

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, MAY 4, 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. Michael Hall, Mr. Gibson, Officer Bush, Mr. Nash and Mrs. Glotzbach

INVOCATION: To be given by ministers, if present, of different faiths

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Phipps moved to approve the Public Hearing Meeting Minutes for April 16, 2015, Mr. Gonder, second, all voted in favor.

Mrs. Baird moved to approve the Regular Meeting Minutes for April 16, 2015, Mr. Phipps second, all voted in favor.

COMMUNICATIONS – PUBLIC:

Ms. Sarah Vance stated that prayer shouldn't have been taken out of the city schools or out of the city council.

Mr. Ed Vance stated that there are four references to God in the Declaration of Independence and was written over 50 years before the state of Indiana came into being.

Mr. Robert Mann passed out a prayer for the council to review. He stated that he reads the serenity prayer everyday and recommended to start the council meetings with it. He said you can either say it with God in it or without God in it but he prefers it with God in it.

Mr. David Hock stated that his family has had a business here for 90 years which is Fidelity Roofing and has always been proud to be part of New Albany because it is a nice small city that can stand up for what it believes in. He explained that taking prayer out goes against what some of the traditions have been in the United States from the start. He said that he is not in favor of taking prayer out of the meetings and feels that everyone needs help. He said to completely eliminate it would be eliminating part of America.

Mr. Kevin Woods stated that tomorrow is Election Day and all rights are supposed to be represented by the council and not just a few who want to take everyone's rights away. He said this is a God founded country and when you look at the problems that we are having in the schools and in this country it is because we allow anything and everything from every other walk of life to have the influence and say so. He also said that when the council or city needs help they turn to the churches and that drug addicts, alcoholics and hungry people are turned over to the churches to help. He wanted to know of one atheist organization that helps these people.

Mr. Stephen Volpert stated that he practices his religion daily and feels that the religious part of our country is being discriminated against. He hates to see this happen in a small city like New Albany because it is very family-friendly, people-friendly and religious-friendly. He explained that our Supreme Court ruled in 2005 that we can have prayer at city council meetings and asked why we are even discussing this. He stated that we need to continue prayer because it keeps us grounded, focused and compassionate to one another. He said that he is the financial secretary at the Knights of Columbus and they start each of their meetings with a prayer and the pledge.

Dr. Jo Russell stated that when issues are discussed she wants to hear in your comments that you have truly researched the issues that are presented. She said that decisions should not be for yourself or friends but for the masses that you represent. She said that she speaks for most African Americans, especially women because prayer is very important to them and it is hard for a black woman to exist without prayer. She also said that she heard at the last meeting that the Lord's Prayer or any prayer should not be used because everybody doesn't say it the same way. She stated that was an elementary response to a major decision. She also stated that when she looks at the council she sees no people of color so you are taking her God out and not living up to her rights.

Ms. Karen Ellis stated that prayer is very important to her and to take it out of schools and meetings is just preponderous because this country was based on prayer. She said that with all of the problems we have with our schools, cities, etc. wouldn't be if we would've kept prayer in the schools and meetings and go back to the old ways.

Ms. Yvonne Grundy stated that she taught school for 34 years. She also stated that when you want things to go the right way, prayer is what we need to do so she doesn't think what we want to take prayer out because it is very important to us. She said that when things happen to you the first thing you do is prayer and it is what the Lord made possible for us and she doesn't feel that he would want it taken out.

Mr. Dale Bagshaw stated that he thinks it is totally appropriate to ask for divine guidance by having an invocation, however, he not sure that Lord's Prayer is appropriate here because he feels as Mr. Phipps does in that it is for sacraments, worship and personal devotion. He then explained that if the administration felt the need to change the city seal, he thinks there should've been some public input on that.

Mr. Roger Baylor stated that he read the article in the packet on how the Indiana Lawyer article makes it clear in five parts. He explained that you have to be inclusive, don't approve the content of prayer, prayer is best done at the opening of the meeting, prayer is to directed to the legislative body and not the public and prayer does not require participation. He still believes that moment of silence is best but it is not done in the ordinance. He said that if we are going to do the Invocation then we need to do an active outreach to make sure that we hear from everyone that wants to do this throughout the course of a year.

