

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
HELD A WORK SESSION AT NEW ALBANY CITY HALL IN ROOM 100 ON
MONDAY, MARCH 4, 2024 AT 6:00 P.M.**

MEMBERS PRESENT: Council Members Mrs. Collier, Mr. Phipps, Mr. FitzGerald, Mrs. Gohmann, Mr. Blair, Mrs. Griffith, Ms. Murphy, Mr. Unruh and President Dickey.

ALSO PRESENT: Ms. Stein and Mrs. Glotzbach

President Dickey called the meeting to order at 6:04 p.m.

Mr. Dickey stated that we will proceed in the order that the resumes were received and each of the candidates will be allowed to have some opening statements about their background, profession and other applicable notes. He said that then the council members will be open to asking questions. He also said that because we have a light council agenda, if we go over a little into 7:00 o'clock, he is not going to worry too much about that. He then asked if anyone had any questions about the format tonight?

Mr. Blair asked if we are taking a vote tonight?

Mr. Dickey replied no, there is no vote tonight at either the work session or the council meeting. He stated that the vote will be taken at the council meeting that will be scheduled for the last meeting of the month. He said that if for some reason members feel like we need to have another work session, we can schedule that before the next council meeting or at a separate time, however appropriate.

Mr. Blair asked if the council members are at liberty to contact the candidates between now and the last meeting?

Mr. Dickey asked Ms. Stein if there is any reason to preclude that?

Ms. Stein replied no.

Mr. Evan Bardach thanked the council for allowing him to be here and talk to them, he greatly appreciates the opportunity. He said that he has lived in Floyd County for the entirety of his professional life either in New Albany or Floyds Knobs. He explained that he started out in his career kind of going the public service route and was a Deputy Prosecutor in Harrison County, and switched over to Crawford County to be the Chief Deputy Prosecutor. He stated that he finally worked his way back to Floyd County and was the Chief Deputy Prosecutor in Floyd County. He then switched over to the private sector and joined the Ingle Law Office where he works primarily out of the New Albany Office right down the street. He practices pretty much every area of law such as criminal, family, civil, estates, etc., and he works quite a bit with Mr. Gordon Ingle as the Lanesville School Board Attorney as well as the Crawford County Council Attorney. He stated that does give him the experience to handle this job and this type of work because he knows it is different than what the vast majority of his early work says. He thinks that does give him the ability to do it, as well as the fact that anything that Mr. Ingle does and he does, they kind of work on that stuff together so he would have that resource. He stated that Mr. Ingle has been the Harrison County Council Attorney, the Harrison County Attorney, the Lanesville Town Attorney, the Palmyra Town Attorney, the Mauckport Town Attorney, as well as obviously the Leavenworth Town Attorney, and currently the Crawford County Council Attorney as well as the Lanesville School Board Attorney. He would be able to utilize that resource on a regular basis and there would be zero issues with him being able to present at every single council meeting. He said that for the two – two and a half years that they have been doing the Crawford County stuff, he has never missed a meeting for that. He stated that obviously either himself would be present, or if for some reason an emergency came up, Mr. Ingle would cover for him so there would be zero issues with that. He said again that he greatly appreciates the opportunity and any questions that anyone has, he is happy to answer.

Mrs. Gohmann stated that she is not anticipating a problem ever but asked if it is okay for Mr. Bardach to send Mr. Ingle if he is not available?

Mr. Dickey stated that under the current contract with Ms. Stein, we have set it up so that other attorneys in the Stein Law Office can cover for her when she has been on vacation or otherwise predisposed, so he thinks that would be a common language to any contract that we would consider.

Mr. Ingle stated that he wanted to add one correction and that is he is actually the County Attorney for Crawford County.

Mr. Dickey stated that he thinks it goes without saying that he doesn't expect there would be a lot of conflicts given the other clients that you guys have that don't really border us. He said that if for some reason there was some fluke of a conflict that came up, he assumes that he would have some kind of a proposal on how to handle that.

Mr. Bardach stated that he doesn't envision there being any conflicts at all, but obviously if there was, they would work that out pretty easily. He does that on a regular basis with the fact that he used to be in the prosecutor's office and handled the vast majority of the cases, and obviously now, either representing some of those same people or if Mr. Ingle or Ms. Bush-Sawtelle in our office is representing someone that he has been prosecuted, they have navigated those conflicts extremely easily so he doesn't see it being an issue given this line of work either.

