

THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA, HELD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON MONDAY, APRIL 6, 2015 AT 7:30 P.M.

The meeting of the **New Albany City Council** was called to order by Mr. McLaughlin at 7:30 p.m.

PRESENT: Council Members, Mr. Coffey, Mr. Caesar, Mr. Phipps, Mrs. Benedetti, Mr. Blair, Mrs. Baird, Mr. Gonder, Mr. Zurschmiede, and President McLaughlin.

OTHERS PRESENT: Mr. Lorch, Mr. Duggins, Mrs. Moeller, Mr. Nash, Officer Kidd, Mr. Michael Hall, Mr. Thompson and Mrs. Glotzbach

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 March 19, 2015, Mr. Caesar second, all voted in favor with the exception of Mr. Blair who abstained.

Mrs. Baird moved to approve the Regular Meeting Minutes for March 19, 2015, Mr. Phipps second, all voted in favor with the exception of Mr. Blair who abstained.

COMMUNICATIONS – PUBLIC:

Mr. Noah McCort thanked the council for hearing R-15-06 and encouraged them to pass it. He gave a brief history of his cousin to shine a light on the struggles that the LGBT community face and stated that he doesn't want to see his community fractured by this and hopes it becomes a nonpartisan issue and that it doesn't continue to divide the state and the community.

Mr. Bob Sterret stated that most people know that he is fairly new here and when people found out that he was moving back to Indiana they asked why they would want to do that. He explained that he wanted to move back into Lee Hamilton's old district because he thinks they are still Lee's people and there are a great many good people out there and he wants this community to shine a light from here and hopefully other communities will follow and that will lead to electing better representatives for the state.

Mr. Preston Bodine explained that he found five points in SB101 that made it constitutionally unsound in its previous form. He gave the council a detailed description of those five points and stated that he isn't against the idea that all individuals should have their faith protected but he feels that all individuals should be constitutionally represented by their rights.

Mr. Roger Baylor spoke in support of Mr. Gonder's resolution. He stated that he thinks the experience from someone that owns a business like him is insightful and from the moment this was passed he was answering emails and phone calls from people either threatening to boycott Indiana products or asking what they could do to prevent that from happening and it was very disconcerting. He explained that at the Brewer's Guild meeting in Indianapolis they ultimately decided to say that Indiana brewers makes lots of

different beers for lots of different people. He thanked Mr. Clere for coming down on the right side of this issue.

Mrs. Hannegan Beardsley Roseberry stated that she was really pleased to see R-15-06 on the agenda for tonight's meeting. She explained that the damage in the court of public opinion for Indiana has been done and it will take a long time to recover from that as Indiana is now labeled as a state that supports discrimination and bigotry. She stated that this resolution is a step in the right direction to let those outside of the city know that we are still forward thinking and do not support this mindset.

COMMUNICATIONS – CITY OFFICIALS:

Mr. Coffey stated that he is really glad that the resolution is on the agenda and thanked Mr. Gonder for bringing it forward. He stated that his vote isn't going to be because of the economic repercussions but because of the way he believes and what his God teaches him. He brought up the fact that this council used to have prayer and they don't anymore and stated that if you look at the words, it teaches you tolerance. He explained that he thinks being told that he can't practice his religion during a meeting is a bigoted attitude and he doesn't know why the Lord's Prayer was taken off the agenda and he will have a resolution at that next meeting asking that it be put back on.

Mr. Phipps stated that he will present his opposing views at the next meeting.

Mr. Blair stated that he appreciates Mr. Coffey bringing that up because he was opposed to taking it off at the time.

Mr. Coffey stated that he has spoken with Mr. Phipps about this and does understand where he is coming from but it is something that should be brought before the council for them to vote on it.

Mr. Gonder stated that when he was president of the council he took it off because it is a civic setting and Mrs. Benedetti added the moment of reflection to be used for individual prayer. He explained that the Lord's Prayer is a Christian prayer and excludes other faiths so he never intended to denigrate the Christian belief.

Mr. Coffey stated that it is silencing them.

Mr. Gonder stated that he doesn't mean to turn religion into a football where they are passing it back and forth for advantage but he heard numerous people ask why we don't have Muslims come in and pray or a Jewish prayer and it doesn't seem like a good road to go down to favor one religion over the other.

Mr. Coffey stated that if you look at the Lord's Prayer forget the fact that it is a prayer and go with the meaning behind what it states, we need that today.

Mr. Gonder stated that his opinion is that if we have a prayer, it should be a civic prayer that relates to government and not necessarily religion.

Mr. Coffey stated that it is being dictated on Mr. Gonder's terms based on his beliefs and we should have the right to vote on it.

