

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY,  
INDIANA, HELD A REGULAR COUNCIL MEETING VIA ZOOM.COM ON  
MONDAY, JUNE 1, 2020 AT 7:00 P.M.**

**MEMBERS PRESENT:** Council Members: Mrs. Collier, Mr. Phipps, Mr. McLaughlin, Mr. Turner, Mr. Blair, Mr. Aebersold, Mr. Applegate, Dr. Knable and President Caesar.

**ALSO PRESENT:** Ms. Stein, Mr. Gibson, Mr. Nash, Mr. Staten, Police Chief Bailey and Mrs. Glotzbach.

**President Caesar** called the meeting to order at 7:00 p.m.

**MOMENT OF REFLECTION:** Mr. Caesar stated that their thoughts and prayers go out to those that have lost a loved one and those that are suffering due to the Coronavirus.

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. McLaughlin** moved to approve the Public Hearing Minutes for May 21, 2020 as corrected, Mr. Phipps second, all voted in favor.

**Mr. Phipps** moved to approve the Regular Meeting Minutes for May 21, 2020 as corrected, Mr. McLaughlin second, all voted in favor.

**COMMUNICATIONS – COUNCIL:**

**Mr. McLaughlin** stated that he did hear concerns about some closures that may have happened prematurely and he thinks that since most of the big box stores are considered in the Louisville district, they may have to follow the same protocol as the Louisville stores.

**Mrs. Collier** stated that she has been working with Ecotech about an issue in the alley between Ealy and Jackson streets and they are keeping her informed through the process.

**Mr. Caesar** stated the Ecotech has been very easy to work with and always quickly addresses any issues that he has known about so he is sure it will get taken care of.

**Mr. Blair** stated that he appreciated getting the budget-to-actual financial statements but he does have a few questions. He stated that the financials are dated May 30 and asked what the cut off is for closing off accounts and if they were able to turn this around that quickly, how accurate are the numbers. He added that given the short turn around he just wants to make sure they have captured all the expenses.

**Mr. Gibson** explained that the final claims payment date is usually on a Thursday so the final claims for this report would have been the 20<sup>th</sup>. He stated that it obviously depends on when the end of the month falls and this month the 28<sup>th</sup> was the last claims date so Mrs. Moeller must have come in on Saturday and ran the reports for them.

**Mr. Blair** asked if she would have already accounted for and reconciled the bank statements.

**Mr. Gibson** stated that this would have been the budgets-to-actual and the bank statements will run anywhere from 30-45 days behind. He added that all of the expenses for May are included in the report that they received.

**Mr. Blair** asked if they made a change in how they pay health insurance because it looks like they paid it all through the rest of the year.

**Mr. Gibson** stated that he will have to check on that because he isn't sure but she might have paid ahead.

**Mr. Blair** stated that the parks budget salaries looks like they are fairly high and asked if they are doing something special with employees that would lead to this increase.

**Mr. Gibson** stated that he will talk with Mrs. Meredith and find out why they are higher.

**Mr. Blair** stated that he can just send the council an email once he knows more.

**Dr. Knable** stated that the entire country has been in unrest for several days and New Albany has been experiencing relative peace which is a testament to the character of our people and the relationship that the NAPD has with the residents. He added that he thinks it is incumbent upon them as council members to stop and talk with the police and the people to continue to foster good relationships. He stated that he has spoken with Police Chief Bailey and Mayor Gahan and he is very confident that they are on top of this. He explained that as Mr. McLaughlin spoke about earlier, some of the big box stores are closing down and he thinks they need to be mindful and respectful of that decision. He stated that there was an article in the paper saying that the council wanted a seat at the table with regards to how the Cares money was going to be spent and he had a long conversation with Mr. Gibson and Mayor Gahan on that topic. He added that he gave them over 20 different ideas of how he thinks they can get reimbursed and he is satisfied that they are being given good representation. He stated that he has had very good response this week from Ed Wilkinson, Mr. Ham, Mr. Thompson and Mr. Gibson regarding the patch job on 15<sup>th</sup> and Spring streets and added that while it is just a temporary patch job, CSX is going to do a larger repair. He stated that during budget time he was vocal about some of the ads and the way they were put together and he commended the recent full-page ad that was in the Tribune. He asked that if they are going to be putting more referrals on to the township trustee that they ask a representative from that office to come to one of the meetings to let them know what services are available as well as the intake procedures.