Mr. John L. Smith stated that he is a Christian and prayers every day. He has a different view point because he does not want the government to tell him how to prayer. He said that a moment of silence is the way to go.

COMMUNICATIONS – CITY OFFICIALS:

Mr. Blair stated that he met with the storm water board to ask them look into the flooding along Slate Run Creek and come up with a solution so they may come back with suggestions or things on our storm water policies. He also stated that it is pretty apparent we do not have a policy talking about storm water going into the creeks. He explained

that we do a good job of moving water into the creeks but the problem is that too much water is going into the creeks and it is causing quite a bit of erosion.

Mrs. Benedetti stated that the board was out there Friday so hopefully in the next week to 10 days they will have some type of response.

Mr. Blair stated that at their second meeting of this month they are supposed to come back with some findings and possibly some recommendations.

Mrs. Benedetti said that she thought they were going to see if they could bring in the Corp of Engineers.

Mr. Caesar stated that the rules committee met on April 21st and discussed the order of business. He said that in looking over the agenda there are approximately 25 items on the agenda that we do not use today. He also said that public comments for agenda items and non-agenda items needs to be put in the ordinance. He felt that the Indiana Lawyer article very much encourage freedom of speech and found it interesting that the prayer is for the council not for the public. He also went over several agenda examples from Indianapolis, Bloomington, Madison, Ft. Wayne and Evansville.

Mrs. Benedetti stated that they wanted to recommend adding that if no one is present to give the invocation then they could have a moment of reflection for that night. She also stated that they would like for the invocation to be rotated and put some guidelines down.

There was a lengthy discussion regarding censorship.

Mr. Coffey said that it is stated in the resolution that any church within the boundaries of the City of New Albany is to be contacted and asked if the minister would like to do the invocation and if they would like to do so then they would be put in the rotation.

Mr. Caesar stated that he thinks there should be another committee put together to formulate the agenda with these few changes that need to be made. He added that it could be brought up as an ordinance for the next meeting so that all can discuss it.

Mr. Phipps stated that the moment of silence has worked for the past three and a half years and to him that seems like the perfect compromise.

Mrs. Benedetti stated that Mr. Gonder decided when he was president to take the prayer out and when she was president she thought something should be put in that would blanket the council so she put in a moment of reflection. She added that everyone had a chance to challenge that.

Mr. McLaughlin stated that since 1957 when the ordinance was written many things have changed and evolved into what we have now.

Mr. Gonder stated that he took the Lord's Prayer off of the agenda and went back to the invocation.

Mrs. Benedetti stated that no one here is against prayer.

Mr. Caesar stated that he felt the committee worked well together and he would like to come together again to revise what needs to be revised and then possibly offer two alternatives.

Mr. McLaughlin said that if the committee didn't mind he would appreciate them getting together again.

COMMUNICATIONS – MAYOR:

Mr. Michael Hall stated that Mayor Gahan wanted to let everyone know about the striping that has taken place recently on Graybrook Lane, Country Club Drive, Charlestown Road, Blackiston Mill Road, Beharrell Avenue, Providence Way and Captain Frank Road. He said that they will be going back in the next week or so to do detail work like cross bars, turn signals, etc.

Mrs. Benedetti asked that they not go too long on painting the turning lanes because people are getting confused.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

R-15-08	Resolution to Reaffirm and Ratify the Correct Version of the City of New Albany City Council Agenda	Coffey
----------------	--	---------------

Mr. Coffey introduced R-15-08 for approval, Mr. Blair second, all voted in favor with the exception of Mr. Phipps and Mr. Gonder who voted no.