Mr. Phipps stated that as a Christian he finds it offensive that it is recited at a secular place because it is a culmination of the Eucharistic Feast and to bring that into this environment where they argue and debate issues is denigrating to a sacred ritual within his faith. He explained that there are also several versions of the Lord's Prayer so who

would get to pick which version is used, and once you bring religion in what is to stop them from bringing more in.

Mr. Coffey stated that so many government bodies open with the Lord's Prayer so there isn't any reason that they can't and he wants to bring it up for a vote.

COMMUNICATIONS – MAYOR:

Mr. Michael Hall stated that Mayor Gahan wanted him to bring the council up-to-date on some storm water projects around the city. He explained that the three major ones are Grant Line Road Culvert, Reno and Market Drainage Improvement, and North of Miede Drive Basin and stated that they all operated above expectation. He stated that Mayor Gahan really wanted to thank them for their help with these projects.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

R-15-06	Resolution Supporting Repeal and Replacement of Indiana Senate Bill 568, The Religious Freedom Restoration Act	Gonder
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Mr. Gonder introduced R-15-06 and moved to approve, Mr. Phipps second, all voted in favor with the exception of Mr. Blair who abstained.

Mr. Zurschmiede pointed out that on May 16, 2012 by a unanimous vote, this council voted to amend the Human Rights Commission Ordinance and he would hope they do the same thing by supporting this resolution.

Mr. Coffey stated that he is voting for this because he feels that Senate Bill 568 was just wrong.

Mr. Blair stated that he did vote in favor of the Human Rights Commission but his views have been very consistent on these types of non-binding measures and he doesn't think that the council has jurisdiction to do this. He explained that it is purely symbolic in nature and as individuals they can express their opinions but he doesn't think it should be brought before the council because it isn't their jurisdiction.

Mrs. Baird applauded Mr. Gonder for introducing this resolution and stated that as a city, we should let the governor know where we stand and that we welcome everyone here.

Mr. Phipps reminded the council that the local ordinance does prohibit discrimination based on sexual orientation and gender identity. He stated that there has been three such cases of alleged discrimination since they passed the ordinance. He explained that two involved gender identity and a very prominent business in town, one involved a person allegedly being treated differently in a health care facility, and another involved a contractor allegedly refusing to do work for a same sex couple. He stated that it is unfortunate that these cases didn't go before the Human Rights Commission and he thinks that it might need to be examined again so that people have a way of reporting those instances when they occur. He stated that if anyone experiences any type of discrimination in this community to please contact him and he will not let it drop because we will not tolerate any form of discrimination in the City of New Albany.

Mr. Gonder stated that he wanted to point out that before we are council people we are citizens and that gives us the right to speak on this.

Mr. Blair stated that he agrees with that, as individuals we do have the right but not as a body to pass anything that is going to be binding.

Mr. Caesar stated that he is very much in favor of the separation of church and feels this bill is a stepping stone that will lead to more discrimination through time. He explained that he can't understand why anyone would want to discriminate against law abiding, hardworking, tax paying people.

Mrs. Baird stated that when she started in the workforce the jobs were divided between women and men and women were paid decidedly less and still are for the same jobs. She explained that her experience is nothing compared to what others have experienced but no one should be made to feel that way.

Mr. Coffey asked why the wording of this doesn't cover everyone.

Mr. Gonder stated that he thinks the wording does cover everyone and rather than trying to list everyone out he added that extra wording so there would be no chance that he left any group out.

R-15-07 Resolution of the City of New Albany Common Baird
Council in Support of the Continuation of the
New Albany Urban Enterprise Zone

Mrs. Baird introduced R-15-07 and moved to approve, Mr. Phipps second, all voted in favor.

Mrs. Benedetti asked if any of the language in this changed to adapt to something differently.

Mr. Duggins stated that the enterprise zone to his knowledge doesn't have the ability to take out any sort of bond or anything like that and explained it is basically a TIF district in that it falls within the same type of organization. He explained that they are up for renewal and it is for five years and recommended approval.

Mr. Blair asked Mr. Duggins to explain what kind of activities they are doing with the Urban Enterprise Zone.

Mr. Duggins stated that he will do a full report for the board as well but mostly what they focus on is the façade grants for a lot of the downtown structures and marketing geared towards businesses that do hiring within the zone.

Mrs. Benedetti stated that the façade grants were very successful.

Mr. Duggins stated that is where most of the time is spent and he is very proud of it.

Mr. Caesar stated that it made a huge difference in the look of downtown.

Mr. Gonder asked if Habana Blues is part of that.

Mr. Duggins replied yes and explained that Mr. Chalfant will generally bring them the receipts after the project is done.

Mr. Blair asked if they have the funding to continue to do more buildings and if they are actively approaching the business owners about this.

Mr. Duggins stated that he will be happy to give them a full briefing of the finances and they are actively approaching the businesses.

There was a lengthy discussion about how the façade grant works and the amount given to each business.

Mrs. Benedetti stated that she does like that he talked about educating the business owners and letting them know what they can get for their employees.

Mr. Duggins stated that Develop New Albany does a good job of trying to present that when talking to businesses.

Mr. Coffey stated that if you live in the enterprise zone and work in one then you get a tax break.

Mrs. Benedetti stated that they do need to do more to get the word out about that type of thing.

Mr. Duggins stated that he agrees.

There was a lengthy discussion regarding how the zone is funded and how they could make a bigger incentive for others to do this.

Mr. Blair state that the council could always vote to allocate money for the façade grant program.

Mr. Coffey stated that the enterprise zone was created to build up an area that was under developed economically and help the people that live in that area. He explained that they have been able to bridge some gaps to extend the services out further.

BOARD APPOINTMENTS:

Mrs. Benedetti stated that the council has an appointment on the Sewer Board and the Storm Water Board that requires an engineer and they received a resume from Mr. Nathan Grimes.

Mrs. Benedetti nominated Mr. Grimes to sit on both boards as the engineer, Mr. Blair second, all voted in favor.

Mrs. Benedetti moved to ratify Mr. Wilkinson to the Sewer Board, Mr. Blair second,

Mr. Coffey asked when his term started.

Mrs. Benedetti stated that he was put on two years ago. She then asked Mrs. Glotzbach to research the time frame of Mr. Wilkinson's appointment and clarify for the next meeting.

There was a lengthy discussion regarding the staggering terms for board appointments and who would be appointed for two or three terms moving forward.

Mr. Caesar moved to appoint Mr. Wilkinson for the three year term and Mr. Grimes for the two year term, Mr. Phipps second, all voted in favor.

Mrs. Benedetti moved to appoint Mr. Terry Pennington and Mr. Nathan Grimes to the Storm Water Board for a period of two years, Mr. Gonder second, the all voted in favor.

MISCELLANEOUS ITEMS:

COMMUNICATIONS – PUBLIC (non-agenda items):

Mr. Vic Megenity spoke on behalf of the Floyd County Historical Society regarding the city seal. He spoke about the rich history of New Albany and referenced the Robert E. Lee steamboat and how it was commemorated in the city seal. He explained that sewer bills are coming out with a new symbol and he passed out copies of the symbol on the new street signs. He presented a resolution from the historical society urging the council to re-affirm that the Robert E. Lee remains New Albany's historical symbol.

Mr. Coffey stated that he talked about democracy but the historical society has spent money numerous times without coming before the council or getting the public's input. He explained that even more so than that, what is wrong with saying that they are moving forward and having a new emblem. He stated that New Albany is growing and it is nice to remember your past but you also have to move forward. He explained that no one is saying that the seal has been changed but he really like the new logo and the old seal has gotten old.

Mr. McGinity stated that the council can vote to keep the Robert E. Lee seal, or vote like Mr. Coffey wants them to with the new emblem or do nothing and he would hope to honor their past they would vote to keep the Robert E. Lee on the seal.

Mr. McLaughlin stated that when the Robert E. Lee was built there was one point of contention and asked Mr. Megenity where the name was painted on it at.

Mr. Megenity stated that it was done in Louisville.

Mr. McLaughlin asked why that was.

Mr. Megenity stated that it was done right after the Civil War and there would be too many people that didn't support the confederacy at all.

Mr. McLaughlin stated that it might have been because a lot of people in Indiana lost relatives during the war and the boat could've been burned.

Mr. Megenity stated that could be a reason.

Mr. Phipps stated that some individuals that moved to town recently asked why the nursing home was named the Robert E. Lee and why it would be named after a confederate general. He explained that it goes back to the time when a famous steamboat was built here but they were appalled that you would see that name on a building in the 21st Century. He stated that he has no problem with the steamboat being their symbol but when they glorify one being named after a confederate general it is almost like flying a confederate flag so maybe they should reconsider this and he would be happy to bring a resolution to adopt a more modern and progressive image for the city.

Mr. Duggins explained that the city seal has not changed and what they are looking at is a logo that is used for marketing to tie in with the Parks Department. He stated that if the council would like to change the seal that would be great but this is just a branding mechanism for the city.

Mr. McCort asked about the maintenance of the park and asked if that could happen with the new aquatic center.

Mr. Sterrett stated that they need to work on being more transparent.

Mr. Cassidy stated that he is a little worried about decisions where there is little or no public input such as the new symbol.

Mr. Baylor stated that they need to go back to the days where they wanted to have the maximum amount of information before they moved forward with anything.

IN COMMITTEE:

TABLED ORDINANCES:

**G-14-01 Ordinance Adopting the International Property Zurschmiede 1&2
Maintenance Code Standards for the City of
New Albany**

ADJOURN:

There being no further business before the board, the meeting adjourned at 9:10 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk