is unnecessary and if you really want to clean this up and make it more reasonable for people to understand, then we have slightly missed the mark so he is voting no.

Mrs. Griffith stated to clarify, this is just for the committee report, right?

Mr. Dickey stated that it is just for the committee report.

Mrs. Griffith stated yes, she accepts it.

Mr. Dickey then called for the question on the ordinance.

Mr. Turner stated that he has more to say and he doesn’t want to be cut out yet. He said that he has spoken on the amendments but he hasn’t really spoken on this legislation. He stated that the spirit of this is that we really think that the public has some confusion about processes so we are trying to streamline it. He said that it is to make it easier for people to understand it and it also cuts a lot of things out. He stated that the way the process is now, you’ve got first and second readings, it goes to committee and then on to the third reading. He said that realistically you have three meetings which are two for the council and one that is for the committee. He stated that the way he looks at this is if you get your ordinance in on time to the president, there will be a committee meeting, but if you don’t get it on time, it will come to council and will be referred to committee. He said that it could come to the first reading and could be killed potentially if you don’t solve it and there is no public comment. He stated that this is so confusing that we had to have a flow chart to understand it. He then said that the ordinance goes to the clerk and the clerk tells the president, and depending on the timeframe, the president can do a committee before the council meets or the president can have them meet and then tell them that it is going to committee. He stated that in that meeting there is still no public

comment and it comes back and we hear the committee's ruling on it before there is any public comment on it. He said that it could be killed then before the public ever gets a chance to speak.

Mr. Dickey said no, that's not true.

Mr. Turner stated that if you suspend the rules, it could.

Mr. Dickey said yes, if you suspend the rules.

Mr. Turner stated that it could be killed, it could fail. He said that this is confusing. He stated that at the first meeting, the committee reports and it comes to the council with committee's favorable or unfavorable recommendation, and that's technically the second reading. He said that the council could then approve it, go to the third reading or send it to committee again.

Mr. Dickey said no.

Mr. Turner stated that it could go to committee again.

Mr. Dickey said yes, if the council would elect to recommit it to a committee, you are right.

Mr. Turner stated that the way this is written out and the way this flow chart is, we are going from a position to where we will have three meetings. He said they have first and second readings then to committee and then third and final reading, and the public is involved in every step of the way. He stated that he thinks it is critical that public is involved in the beginning because that committee may hear something from an expert in our community that could give them some knowledge that they may not have. He said, in fact, the public may not be able to attend the committee meeting. He stated that we are going from three meetings to potentially one reading all the way up to maybe five meetings. He said if the spirit of this is to streamline and make things better, we are taking the public out of it which is never a good thing.

Mrs. Collier stated that there is still public comment there.

Mr. Turner said yes, but it could be killed.

Mrs. Collier stated that before there is a vote, there is public comment.

Mr. Turner said okay. He stated that it could be killed there. He said yes, this is confusing guys.

Mr. Dickey asked Mr. Turner if he would yield.

Mr. Turner said yes.

Mr. Dickey stated that the first thing he would say is currently the way our structure is set up, there are multiple things that could happen right now that could force a piece of legislation to go for more than two meetings. He said that we could consider a piece of legislation today for the first time and move it to go to committee, it goes to that committee and could come back from committee and then at the next council meeting, we could decide that we also need another committee to look at it. He stated that they could recommit it to that committee. He said that all of that is within the normal available tools in the legislative process. He stated that as a practical matter, we don't do that. He said we assign it to one committee and that committee hears it, makes amendments to it, we bring it back, it gets reconsidered and voted on as part of that. He said that the same process still applies with the same tools. He stated that the big change is that opposed to the committee getting it after it has been introduced for the first time on the floor and we have had to make a decision as a full council about how we feel about that piece of

legislation where it may be unvetted and have problems, we are sending it to the committee first and letting the committee do due diligence to make sure it is in the proper legal form, and to make sure that it fits with the other items of discussion that should happen on the committee level. He said after that point, it comes back and we deal with the committee report first and we let the public, before we take a vote, say whether or not they think this is a good deal. He stated that they have heard the committee report and now they get a chance to say. He said that we then cast a vote whether to accept the committee report. He stated that there is still an opportunity at the next meeting for us to make four motions to amend a piece of legislation. He said that person could technically amend and undo everything that the committee report did. He doubts that would probably carry if it was approved prior, but it's possible. He stated at that point, it gets its final consideration and is approved. He thinks as a matter of flow, this will work in some ways much easier and it will be better for the members to have more information coming forward as they are casting the votes in the appropriate order. He added that they are trying to make that vetting process happen on the frontside instead of on the backside.

Mr. Turner stated that it is still eliminating public comments before the committee meeting. He asked why change it if we can just keep sending it to committee? He said that he sees the spirit of what they want to do, but he doesn't see the whole reason for the vetting process because that is what the committee is for. He stated that's why we use our counsel to write our pieces of legislation to make sure they are legally formatted correctly.

Mr. Applegate stated that the problem that we run into is all of sudden we have to make a vote and we've got a week, and if you don't have time to talk to everyone involved on these processes, then you have to vote on something within a week's time without even knowing that it was in the pipeline. He said that if it had the first reading and went back, he knew about it and was able to check with the committee for their report, at least on that second reading it has been vetted and he has already been in tune with it.

Mr. Turner stated that it just has to be clear because we are not going to be here in 20 years to explain it. He asked what happens if the president doesn't refer it to committee?

Mr. Dickey stated that he would assert that the president doesn't have the ability not to refer to committee; it says "shall refer to committee".

Mr. Turner stated so the president was going to put an item into committee, then it comes to the council and gets read no matter what, but the thing is, it could get to the reading and the president says that they don't want to put it into committee. He asked how it goes after that where it gets to the reading and should have gone to committee but the president says they don't want to send it?

Mr. Dickey stated that he doesn't think they have the option not to refer it to committee.

Mr. Turner stated that he doesn't think the way that we are currently doing it is broken and he thinks this is big, you take the public's voice out it and it essentially goes to committee before a council meeting and then during the next reading at council, it can be killed with just one shot technically. He said that it could go up to five meetings. He thinks this is making it more confusing. He stated that he understands the intent of it but there are so many different ways it can go. He said that if we can do all of these things now with our current set up and send it back to committee, then there is no reason to fix anything. He stated that he is voting no on this ordinance.

Mr. Aebersold stated that he thinks this is very good and he is going to be curious to see how it works with the next council. He said that he thinks it is going to be a lot clearer and that people here on the council are going to have a lot of information to make decisions on when an ordinance is presented. He thinks the people that come in here and ask questions are going to be able to get answers whether they like them or not. He stated that he thinks this is going to be a lot better and that it will go smoothly. He added that

there will be a new group come in and he hopes it goes really well for them. He said that he is voting yes on it.

Mrs. Griffith said that as she stated in the committee, she likes the majority of it but she has to vote no because there are two clauses in there that she does not agree with.

INTRODUCTION OF RESOLUTIONS:

COMMUNICATIONS PUBLIC: R-23-09 Clarify Annexed Parcels and Precincts

COMMUNICATIONS PETITIONER: R-23-09 Clarify Annexed Parcels and Precincts

R-23-09 Resolution to Clarify Designation of Annexed Parcels and Precincts Designation Applegate

Mr. Applegate introduced R-23-09 and moved to approve, Mr. Turner second, all voted in favor.

Mr. Applegate stated that this is some clarification of the redistricting process because we found that there were a couple of items that popped up during the election where some of precincts needed to be cleared up for ongoing elections. He said that it is to make sure that there are no lines that overlap or are skewed because of annexation over the years.

Mr. Dickey stated that Mr. Gibson is present and asked him if he would like to address any of this?

Mr. Gibson stated that this will be a joint resolution between the election board and our city council. He said that it is doing nothing but recognizing individuals that are in the City of New Albany Corporate Limits, but due to a precinct, they were listed out of it. He added that these are all old and they were just part of the grow-out of these subdivisions and/or apartment complexes. He stated that they were already incorporated and brought into the city. He said that the precinct maps in the past have had precincts 45 or 31 which have always been county specific precincts. He explained that it is a much larger process to go through and change precincts, and that is at county level anyway, so we don't really have the authority to do that. He stated that what this is doing is just recognizing some of this. He said that he gave the council members as much information as he could put together to hopefully explain what the issue was and what we are doing here. He stated that we don't want to split precincts in that respect and move those lines, so we are recognizing along with the election board an A and a B in 31 and 45. He said that A will be city participants in voting and B will be county as they have been. He stated that this all came up because someone in precinct 45 was trying to vote in the city election and historically precinct 45 has not voted in city elections. He said that from the election board, they then went in and looked at their address and found that they were actually city and paid city taxes and were annexed in, so we had to fix it in this manner. He stated that this is the most efficient way probably to do it. He said that all the county officials wanted was for the election board and the city to basically agree that we are okay with this designation to ensure that they will put it into their systems and it will show up whenever they try to vote.

Mr. Dickey stated that it is really straight forward and the only other piece here is just to say there is no change in district lines or anything like that. He said that the folks who were affected will be able to vote in the same districts and they would be able to vote as of this past election.

Mr. Gibson stated that these were all actually District 6 and they were all annexed when the annexations were done in the past.

COMMUNICATIONS PUBLIC: R-23-10 Transfer Funds for Animal Control

COMMUNICATIONS PETITIONER: R-23-10 Transfer Funds for Animal Control

R-23-10 Resolution Transferring Funds from General Fund to Animal Control Fund Phipps

Mr. Phipps introduced R-23-10 and moved to approve, Mr. Dickey second, all voted in favor with the exception of Mr. Turner who voted no.

Mr. Turner moved to amend the resolution and add whereas, according to the interlocal agreement, the City of New Albany's fiscal body did not meet according to the interlocal agreement, Mrs. Griffith second, Mr. Dickey, Mr. Phipps, Mrs. McLaughlin, Mr. Aebersold, Mr. Applegate and Mrs. Collier voted no and Mr. Turner, Mr. Blair and Mrs. Griffith voted yes. Amendment does not pass.

Mr. Phipps stated that this is basically allowing the city to transfer funds out of the general fund to fund the deficit created by the county not paying their share on the animal shelter.

Mr. Turner asked how many times the council met per year with the county as a fiscal body in the last four years?

Mr. Blair stated that he could tell him that in the last 12 years it has been zero.

Mr. Turner stated that he does have the interlocal agreement with him and it does say the respective fiscal bodies of the city and county shall meet in a joint session for such purpose pursuant to notice of the annual budgets jointly approved from year to year. He said that he understands this resolution and he knows that the county is definitely a bad actor in some situations, but we have not done our part as well. He stated that the way this resolution is written, it just really feels like an attack on Floyd County government by our city council. He said that he would like to write an amendment in the resolution that states "whereas, according to the interlocal agreement, the City of New Albany's fiscal body did not meet according to the interlocal agreement". He added that is set out in Article 12 of the interlocal agreement.

Mrs. Griffith asked if we ever sent the county all of the information that they requested in the letter that they sent back in September?

Ms. Stein replied no.

Mrs. Griffith stated that is her concern too because we didn't hold up our end of the bargain and she thinks we need to find a way to work it out. She said that she doesn't know what the county is thinking, but it is probably the same thing that we're thinking, which is they are never going to pay and vice versa. She wishes that we would have that conversation and give them the benefit of the doubt until the end of the year. She said that it is her understanding that they have always paid at the end of the year in the past, maybe not what they were supposed to, but they have always paid something yearly. She asked if that was correct?

Mr. Turner replied yes, they have.

Mr. Aebersold said no, they haven't.

Mr. Turner stated that they have paid roughly around \$250,000.00 at the end of the year. He said that they do pay something every year and that is a fact. He stated that it keeps getting said that they don't but that's not true. He added that he is not trying to defend the county because they are wrong as well. He also added that for our part, we have a stake in this.

Mr. Aebersold asked what Mr. Turner means that we haven't done our part? He stated that we have provided our money every year for that animal shelter.

Mr. Phipps said in our budget even.

Mr. Aebersold said we have every year so we have done our part and we didn't come up with this idea 20 years ago, someone else did and they evidently agreed to it. He stated that it is a percentage thing and the county was supposed to put so much in and the city was supposed to put so much in. He said that they have goofed around for the last, he doesn't know how many years, and if they were supposed to put in X number of dollars, they would put it in in December. He stated that we would go the whole year in paying payroll, taking care of the business and so forth with what the city put in. He added that the last several years, they haven't even put in the full amount, they put in part of it. He said that from what he understands, the mayor sent them a notice months ago saying, "hey, we need to do something and asked if they would be in agreement to do X number of dollars instead of what you are doing now?". He stated that from what he understood, he didn't think anything happened with it, so he thought that we did reach out to them but nothing ever came of it. He said that is why we come up a couple of months ago to go with it on our own and somehow foot the bill for the animal shelter and quite messing around with trying to find the money every year.