Mr. Coffey stated that we used to do an invocation and the Lord’s Prayer was done only when no one showed up. He also stated that if you get into what the Supreme Court said, it is the belief in the Judaea Christian God that is in the fabric of this country so they didn’t feel that it needed to be in the constitution. He said he is not asking the council to give a special privilege; he is asking that the council give the right that we have. He said that the agenda needs to go back to what it is in the ordinance and asked President McLaughlin to contact the churches before the next meeting to ask if they want to give the invocation. He also offered to contact the churches himself. He then explained that the Supreme Court also ruled on basically what a religion is so it has to be an acknowledged religion and you do not have to go outside your city limits.

Mrs. Benedetti stated that we did go back to the invocation tonight.

Mr. Coffey stated that the resolution is reaffirming and ratifying it.

Mr. Phipps stated that in the 6th Chapter of Matthew Jesus basically says not to pray in public to be seen by other people and asked why we would want to do something that is contrary to his teachings. He said that we are a majority Christian nation but not all Christians have the same beliefs and pray the same way and clearly Jesus was against this.

Mrs. Benedetti asked President McLaughlin why the council is voting on this because tonight we went back to the invocation as we were supposed to.

Mr. Coffey stated that it just ratifies that we are going to do things right and even though the invocation was put back in place, it was done in such a short period of time that there was not enough time to ask other ministers to be present. He added that the people want a vote.

Mrs. Benedetti stated that the ordinance is already law and the committee made sure that we went back to that tonight.

Mr. Blair stated that we are just reaffirming what the council wants on the agenda and is a simple vote to see what we want on the agenda individually. He also stated that he spoke against it three years ago when it was taken off and it was public that he wanted to keep the prayer on the agenda. He said it is about the freedom to practice religion.

Mrs. Benedetti asked if he thought the committee doesn't need to come back together again.

Mr. Blair stated that there are so many more issues on the agenda that need to be looked at.

Mrs. Baird stated that tonight when we went directly to the pledge because there was no one here to do the invocation and asked if a moment of reflection could be done if no one is present because she likes to pray before every meeting.

Mr. McLaughlin stated that we are going back to the invocation and if we want to do a moment of reflection if no one is present to do the invocation then we would have to amend the ordinance. He said that is one thing that the committee is going to look at along with other things.

Mr. Zurschmiede asked if the committee could consider looking at including any clergy or anyone present to do the invocation that wants to.

Mr. Coffey stated that he is going by the U.S. Supreme Court ruling.

Mr. Zurschmiede stated that if that is what we are going to do then we need to be aggressive on inviting all faiths and giving them the opportunity because he doesn't want to exclude any smaller organizations that we don't know about.

Mr. Coffey agreed and stated as long as they are within the city limits. He stated that they will be on a rotational basis and we won't go back to number one until we've gone through all 50.

Mr. Zurschmiede stated that as long as everything is clear and there is no confusion then he is good with it.

Mr. Coffey stated that all the rules committee will have to do is look at the Supreme Court ruling.

Mr. Zurschmiede stated that he also agrees with Mrs. Baird in that if there is not a minister present then have a moment of silence so that we can pray.

Mr. Phipps asked how we will determine if they live in the city limits and if it will be based on where they get their homeowner's exemption or where they have their driver's license.

Mr. Coffey stated that it is any church within the city limits so it would be their mailing address. He also stated that Supreme Court ruling states exactly what it is and he doesn't plan on differentiating from that. He added that it has to be a minister of a church.

Mrs. Benedetti asked if it is going to be the president's responsibility to reach out to the churches and compile a list.

Mr. Coffey stated that if the president can't do it, he would volunteer his time to do it.

R-15-10 Resolution Concerning the Common Council Zurschmiede
5
City Council
May 4, 2015

**Appointees to the City of New Albany Sewer
and Storm Water Boards**

Mr. Zurschmiede introduced R-15-10 for approval, **Mrs. Benedetti** second, **Mr. Coffey, Mr. Phipps, Mr. Blair, Mr. Gonder and Mr. McLaughlin** voted no and **Mr. Caesar, Mrs. Benedetti, Mrs. Baird and Mr. Zurschmiede** voted yes. **Resolution failed.**

Mr. Zurschmiede explained that the resolution is asking that sewer board and storm water board to go back and revisit and re-vote on issues that the city engineer voted on because he was not appointed by the council. He added that it is just to take away any doubt and make sure that everything is legal.

Mrs. Benedetti asked if it means that the new appointees on those boards now that the council appointed need to vote on the issues.

Mr. Zurschmiede stated that is correct. He also stated that their attorney may think differently but he just feels that it needs to be done to clarify.

Mr. Caesar stated that this would also be an opportunity to bring the new appointees up to speed on what has been done recently.

Mr. Coffey asked if this will mean that a new council can go back and change what we did.

Mrs. Benedetti stated that it was illegal for him to be on there.

Mr. Coffey stated that he spoke with an attorney about this and he said that those decisions were binding unless there was some type of foul play and he doesn't feel that there was any.

Mrs. Benedetti stated that it wasn't the council appointment.

Mr. Zurschmiede stated that Mr. Summers was not our appointment and he voted on issues.

Mr. Coffey asked if there was anything major that he voted on.

Mr. Zurschmiede stated that he voted on everything on the agenda and he feels that the boards need to go back and re-vote.

Mr. McLaughlin asked if the mayor was there at the same time that Mr. Summers voted.

Mrs. Benedetti replied no, not some of the times.

Mr. Zurschmiede stated that sometimes there were just two people there. He said that he doesn't think that it is a huge thing to ask and doesn't think they will have a problem doing it. He also said that he doesn't think it will change anything other than take any doubt away if there is any ability for anybody to contest whether they were legal votes or not.

Mr. Coffey stated that doubt is already removed because that it is what he checked into.

Mr. Zurschmiede stated that it is not removed in his mind.

Mr. Gonder asked if it would make sense to get a legal opinion.

Mr. Zurschmiede stated that it is just a resolution asking the boards to revisit those issues because the council is aware of what happened and feels that the issues need to be re-voted.

Mr. Coffey stated that if the council says that the issues need to be re-voted then someone could construe that we think there was something done wrong. He also stated that other thing that needs to be looked at is that Judge Cody granted the sewer and storm water boards autonomy from the council.

Mrs. Benedetti stated that the council attorney researched and wrote this.

**R-15-11 Resolution to Replace the Use of the City Logo Zurschmiede
with the City Seal on Permanent Structures**

Mr. Caesar moved to amend the resolution to say that the city council and administration should work together to adopt an official city seal, **Mrs. Benedetti** second, all voted in favor with the exception of **Mr. McLaughlin** who voted no.

Mr. Zurschmiede introduced R-15-11 as amended for approval, **Mrs. Benedetti** second, all voted in favor with the exception of **Mr. Coffey** and **Mr. McLaughlin** who voted no.

Mr. Zurschmiede stated that there are uses of a city logo that was created under the current administration in permanent locations and this is asking to hold off on using it until it is adopted as the new city seal or we adopt something else so that we don't end up with different emblems on everything like the situation we have ended up in with our police cars.

Mr. Coffey asked where some of the logos are.

Mr. Zurschmiede stated that they have shown up on street signs and there is one on the brass marking at Bicentennial Park. He said that if that is what we are going to do then we need to adopt that as the new city seal and this council needs to weigh in on it.

Mrs. Benedetti stated that **Mr. Duggins** said that it is just being used a marketing tool but a marketing tool is not put on permanent structures for years to come.

Mr. Coffey stated that it says replace in the title of the resolution and asked **Mr. Zurschmiede** if he is asking to replace or hold off.

Mr. Zurschmiede stated that he doesn't want anything replaced but just doesn't want it put on anything else moving forward until it or some seal is adopted. He also stated that he asked **Mr. Lorch** to look into whether the city seal was ever adopted and he couldn't find anything on that. He suggested that a committee needs to be put together to look into this and the council needs to adopt something to be our city emblem.

Mr. Caesar stated that if we go that route he will be all for it.

Mr. McLaughlin stated that the only thing that he could find that had been ratified by ordinance was the green flag and it was done during the sesquicentennial.

Mr. Coffey stated that this is administrative and not legislative. He added that if the council doesn't like then we don't have to fund the money.

Mr. Zurschmiede stated that he doesn't feel that administration should determine what the city seal should be.

Mr. Gonder stated that the council didn't vote on an appropriation to use this logo.

Mrs. Benedetti stated that she was told it was a marketing tool but marketing tools do not go on street signs.

Mr. Coffey stated that it doesn't look bad and it is not costing this body anything. He added that this is a logo and no one has changed the city seal.

Mr. Gonder stated that it dilutes the city seal.

Mr. Zurschmiede stated that if it is going on street signs it is costing the citizens money.

Mr. Caesar asked if it could be amended to say that there should be an official city seal adopted.

Mr. Zurschmiede replied that is fine with him and he feels that it is this body that should adopt it.

Mr. McLaughlin said that leaves the administration out.

Mr. Zurschmiede stated that the administration can be involved in the conversations about it as well as the citizens but this body will have to approve it because there is no other body that can adopt it.

Mr. Coffey suggested that the resolution say that the council and administration need to work together on this.

Mr. Caesar stated that he has no problem with that.

**R-15-12 Resolution Requesting the Sewer Board to Cease
Practice of Reducing or Waiving Connection Fees Zurschmiede**

Mr. Zurschmiede introduced R-15-12 for approval, Mr. Caesar second, Mr. Caesar, Mrs. Benedetti and Mr. Zurschmiede voted yes and Mr. Coffey, Mr. Phipps, Mr. Blair, Mrs. Baird, Mr. Gonder and Mr. McLaughlin voted no. Resolution failed.

Mr. Zurschmiede stated that he thinks this is something that needs to be passed to let the sewer board know that the council is not in favor of waiving sewer tap fees. He added that if we have that much excess money in our sewer department that we can consider waiving tap fees then we need to consider reducing our rate.

Mr. Coffey stated he doesn't understand how that can be used as a tool to bring a \$30M project that will have a huge ripple effect in the community.

Mr. Zurschmiede stated that this doesn't have anything to do with that project because the sewer board has already done that. He then stated that his constituents have told him that they don't like it and that it is not right and that's who he represents. He asked how we could tell IUS that we weren't going to help them with tap fees and now all of sudden we are willing to do that project. He added that it sets a bad precedent and we should not be doing it.

Mr. Coffey stated that we had a contractor then that was taking advantage of the city on the sewer utility and we got rid of them and because we did, we actually have revenue coming in.

Mr. Zurschmiede stated that if anyone on this body thinks that we should do it then vote no on the ordinance. He also stated that our citizens have been paying high sewer rates for a long time and he doesn't think we should waive taps.

Mr. Coffey stated that they pay high rates because of mismanagement but we don't have that problem now.

Mr. Gibson stated that the waiving of tap fees is in the ordinance that the council adopted and approved for the sewer board so a resolution is not going to change that.

Mrs. Benedetti stated that this council resolution is asking them not to waive them any longer.

Mr. Gibson stated that a resolution does not do anything.

Mrs. Benedetti stated that Mr. Zurschmiede wanted to amend the ordinance but Mr. Lorch told him that it couldn't be done and asked Mr. Gibson if it could be done.

Mr. Gibson stated that a resolution doesn't mean anything when the sewer board has an ordinance that allows them to do waivers.

Mr. Zurschmiede stated that it does mean that this body is against them doing that.

Mr. Gonder asked if there is anything that tells how many waivers the sewer board has given.

Mrs. Benedetti replied no and stated that you can't pick and choose who you give them to.

Mr. Gibson stated that he assumes research can be done to see how many waivers have been passed.

Mr. Gonder stated that he would like to have that information on hand.

Mrs. Benedetti stated that if they are going to waive these fees then she feels that a rate study needs to be done to see where we are at. She added that the \$200,000.00-\$300,000.00 is not going to make or break that project.