**Mr. Caesar** stated that he will reach out to the trustee's office and see if he can make that happen for the next meeting.

**COMMUNICATIONS – MAYOR:**

**COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:**

**Police Chief Todd Bailey** explained that he wanted to come before the council tonight to address the demonstrations that have been going on regionally. He stated that while they have received no threat of demonstration, the department is very mindful of what is going on in the world and have personnel/plans in place in case they do need to respond, assist or facilitate the community. He added that he has been asked a lot of questions about the retailers closing early and while he doesn't speak for the retailers, he has learned that a corporate decision was made in several instances nationally and regionally to reduce their hours, and was not based on anything happening in New Albany. He thanked the council for being attentive to this issue, the city administration for supporting the department and most of all the community for their strong partnership. He added that the motto of their department is partnering with our community with a relationship of common goals, and that paired with training in de-escalation, diversity and sensitivity has resulted in the peace they have enjoyed.

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

**APPROVAL OF CF-1 FORMS:**

**INTRODUCTION OF ORDINANCES:**

**READING**

**INTRODUCTION OF RESOLUTIONS:**

**COMMUNICATIONS PUBLIC: R-20-07 Council Meetings during Pandemic**

**COMMUNICATIOINS PETITIONER: R-20-07 Council Meetings during Pandemic**

**R-20-07            Resolution Regarding Holding Council            Phipps  
                         Meetings during the COVID-19 Pandemic**

**Mr. Phipps introduced R-20-07 and moved to approve, Mr. McLaughlin second,**

**Dr. Knable proposed the 4 amendments outlined in the discussion below, Mr. Applegate second, all voted in favor.**

**Mr. Tuner proposed to amend the resolution to require that public comments are read into the record if they are received 24 hours before the time of the meeting, Dr. Knable second, all voted in favor.**

**Mr. Phipps reintroduced R-20-07 as amended, Dr. Knable second, all voted in favor with the exception of Mr. Blair who voted no.**

**Mr. Phipps** stated that the critical part is in the last 2 paragraphs where it establishes protocol for people to be able to respond while they have their virtual meetings. He explained that they would sign up ahead of time and get permission to speak with a time limitation of three minutes. He added that the last paragraph says that if the governor repeals the state of emergency and they still believe there is a health risk locally, they reserve the right to limit in-person meetings to once a month and to require PPE at those meetings. He stated that they are putting an extra layer of protection in because it is a dangerous situation and the state opening up doesn't mean that the potential for infection is eliminated. He added that his view is that they err on the side of caution to protect the health of everyone involved.

**Dr. Knable** stated that he was under the impression that this was going to be modified extensively based on their last discussion. He asked Mr. Phipps if this is the final form that he would like to see go through.

**Mr. Phipps** stated that he would be open to suggestions for amendments. He explained that Ms. Stein did check with the state about continuing virtual meetings and found out that once the order is released they are required to only hold meetings in person. He added that a council member could request to be present by virtual means but they would not be allowed to vote. He explained that he is not trying to shirk their duties or work less for their pay, this is simply to protect their health and to protect anyone that may come to the meetings.

**Dr. Knable** proposed the following amendments: Paragraph 3 change the wording to "the council has held numerous" or "has held meetings". Paragraph 5 change "all experts agree" to "most experts agree" that "one of many ways".

**Mr. Phipps** suggested "most credible experts."

**Dr. Knable** stated that he thinks that still pulls an opinion.

**Mr. Phipps** stated that there is no opinion to science and it is a preponderance of the evidence.

**Dr. Knable** stated that there are very credible scientist that don't agree. Paragraph 7 "if the City Council" should read "if the majority of the City Council" He would like to change the section that states "mask and maintain proper social distancing..." he would change to exclude the option to limit the meetings to once a month. He added that he would like to add a line that states that this resolution should be valid no more than 90 days after the executive order has been canceled secondary to readdressing.

**Mr. Phipps** stated that he would be willing to give on the option to limit the meetings but only if masks are a requirement.

**Dr. Knable** stated that he is okay with that. He added that he isn't sure if they want to define social distancing further but they can ask the health department to come in and mark off spaces.

**Mr. McLaughlin** stated that if he is correct the room will only allow 12 people if they are following social distancing guidelines.

**Mr. Phipps** added that if they tried to hold meetings at an alternate location to accommodate more space for the public, they would have to make sure it is sanitized before and after, which would be costly and difficult to accomplish.

**Dr. Knable** stated that it would be accomplished by a few Clorox bottles.

**Mr. Phipps** asked who is going to be responsible for that. Would they hire a cleaning crew or compensate for overtime if a custodial staff is involved. He added that he is reluctant to limit the resolution to 90 days because generally if there is going to be a surge, based on past histories, it comes around in October. He stated that it should be when the majority of the council feels that it is safe to resume normal activity without the distancing and without the use of masks.

**Dr. Knable** stated that it would only be 90 days until they reevaluate the situation and have this discussion again.

**Mr. Applegate** added that they will also need to consider any outbreaks in Louisville because that could potentially affect them even if the rest of the state of Indiana is doing okay.

**Mr. Phipps** stated that a lot of times politics comes into these decision and what might be politically expedient in terms of opening the state may not necessarily be in public health interest. He added that he certainly has no confidence in what Trump is saying with the assertion that once it opens back up again, it will never be shut down. He stated that he doesn't necessarily have confidence in all of the elected officials to make the right decision to protect the safety of the people.

**Mr. Aebersold** asked if they have looked at other cities throughout the area to see if they are looking at this kind of issue and if they have decided on anything.

**Mr. Phipps** stated that he isn't worried about other cities, he is worried about New Albany and he doesn't mean that in a sarcastic way.

**Mr. Aebersold** stated that he was just wondering if they have legislature that they are working on and if they have any information that this council hasn't thought about.

**Dr. Knable** suggested saying that this resolution shall be revisited in no less than 90 days without mention of it expiring.

**There was a lengthy discussion regarding the time limit on the resolution.**

**Mr. Caesar** suggested wording it to say that this resolution will be revisited at the first meeting in November.

**Dr. Knable** stated that the last paragraph should read "Whereas at such time that the governor repeals the state of emergency if a majority of the City Council believes that COVID-19 exposure continues to post a threat to public health and safety in New Albany, the City Council shall require all council members and attendees to wear a protective mask and maintain proper social distancing." And the next paragraph will read "this resolution shall be discussed once more at a public common council meeting no later than the first meeting of November".

**Dr. Knable and Mr. Phipps** both replied that this option was okay with them.

**Mr. Turner** asked if the building will be checking temperatures of anyone coming in.

**Dr. Knable** stated that per his discussion with the building authority they plan to implement this as well as a few other measures.

**Mr. Tuner** stated that he is concerned about the requirement for a person to send an email in and be present because there are elderly people in the population that may not know how to do zoom or get a chance to email and they should be heard if they get a chance to call in. He added that he would like to see if there is a way to open it up for public comment.

**Mr. Phipps** stated that he believes that is implied and agreed that dial in should be an option as well. He added that he thinks the key is to have them sign up ahead of time so that they are aware of who they are and they can be made aware of the time limit.