Mr. Ingle stated that they currently represent Crawford County Commissioners as County Attorney and the Lanesville School Board as Attorney.

Mrs. Griffith asked what his passion is and why he wanted to apply for this position?

Mr. Bardach stated that he is super passionate about giving back to the community. He said that growing up, public service was always important to him and he doesn't live in New Albany, but he does live in Floyd County, and it has always been home to him during his entire professional career. He stated that he is just passionate about being able to give back and doing the work with Mr. Ingle in Crawford County piqued his interest in all of that.

Mr. Dickey stated that the next applicant that was received is Mr. Ralph Melbourne.

Mr. Ralph Melbourne thanked the council for their consideration and for the opportunity to be heard tonight. He stated that he is an attorney at CLLB Law on Pearl Street and he has included, in his application packet, a brochure that includes on the left side the Floyd County involvement of the firm. He said that they take very seriously involvement in the community. He stated that they try not to just sponsor events but actually show up. He said that the biggest example or higher profile ones are the summer concert series at Bicentennial Park. He stated that they make an effort to have attorneys present and just be out in the community. He added that there is a long list about other involvement in the community on the left side of the brochure, and then on the right side of that brochure, it has a rundown of their experience in the municipal law field. He stated that they have representation of various municipalities so there is a depth of knowledge there. He said there is the Floyd County Council, the Harrison County Council as well as the Washington County Commissioners. He stated that he has handled research for ordinance proposals, he has done advance review of law, he has handled litigation on behalf of the county and he has handled two appeals of decisions coming from county business. He said there was an eminent domain case coming out of Harrison County and he defended successfully the court of appeals. He also said that there was an ordinance violation emanating originally from a dog bite in Washington County, which he was also able to successfully dismiss on appeal. He stated that is kind of his municipal law experience in addition to the legal experience as work. He said that he is a sitting member of Develop New Albany and he recognizes Mrs. Collier. He stated that they have only had one meeting since he rolled on but he is excited to be on that board and his term just began there. He said that prior to coming onto that board, he was a member of two standing committees and the first was the delegates committee and he worked with Mrs. Griffith there. He stated that was an outreach program in the community to touch base with members and partners to make sure that everything is going well with them. He said that the other was the organizational committee which is kind of the nuts and bolts of Develop New Albany. He stated it is basically how the organization is structured with by-laws and all of that. He is attracted to

the organizational committee in particular, although it doesn't sound fun to most people, he likes governmental structure and that kind of gets to the next part of his resume that he wants to highlight which is what he does in his spare time. He stated that he volunteers on a 501C4 board in the original Highlands and that is in District 8 of Louisville, Kentucky. He is the sitting president of that board and has been president for two years but has been on the board for three years. He said that it is not a homeowner's association, although it sounds like it, it is kind of like a sub-political entity and is private, not public. He stated that it is a not-for-profit but it sits kind of at the approval of City Councilman Ben Reno-Weber. He said basically they meet monthly for a district advisory board meeting so it is all of the presidents of the neighborhood associations and his particular neighborhood would be Broadway to the north, Baxter and Bardstown to the east, Grinstead to the south and Barrett. He stated that there is a very interesting mix of issues that come up there, a lot of it is in the news. He said part of what pulled him into that is he probably spends hundreds of hours a year volunteering for that and basically going through existing ordinances in the city with lack of resources and everything else. He kind of finds a path through existing framework, and if there are not funds to work on basically policy and if policy is not working, he maybe makes proposals for ordinances. He stated that he does that fairly heavily, but it's not official legal representation, it's just how he tries to effect change in the community, so he is very committed to that. He said that he supplemented his application packet with a reference letter from Councilman Ben Reno-Weber which he thinks was distributed to the council today, so he hopes everyone had the opportunity to review that letter.

Mr. Dickey stated that if anyone didn't receive the letter through email, he has a copy of it here so we can pass it around to whomever would like to see that.

Ms. Murphy asked if it would be you coming to the meetings or a representative from your firm?

Mr. Melbourne stated that it would be him as much as he is able. He said he is sure there would be caveats if there were emergencies or sickness.

Mr. Dickey stated that it sounds like Mr. Melbourne would propose something similar to the way Ms. Stein's contract is currently written.

Mr. Melbourne stated that he would, and obviously if current representation with any other entity would be an issue, they would work that out internally. He said that he doesn't share staff with some of the other attorneys on municipal contracts, so he thinks it would be fairly easy to work around if needed.

Mr. FitzGerald entered the meeting at 6:19 p.m.

Mr. Dickey stated that he thinks it goes without saying, but for the record, he said obviously Mr. Melbourne's firm, through Mr. Steve Langdon, represents the county council so there is a much bigger chance that there could be a potential conflict between city and county government. He asked Mr. Melbourne if he could address that conflict for just a few minutes?

Mr. Melbourne stated that he has spoken with both he and Mr. Jason Lopp and they represented to him that they don't believe it is a conflict. He said that their confidence in that is that Mr. Jason Lopp has worked externally on behalf of this body for litigation purposes, and they both seem to think that the existing relationship was not a problem in the past. He again said that they don't share staff and he thinks they could probably work around it and that would be his proposal for that.

Mr. Phipps stated that he sees Mr. Melbourne has a minor in Spanish and asked if he is fluent in Spanish?

Mr. Melbourne stated that he had gone to Guatemala last year and after three days it kind of came back, so he can hear and read just fine but the speaking is falling off.

Mr. Phipps stated that is a very valuable skill in our society today.

Mr. Melbourne stated that he is trying to get it back but hasn't had a lot of opportunity recently.

Mrs. Griffith asked what his passion is and why he applied?

Mr. Melbourne stated that there are existing issues and he knows that law is a good vehicle to change that, and part of that is local government. He said that something as simple as changing a paragraph in an old statute that is no longer applicable interests him so that's where he puts his time. He feels like he is able to identify that and work on it so that's where he puts his spare time and that's what his interest is.

Mr. Dickey moved on to the third applicant Ms. Anna Murray.

Ms. Anna Murray stated that she lives in New Albany and has been practicing in this area for about 15 years. She said that she used to have a general practice so she did lots of different types of law. She then took a couple of years off to deal with some personal matters and to take a break, but she has come back to the practice of law for about a year and a half now. She is currently working part-time as a public defender in Clark County and she is also doing mediations for family law there, and those are the only two types of law that she is currently practicing, so she doesn't anticipate any conflicts of interest whatsoever. She said that unlike the two candidates before her, she does not have lots and lots of experience with municipal law. She stated that she did however review the authorizing home rule statute, the applicable New Albany ordinances that the council works under, as well as the Roberts Rules of Order and the constitutional laws that would apply, so that she has a general familiarity and will be able to navigate her way through whatever issues may come up to give proper advice to the council. She stated that her kids do go to school in New Albany and she thinks this is a great city, it already has a whole lot to offer and she would love to help the council and make the city even better than it already is.

Ms. Murphy commended Ms. Murray on her service with Kelly Educational Staffing and being a substitute teacher.

Ms. Murray thanked Ms. Murphy. She said that was definitely an experience and she got to know many of the different schools through that, so that was a neat thing.

Ms. Murphy stated that it shows flexibility and stamina.

Mrs. Gohmann asked if she is working part-time right now in Clark County?

Ms. Murray stated that is correct.

Mr. Dickey stated that the point would be that you have plenty of time to add this into that schedule, right?

Ms. Murray said yes, absolutely. She stated that she has zero evening conflicts and some days she may have a busy court schedule or a mediation and may not be able to respond right away, but within 24 hours she should be able to find time and get back to you.

Mr. Dickey stated that the next applicant is Mrs. Corrie Manning.

Mrs. Corrie Manning thanked the council for the opportunity to discuss her background and qualifications for the role of council attorney. She stated that although she is currently only licensed in California, she did meet with a member of the Indiana State Board of Law Examiners last week and she told her that she expects her approval to come through within the next couple of weeks. She said hopefully that alleviates any concern there was in regard to that qualification. She then stated that they relocated to New Albany from California about one year ago. She said that her husband grew up here in New Albany, and after many years of visiting, they decided that there is no place that they would rather raise their daughter and future family. She stated that while the decision to move here was an easy one, the decision to leave behind a career that she loved was not. She said that for nearly a decade, she had the privilege of serving as inhouse counsel for the Statewide Association of Cities in California the League of California Cities and

it really was a dream job for her. She said that she grew up watching city council meetings with her dad and learned from a really early age that the most impactful and effective policies and changes are those that happen at the local government level. She stated that using her legal education and knowledge to advocate for and support local governments throughout the state of California and hundreds of cities and towns was really rewarding work, and it was really difficult to leave behind. She said that during a visit shortly before they moved here, their now neighbor, Mr. Chad Sprigler offered her the opportunity to work for him. She stated that even if it wasn't directly local government work, the connection was still there for her because it was an opportunity for her to work on meaningful projects that have an impact in the community where she lives. She also knew that it would allow her to begin learning the law and making some new connections in southern Indiana. She said that is what she has been doing for the last few months but she has the capacity to do more and that's why she was excited when she saw the postings listing applications for this position. She added that she is not just excited but feels that she is very well qualified for the role. She stated that while it is true that both her legal education and experience has been in another state, she has lived here for about a year now and has had the opportunity to learn quite a bit about Indiana law through a relationship that she made with the general counsel for the Indiana League of Municipalities. She said that she gifted her the Municipal Officials Handbook, which has helped her come up to speed quickly and to begin familiarizing herself with Chapter 36 of the Indiana Code. She found that Indiana's open door laws, planning and zoning laws and other municipal laws at their core are actually very similar to laws that she applied throughout her 12-year career advising local governments in California. She said that the details may be a little different but the fundamentals are the same. She has also begun familiarizing herself with the council provisions of New Albany's Municipal Code, initially just as a curious resident but more recently in order to assess her readiness to apply for this role. She stated that after reviewing the municipal code, she realizes that she is not only ready but well qualified for this. She said that in addition to her knowledge of local government laws and principles, she also has lived experience applying parliamentary rules and specifically Robert's Rules of Order. She served as a parliamentarian and applied Robert's Rules regularly when advising the Board of Directors for the League of California Cities, which was composed of over 50 elected and appointed local officials, mayors, council members and the like. She said that she has deep familiarity with the inner section of procedural rules and the law, and she has a wealth of experience advising and empowering collective bodies to accomplish their goals in ways that mitigate risk and complies with applicable laws. She stated that prior to working for the League of California Cities, she also worked for a law firm that served primarily municipal clients, and she advised city and county councils as well as school district boards on a wide range of matters including during public meetings with media present. She said that in sum, she has the qualifications and experience necessary to thrive in this role, but most of all, she has the passion for it. She stated that she is proud to be a resident of New Albany and she wants to make an impact in her local community. She also stated that she is really grateful for the opportunity to be here today and welcomes any questions that anyone may have.

Mr. Dickey stated that Mrs. Manning has a slightly different potential conflict working with the Sprigler Company because they do, on occasion, bring forth planning and zoning related items that would need to be approved by this body. He asked if she has any thoughts on how best to handle that?

Ms. Manning replied yes and stated that she has given a lot of thought to that. She thinks the Sprigler Company's projects that have come before the council over the past few years have been pretty few and far between. She said that she knows he does have a project in the works right now, and in those situations, she thinks she would have to recuse herself from advising the council on any project that he brings before the council. She stated that she is not in a law firm, but similar to how you might handle it with someone who is in a law firm, she thinks it would be possible in those instances to bring someone in on a short-term basis to advise if this council needs advice in a situation. She is willing to work through those conflicts, and after giving it some thought, she really thinks that those conflicts will be pretty few and far between.

Mr. Dickey stated that the next applicant is Mr. P. Michael Summers.

Mr. Michael Summers stated that he appreciates the opportunity to address the council. He said that he grew up in Harrison County in Elizabeth but he has lived in New Albany for about 28

years and has practiced law for 29 years. He stated that he is a solo practitioner and since 1999 he had an office at 421 W. First Street, but he moved late last fall and is now down at 201 W. Main Street. He said that he lives in the 5th district, and for those of you who went to New Albany High School, he lives in Ms. Karen Funk's old house. He submitted a brief resume and didn't list everything and his private practice is primarily either criminal, estate work, wills, and things of that nature. He stated that he has been fortunate in getting to do the things that he enjoys doing. He said that as far as public service, he was appointed or hired on as the Harrison County Council Attorney in 1997 and he did that for a while. He stated there was kind of a hiatus and he was off for four years and was invited back by the Harrison County Council in 2011 and have served them since then. He did serve the New Albany City Council years ago and had a four-year stint as City Council Attorney and he resigned that at the end of 2003. He has also represented the town of Lanesville but he gave that up in 2011 because he had a heart attack and a young lady replaced him, so when he was feeling better, he just told them to let that young lady keep the job. He stated for a year or two he represented the town of New Middletown out in Harrison County and he gave that up after about two years because their meetings were early on Saturday mornings, and he just did not care for that very much. He said that he enjoys this type of work and he looks at it as form of community service. He added that he is compensated but it is still a community service. He stated that he likes knowing what is going on in his community and has lived here for almost three decades. He said that he loves New Albany because it is a wonderful town. He still considers Elizabeth his home but he is proud to say that New Albany is his home now. He stated that the way he looks at a council meeting is that if he can leave the meeting at the end and not had to have opened his mouth, he considers that a successful meeting, but he is certainly glad to address people and it is kind of like he will speak when spoken to. He would not consider himself the 10th council person or anything like that. He would make himself available to each and every council person. He stated that one thing that he would do is if a council person comes and talks to him, he does think that he should be free to share that with any other council person. He doesn't believe in keeping things from other council members or anything like that. He doesn't care which party a member belongs to or anything like that, and as far as he is concerned, that's out of the equation and it would just simply be his job to do what he is asked. He said that if someone wants him to research something, he would do that or if someone wants an ordinance or resolution drafted, he would certainly do that. He stated that as far as having someone sit in for him or fill in if he was ill, he doesn't have anyone lined up for that but he is sure that he could manage that. He then said that he would be glad to answer any questions that anyone may have.

Mrs. Griffith asked if it is correct that he was the council attorney back in 1999?

Mr. Summers replied yes and said that it was around that time. He said that he thinks it was 2003 that he left.

Mr. Dickey stated that he doesn't think that the principal clients that Mr. Summers has are going to come into many conflicts.

Mr. Summers stated that the only potential conflict that he could possibly have would be with Harrison County because the Harrison County Council votes once a month to give revenue sharing from the casino to the city of New Albany and also to Georgetown. He has never had to participate in any discussion whatsoever about those, it is just something that they do as part of the revenue sharing agreement. He said other than that, he can't think of any conflict whatsoever. He stated that if there was a conflict, he would not only notify the council here, he would notify the Harrison County Council as well, and he would not perform any work on the issue for either council.

Mr. Blair asked if he can elaborate a little more on the revenue sharing? He asked if it is just procedural as far as the casino money being distributed to the two entities?

Mr. Summers stated that the council generally does that once a month and money just comes in to Harrison County from the casino and then it is distributed according to some agreement that was agreed to years ago.

Mr. Dickey stated that is it just procedural.

Mr. Blair stated that he was hoping that they weren't making the decision of how much money to send our way.

Mr. Summers said no, it's automatic so he doesn't foresee anything being a conflict.

Mr. Dickey stated that the last two applicants which were Mr. Budd and Mr. Fathauer have withdrawn and that rounds out the applications that were received. He then said that the council will not make a decision at tonight's regular session but he does want to just quickly get a sense of the council. He asked if they would like another work session scheduled prior to the next meeting or do they feel that perhaps taking into account that they may have some individual questions they would ask to the applicants? He also asked if they feel that they are in a position to move forward at that time?

Mr. Blair stated that for him personally, he feels this is going to be a tough decision because they have some really, really good candidates and he is really happy that they have the group of candidates that they have, but it is going to be a tough decision. He also stated that he personally feels comfortable approaching them individually if he has questions. He said that he thinks he did that last time and it really helped him get more familiar with the candidates. He stated that he doesn't necessarily see a need for them to get together again as a body.

Mr. Phipps stated that he will concur with what Mr. Blair said.

Ms. Murphy stated that she is comfortable with the information that she has.

Mr. Dickey stated that it seems that they are getting a consensus going here so they will not have anymore sessions. He said that if the candidates would like to be present at the next meeting, they certainly would invite them to because it will be on the agenda for discussion and a decision. He stated that if there is a consensus around that election, they will then move to do a contract and would begin the service with that attorney at the start of April. He added that the council would ask that the attorney be at the first meeting in April. He said that as part of Ms. Stein's closeout, she will assist us with any conversations that need to happen to arrange the contract terms and solidify the agreement for presentation.

ADJOURN:

There being no further business before the board, the meeting adjourned at 6:44 p.m.

Adam T. Dickey, President

Vicki Glotzbach, City Clerk