Mr. Lorch stated that he agrees that the resolution doesn't force the sewer board to do anything and that it is the body expressing its opinion as to what the practices are. He explained that when you look at the ordinance about the sewer board and setting of the rates, the sewer board has to make recommendations to the council and then the council ratifies that. He also explained the lawsuit that was referenced. He said that basically the sewer board came to the council with their budget and the council wouldn't approve it but they kept operating under that budget so the council sued the sewer board. He said that the outcome was that council delegated all of that to the sewer board and they could not trump the sewer board on things like their budget.

Mr. Caesar stated that the sewer department has been through a lot. He explained that the EPA got involved and we had to borrow a lot of money and do a lot of things and he is sure that the people in charge of all of that felt they were doing the right thing and he is not questioning anything that anybody did. He said that the sewer department was really

strapped for a lot of years and he was very involved with IUS and wanted to see the dorms go in but they were denied tap in fee waivers and he was really taken back by that. He said that the rates have changed and the sewer board has changed and he thinks we are on a great path. He thinks there are some things out there that they can do but he really thinks that when you consider all of the citizens and vendors in the city and what they are held accountable to, he does not feel that the connection fees should be waived.

Mr. Gibson stated that it is difficult to understand how stuff is granted to a body and another body comes back and says that's not what they really meant.

Mr. Zurschmiede stated that if we are going to waive these fees he is going to request a rate study and reduction of sewer fees. He added that it sets a bad precedent and the next developer in town is going to say you did for them, where is mine.

Mr. McLaughlin stated that G-06-01 which allowed the sewer board to waive tap fees was unanimously passed by the council with the exception of one no vote on the second reading.

Mr. Gibson stated that the proper way to amend it is with an ordinance because a resolution will do nothing.

Mrs. Benedetti stated that they had a conversation to amend the ordinance but Mr. Lorch told them that could not be done so they did a resolution. She always believed that it would take an ordinance.

Mr. Zurschmiede stated that if the vote is unanimous tonight then we can look into changing the ordinance.

Mr. Coffey stated that his problem is that there could be projects come in that could be very beneficial to the city and if we say no to everything then they may go down the road.

**G-15-01 Ordinance Amending Chapter 30.01 of the Code Benedetti 1&2
For the City of New Albany**

Mrs. Benedetti introduced Bill No. G-15-01 for first and second readings, Mr. Zurschmiede second, Mr. Caesar, Mrs. Benedetti and Mr. Zurschmiede voted yes and Mr. Coffey, Mr. Phipps, Mr. Blair, Mrs. Baird, Mr. Gonder and Mr. McLaughlin voted no. Second Reading did not pass.

Mrs. Benedetti stated that it amends under city controller that all financial reports come to this body at the second meeting of the month so that the council is able to do its job. She added that she is tired of asking for them.

Mr. Caesar asked if she wants email or paper form.

Mrs. Benedetti said it could be done either way whichever is convenient for the controller. She also said that she has heard when one council member asks for something it is not sent to all council members and she just wants these report requests in ordinance form so that the whole council gets them.

Mr. Phipps suggested requesting them quarterly instead of monthly.

Mr. Coffey stated that is how he asks for them.

Mrs. Benedetti stated that the budget to actual is not quarterly.

Mr. Coffey stated that it is a little cleaner if you do it quarterly as opposed to monthly.

Mrs. Benedetti stated that if you don't want them monthly vote it down but she needs these financials to be able to do her job.

Mr. Coffey stated that he has never been turned down when he has asked for them.

Mr. Blair stated that he has always gotten what he wants from the controller.

Mrs. Benedetti stated that she understands that but asked why we have to keep calling and asking for them when it could just be a regular monthly thing sent to us.

Mr. Zurschmiede stated that we've asked and asked and we get good response for a while but then it dwindles off.

Z-15-02 Ordinance Amending the Code of Ordinances Baird 1&2
of New Albany, Indiana Title XV, Chapter 156
(Docket A-01-15: Lynn Enterprises – zone change
4515 Lora Linda Blvd.)

Mrs. Baird tabled this item.

Mr. Coffey asked what the vote was for the plan commission.

Mrs. Baird replied that it was unanimous.