**Mr. Applegate** stated that there should be the same rules system that they would have at an in-person public meeting where they have to sign in beforehand.

**Mr. Tuner** asked what the mechanism would be for those that can only call in.

**Mr. Applegate** stated he is open to suggestions on that but there still should be some type of protocol that they would normally have so they can't call in at any time during the meeting but call in at a specific time.

**Mr. Phipps** stated that the same would apply to non-agenda items. He added that they do want to avoid the issue of having someone watching the meeting and then calling a bunch of friends to come comment in reaction to something that is said during the meeting. He stated that this is why people are required to sign up with a specific topic.

**Ms. Stein** explained that under the open door law public comment is required for public hearings but the rest of it only has to be open to the public, not open to public comment.

**Mr. Tuner** asked if emails will get read to the public if they are unable to dial into the meeting.

**Mr. Caesar** replied yes.

**Mr. Tuner** asked to add an amendment that would require anything turned in by the deadline regardless of whether they can dial in be read into the record. He stated that if that can't be an amendment, he will ask his constituents to email him and he will read them into the record.

**Dr. Knable** stated that his concern with that is that it should still be limited to a certain number of words.

**There was a lengthy discussion regarding the best way to voice the concerns of the constituents that aren't able to dial into a meeting.**

**Mr. Blair** stated with all of these efforts they are still going to miss some comments and they need to acknowledge that. He asked why they aren't doing business like everyone else is and follow the governors rollout plan and state guidelines.

**Dr. Knable** pointed out that Governor Holcomb has tried to build in some home rule so that if there is a situation that they can't be on top of.

#### **COMMUNICATIONS PUBLIC: R-20-08 Northwest Ordinance Distilling**

**Jeff Gonder** thanked the council for the consideration on this proposed expansion.

**COMMUNICATIONS PETITIONER: R-20-08 Northwest Ordinance Distilling**

**R-20-08 Resolution Concerning Statement of Applegate  
Benefits for Real Property and Personal  
Property for Northwest Ordinance Distilling**

**Mr. Applegate introduced R-20-08 and moved to approve, Mr. Phipps second, all voted in favor with the exception of Mr. Turner who voted no.**

**Mr. Applegate** explained that they are looking at property improvements in the amount of \$7.5M and personal property/equipment in the amount of \$32M. He stated that this is estimated at an increase of 50 jobs with \$2.4M + in sales and salaries which are ~ \$48,000.00 per employee. He added that they have been a great partner with New Albany and a fairly recent relationship but they couldn't be more proud to have them in the area.

**Dr. Knable** stated that he is excited about this but he did have some people reach out to him with concerns about rail traffic. He explained that he brought these concerns to Mr. Gibson and Mayor Gahan this week and would like for Northwest Ordinance to be aware of this concern from the taxpayers. He encouraged them to keep communication open to make this as convenient as possible for both them and the taxpayers.

**Mr. Phipps** asked if they knew approximately how many rail trips there would be each week.

**Mr. Gonder** stated that he isn't sure at this point but realistically it is more of a reserve.

**Dr. Knable** stated that from what he recalls they were limited to 10 mph and limited to 10 train cars.

**Mr. Phipps** stated that he isn't sure on that.

**Mr. Turner** stated that this is a massive company and great to have them here. He explained that his concerns are with potential bridge closure and how that will affect small businesses which leads to concerns on if they have the funds to make an abatement like this. He stated that he can't in good conscious vote on this tonight until he sees the financials and asked to table the item.

**Mr. Staten** explained that the abatements come off of the potential paid taxes from the project and there is no cash going out of the city budget.

**Mr. Turner** stated that it could be potential tax coming in.

**Mr. Staten** explained that if there is no project there is no tax coming in.

**BOARD APPOINTMENTS:**

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

**ADJOURN:**

There being no further business before the board, the meeting adjourned at 8:12 p.m.

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Bob Caesar, President

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Vicki Glotzbach, City Clerk