Mr. Turner said that he gets that but the interlocal says that we are supposed have a joint budget session every year and we have never had that budget session, so how can we expect them to budget? He stated that we just approved the animal shelter budget at 100%, but if I were a county council representative, I would ask what was the money being spent on if it still has to be fully funded?

Mr. Aebersold asked if they asked us to meet?

Mrs. Griffith stated that on September 5th they asked for information.

Mr. Turner stated that they have several times.

Mr. Dickey addressed the president and stated that he appreciates that there is a lot of history and maybe even dispute between the city and the county, but that is not really germane to what this resolution is addressing. He said that this resolution is addressing a deficit in the line item that if we don't fill, we will get audited on by SBOA and they will say that we let a line item go into the red. He stated that we have had wonderful audits for the last several years and he doesn't think that as a matter of principle, this fiscal body wants to suddenly cut its nose off despite itself, regardless of whatever the history and the record is with the county. He said that we have taken care, as a city, of the costs for the animal shelter and if the county wants to pay its fair share, he certainly would hope that it would want to pay its bills because services have been provided to the county, but it doesn't change the fact that we provided the services and kept the animal shelter and its operations afloat all year. He stated that we need to make the line item whole and that's why, in his opinion, a lot of the discussion here has no bearing. He said that we already voted in June to break the agreement, we will no longer in January be a combined entity. He thinks that the council needs to take care of our fiscal priorities, which is making sure we don't have a fund in the red.

Mr. Turner stated that's all fine and it is all done like you said but he is saying that according to the interlocal, the city has not fulfilled theirs so if you are going to call out Floyd County for not fulfilling theirs, we need to be on there as well or let's strike all of the whereas statements. He said that he is open to that too.

Mr. Blair stated that what he agrees with Mr. Turner on is let's tell both sides of the story. He said that we can't just point fingers at them when we didn't fulfill our part. He suggested putting a whereas in there that the City of New Albany refused to meet jointly with the county council. He then told Mr. Aebersold that yes, he received letters from the county council attorney asking to meet and they go back several years. He said they

requested meetings on a regular basis. He stated that he wants to document it fairly and admit to our mistake too. He then asked if the city put in their \$350,000.00 already, how have they paid salaries and other expenses after the city money dried up? He also asked if we have taken any legal action against the county? He said that we could file a lawsuit against the county to force them to make restitution.

Mr. Applegate said that he wanted to make sure that he is clear on this. He stated that we pay all of the bills all year long every year and then just hope to get that money. He said this year it could've happened at the last meeting on their vote but they decided not to. He also said that the money is already gone in the fund because we frontload it like we do every year in hopes that they will pay something, and then there would be that number that we would get back. He stated that in this case, they didn't want to pay anything for the year even though we provided services. He also stated that we need to make sure that fund is in the black and we have it in the general budget to be able to move over to the animal shelter and that's what needs to be done.

Mr. Turner stated that he thinks his amendment is reasonable and it is factual.

Mr. Phipps stated that a good friend of his, Mr. Pat McLaughlin, used to use the metaphor, how many times is Charlie Brown going to try to kick the ball and have Lucy pull it out from under him. He said that is why we don't meet with them and he is voting no to the amendment.

Mr. Blair stated that we were required to meet and we didn't meet with them and he wants that to actually be disclosed, so he is voting yes to the amendment.

Mr. Turner stated that the shelter is separated, that is done and we didn't have a reduction in costs to run the shelter so we are still going to be funding this 100% by moving this \$350,000.00 over. He said that the problem that he sees is that now the people who are really going to pay is the City of New Albany because Floyd County will now have to find a solution to someone doing their animal control, so it is going to cost them as well. He stated that they are going to be paying 100% for this animal shelter and also for whatever the county comes up with. He said that directly impacts the citizens of New Albany and is not good stewardship so he is voting no on this resolution.

Mr. Blair stated that this is tough but for practical reasons we are getting away from this agreement and we always had to operate the animal shelter and this is a one-time deficit, he understands all of that. He said that he doesn't understand why we haven't pursued this in a litigation and he thinks the reason why is because we don't have basis for a lawsuit, but the practical matter is that we have to fund the operations. He hopes that sometime in the future we can prioritize that budget and determine what the amount is that we are actually spending on the animal shelter. He said that he will vote yes on this resolution.

Mrs. Griffith stated that she agrees with Mr. Blair but she is not completely happy with it. She said that she will vote yes so that we can balance it.

COMMUNICATIONS PUBLIC: R-23-11 McLaughlin Landing

COMMUNICATIONS PETITIONER : R-23-11 McLaughlin Landing

| | | |
|----------------|---|---|
| R-23-11 | Resolution Renaming Silver Creek Landing to Honor Pat McLaughlin | McLaughlin/ Turner/ Phipps |
|----------------|---|---|

Mr. Phipps moved to amend the agenda to add R-23-11, Mr. Applegate second, all voted in favor.

Mr. Phipps introduced R-23-11 as amended and moved to approve, Mr. Turner second, all voted in favor.

Mr. Dickey moved to amend the resolution to say hereby initiate the process of renaming Silver Creek Landing to McLaughlin Landing in honor of Pat McLaughlin by recommending the same to the board of works, Mrs. McLaughlin second, all voted in favor.

Mr. Phipps stated that basically this is pretty self-explanatory. He said that it is to rename Silver Creek Landing in honor of Mr. Pat McLaughlin who was very much an avid outdoorsman and paddled on that creek numerous times. He stated that since the idea for this came up, the board of works actually agreed to rename the little road that goes off of Spring Street down past the park to Providence Way to Pat's Place. He said in once respect, if he died, he would personally rather have a street named after him than a landing, but as he understands, there is already a memorial plaque saying in memory of Pat McLaughlin.

Mrs. McLaughlin stated that it is not there yet but it is in the works to do that and then the street.

Mr. Phipps stated that he did find out from the city that there are additional costs to create new signage because the Silver Creek Landing has already been named and the sign is there. He said that we can move forward with this as a recommendation or amend it some way to say the whole thing is in memory of Pat. He asked for anyone else's viewpoint on it.

Mr. Turner stated that it is a resolution so it is non-binding. He said ultimately when he wrote this, he would prefer that the city, and obviously the McLaughlin family, to decide what they will do through discussions. He stated that he just wanted to get it rolling. He added that if they intentionally do it anyway, it is going to cost them money, but it is up to them.

Mr. Phipps stated that he knows that Mr. Turner and he have disagreed a lot but this is one thing that they agree on, which is that Pat should be honored.

Mr. Turner stated that Pat and he disagreed all of the time but he would always talk to him for an hour on his cell phone.

Mr. Applegate stated that since this is a resolution, they should leave it up to the family and the board of works and what is attainable with what's going on. He said that he is definitely in the frame of mind that Pat deserves his place at the riverfront there, and however that best fits the need should be done. He also said that he is so happy to see that this was put into some form of writing and we get to vote on it. He stated that he is super excited that it is the last thing that he will be able to vote on for the council because things like this sometimes go unnoticed by the work that we all do here. He added that it shows that you do a lot of work for the City of New Albany and they in turn are able to give something back for everybody in the future to have something about Pat, which is pretty cool.

Mrs. McLaughlin thanked Mr. Applegate and said she appreciates that.

Mr. Dickey stated that he completely concurs with what his colleagues have said. He said obviously Pat was an invaluable member of leadership in this community for many years. He stated that the only thing that he would question or recommend is if it is officially the board of works that would initiate the change, should they clarify that by saying hereby recommend? He said to strike "initiate the process" and hereby recommend to the board of works the renaming of the Silver Creek Landing to McLaughlin Landing in honor of Pat McLaughlin.

Ms. Stein suggested that is says hereby initiate the process of renaming Silver Creek Landing to McLaughlin Landing in honor of Pat McLaughlin by recommending the same to the board of works.

Mrs. McLaughlin thanked the council for voting in favor of the resolution. She stated that it is an honor.

BOARD APPOINTMENTS:

Historic Preservation Commission Re-appointment for Brian Bell

Mr. Dickey motioned to approve **Mr. Bell**, **Mr. Applegate** second, all voted in favor with the exception of **Mr. Turner** who voted no.

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

There being no further business before the board, the meeting adjourned at 9:27 p.m.

Jennie Collier, President

Vicki Glotzbach, City Clerk