BOARD APPOINTMENTS:

MISCELLANEOUS ITEMS:

Mrs. Benedetti stated that it was brought to her attention that President McLaughlin, Mr. Lorch, Mr. Gonder and Mr. Blair wrote to the Indiana Gaming Commission. She explained that for the president to sign off on something, he has to get the consensus of this body. She asked why this was not communicated to the council.

Mr. Gonder clarified that he did not write to the gaming commission. He said that he wrote a letter to endorse Mr. Blair.

Mrs. Benedetti stated that President McLaughlin endorsed it also and asked why it didn't come before this body to be discussed.

Mr. Blair stated that he sent the letter because he feels he is being discriminated against because he is an Independent candidate and the others did letters of endorsement.

Mrs. Benedetti stated that President McLaughlin signed as the president of the council so it should have come before this body first. She also stated that Mr. Gonder has not shown up for meetings at the Horseshoe for three months.

Mr. Blair stated that the council has an individual that was removed from that body three years ago and still continues to attend the meetings and vote. He also stated that the bylaws are clear that the city council can remove any member from that board. He said that he had every right to write the letter.

Mrs. Benedetti stated that Mr. Blair did have the right to but the president did not without it being brought to the council so that everyone knows what is going on.

Mr. McLaughlin stated that it wasn't on city council letterhead.

Mrs. Benedetti asked if they want to threaten our funding.

Mr. Blair stated it is not threatening our funding, it is just asking for interpretation of the bylaws.

Mrs. Benedetti stated that she is upset because there is no transparency on this council and hasn't been for the last seven years.

Mr. Blair stated that he is not responsible for notifying her of a personal letter that he sent out regarding discrimination against himself as an individual and as an Independent candidate.

Mr. McLaughlin stated that the president appoints individuals to the boards and his appointment has been ignored for three years.

Mrs. Benedetti stated that the council should've been notified that he was sending that out as president of the council.

Mr. Coffey stated that if it does go to court that is when it would have to be brought before the whole council.

Mr. McLaughlin stated that it is basically the gaming commission weighing in on where it is and just let it lie.

Mrs. Benedetti stated that the some funding is being cut from the Animal Shelter and she would like to ask that a committee be formed to look into it with the county to see how they can work together.

Mr. Coffey stated that he is on that board and he speaks with Mr. Hall every week. He explained that the county owes money going back 11-12 years and they said they aren't going to pay it this year. He stated that they can't continue to reward people that aren't going to uphold their end of that agreement and having spoken with Mr. Hall, there is going to be a point and time that they are going to have to put their foot down and say that they can't afford to fund the county any longer.

Mrs. Benedetti asked Mr. McLaughlin to assign maybe two other council members to work with Mr. Coffey and to look at the contract and see what can be done.

Mr. Coffey stated that he wants the entire council to be involved in this but asked what exactly is left in the contract to review. He stated that the county hasn't honored it for 12 years so there is nothing left to review.

Mrs. Benedetti asked that he work with a committee to see what needs to be changed and maybe sit down with the county council.

Mr. Coffey stated that he doesn't want to do that because they are being required to make cuts and they can't even do that. He explained that he wants to deal directly with the Animal Shelter. He stated that he wants to give them the latitude to work amongst themselves to bring something back to this body for consideration.

Mr. Gonder stated that he would worked on the committee.

Mrs. Baird volunteered as well.

COMMUNICATIONS – PUBLIC (non-agenda items):

Mr. Roger Baylor spoke about how ridiculous he thinks the issue is of adding prayer back to the meeting agenda and how they can be tasked with deciding what is or is not a faith and/or religion.

IN COMMITTEE:

TABLED ORDINANCES:

R-15-09	Resolution of the Common Council to Establish a Custom for the Opening of Council Meetings	Gonder
G-14-01	Ordinance Adopting the International Property Maintenance Code Standards for the City of New Albany	Zurschmiede 1&2
Z-15-01	An Ordinance for the Vacation of a Public Way Pursuant to a Petition Filed by New Albany-Floyd County Consolidated School Corporation	Baird 1&2

ADJOURN:

There being no further business before the board, the meeting adjourned at 9:40 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk