

**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, JUNE 1, 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. Duggins, Mr. Thompson, Mr. Wood, Mrs. Moeller, Officer Condra 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. Caesar moved to approve the Regular Meeting Minutes for May 21, 2015, Mr. Phipps second, all voted in favor.

COMMUNICATIONS – PUBLIC:

COMMUNICATIONS – CITY OFFICIALS:

Mr. Blair stated that he and Mr. Duggins had a conversation this afternoon about how the city protects its assets and so forth. He said that he asked what we do to make sure that industrial property gets used in the right way such as a creation of a building and creation of jobs and as far as if there are any covenants, deed restrictions or plat restrictions. He said that Mr. Duggins told him that they build that into the sales contract to make sure that it is getting used for the right purpose. He also said that we may want to take some extra steps to build in some stipulations in the deed that it has to be required to be used for industrial use so we don't have to worry about property being used for other purposes. He doesn't mind going before redevelopment to propose that. He added that as long as Mr. Duggins is the Economic Development Director, he feels comfortable that it will be used correctly.

Mr. Duggins stated that a prime example is the new 40 acres of industrial property that we have and currently there are restrictions on the use and what can be built there and what it needs to look like. He said it could be an additional restriction on the deed that it has to be used for industrial/job creation and things of that nature. He stated that currently redevelopment has given him pretty good leeway to negotiate for a project and we do focus that 40 acres specifically on industrial development. He also said that he has no issue with placing something in the covenants and also into the deed if that is the will of the council and redevelopment. He added that in the past, if we would transfer property and the project would not come to fruition then we would have the ability to take that property back. He then explained that several months ago he was before the council when redevelopment was given the authority to place liens on properties and then foreclose against them. He said they are starting to take those lots back into and inventory them and explained that when they are disposed of we can place in the placement for bids and sale that it must be owner occupied in one or two years. He stated

that all of those things are very important and he can start with redevelopment and then come back to this body for approval.

Mr. Caesar stated that he would really like to see that done.

Mrs. Benedetti asked if he has a list of the inventory that is being gathered.

Mr. Duggins replied yes and stated that he will send that out. He also stated that he thinks there are 15 lots and most people are just signing them over to us. He explained that we tear the building down and it would go to tax sale and we wouldn't get anything so about a year ago we started foreclosing on our liens. He also said that Trent Baker in his office, Dave Brewer's office and the sewer office are heading this off.

Mr. Coffey asked if we could factor things in such as a developer wanting to put in a duplex or a developer changing the setup of the neighborhood.

Mr. Duggins stated that if it is a very small lot we are offering it to the adjacent property owners. He said that there are two properties for sale right now and the bid documents on the lot say that it must owner occupied and the other one which is a home says it must be rehabbed and sold to an owner occupied within a few years. He explained that redevelopment has complete jurisdiction over what those properties are sold for.

Mrs. Baird asked if there is a restriction on companies that want to only pay \$8.00 or \$9.00 an hour.

Mr. Duggins stated that the answer to that is yes and no. He explained that if someone comes in and buys 20 acres and puts up a spec building and opens a business paying minimum wage, we cannot stop that but the council doesn't have to incentivize that company.

Mr. Coffey stated that when T.G. Missouri came here they weren't paying the livable wage but they were paying insurance and retirement and those same jobs now pay \$13.00-\$17.00 per hour.

Mr. Blair stated that looking at the total compensation blanket is important.

COMMUNICATIONS – MAYOR:

Mr. Michael Hall stated that Mayor Gahan wanted him to update everyone on the Boomtown Ball & Festival. He said that there were nearly 100 vendors and some excellent bands. He added that the crowd was huge. He then stated that this Friday they will kick off the Bicentennial Park Summer Concert Series which will be every Friday during June, July and August with the exception of July 3rd due to the riverfront show.

APPROVAL OF CF-1 FORMS:

Mr. Duggins stated that the law changed on CF-1s and they all have to be done by the end of June so next month they will all be on the agenda but he will have the spread sheet and everything in the packet so the council will have time to review them.

INTRODUCTION OF ORDINANCES AND RESOLUTIONS:

READING

R-15-13 Resolution Concerning Statement of Benefits for Beach Mold and Tool, Inc. by the Common Council of the City of New Albany

Blair

Mr. Coffey moved to amend the abatement to seven years, no one second.

Mr. Blair introduced R-15-13 and moved to approve, Mr. Zurschmiede second, all voted in favor.

Mr. Duggins stated this is an excellent project and passed out information on the economic impact. He said that this company is excellent in hires and they do an excellent job turning in their CF1s and you see growth every year.

Ms. Crowley stated that they would like to ask the council's consideration of their real property as well as personal property tax abatement. She said that they currently have 665 employees representing over \$24M in annual payroll with the average wage over \$18.00 per hour. She explained that the project before the council tonight will add an additional 160 employees with over \$5.9M in annual payroll and is over \$23M. She said that they respectively request approval of a 10 year tax abatement for the qualified real property investment of \$7,750,000.00 and a 5 year abatement for the qualified personal property investment of \$13,764,000.00. She added that the State of Indiana shows support of this project and looks to the City of New Albany for support to bring this project to fruition.

Mr. Yost thanked the council for considering the project and stated that it is a significant investment for them. He said that they are excited and ready to get started on it and very proud that it is in New Albany, Indiana.

Mr. Zurschmiede asked if this is adjacent to the current property.

Mr. Yost replied yes, it right across the street. He said that the seller is ready to sell and we are ready to buy and we just need some approvals down the road and we will be ready to go.

Mr. Blair asked what type of technical skills they are looking at for these types of jobs.

Mr. Yost stated that this project with the growth will cover several areas from the mold press operator to processors and mold technicians. He said that the project alone will probably bring in a few engineers and quality people.

Mr. Blair asked if he thinks that work force is available here locally.

Mr. Yost replied that he thinks it is and he has been really pleased with the people they have hired. He added that they are willing to train.

Mr. Caesar asked if they will be manufacturing as well as warehousing.

Mr. Yost replied yes and stated that they will move the warehousing that they have now into the new warehouse and that will free up space so they can add those injection molding presses that they need.

Mr. Caesar asked if they will use the four-way stop to get out or will they need another access.

Mr. Walling stated that the next step would be through planning and zoning and if zoning is approved then they will do engineering studies to align the entrances and evaluate the traffic, etc. He said that then it will all come back for a secondary review through planning. He is very excited about it and stated that on a preliminary basis everything is looking favorable in terms of making the site work and aligning it with the existing facility.

Mr. Blair asked if this is going across Green Valley Road.

Mr. Walling stated that it is.

Mrs. Benedetti congratulated Mr. Beach.

Mr. Coffey stated that he has always had a problem with a tax on equipment and asked if that could be done away with.

Mr. Duggins stated that the legislature would have to change that.

Mr. Coffey stated that he doesn't have a problem with amending the timetable for equipment for seven or even ten years.

Mr. Phipps stated that the council could always extend it at another point in time.

Mr. Coffey stated that he doesn't know if you can.

Mr. Blair asked what the market value would be as a percentage of the original cost would be after seven years.

Mr. Duggins stated that the assessed value is comparable but not exact.

Mr. Blair stated that it would not be a huge benefit to them to amend it to seven years and he is worried about the precedent it will set.

Mr. Coffey stated that if it sets a precedent to bring in these types of projects then he is willing to set a precedent.

**G-15-02 Ordinance Amending the Order of Business Caesar 3
 for the City of New Albany Common Council**

Mr. Caesar introduced G-15-02 and moved to approve the third reading, Mrs. Baird second, all voted in favor with the exception of Mr. Phipps and Mr. Gonder who voted no. Bill G-15-02 becomes Ordinance G-15-04.

Mr. Gonder moved to approve the amendment to B that a council member at every regular common council meeting, in rotation, may open the meeting with his or her choice of a prayer, a reading of an inspirational, commemorative or historical nature or a moment of silent reflection, Mr. Phipps second, Mr. Caesar, Mr. Phipps, Mrs. Baird and Mr. Gonder voted yes and Mr. Coffey, Mrs. Benedetti, Mr. Blair, Mr. Zurschmiede and Mr. McLaughlin voted no. Amendment did not pass.

Mr. Blair moved to approve the amendment to B that a council member at every regular common council meeting, in rotation, may open the meeting with his or her choice of a prayer or religious inspirational reading and any member may pass, Mr. Phipps second, Mr. Caesar, Mr. Phipps and Mr. Blair voted yes and Mr. Coffey, Mrs. Benedetti, Mrs. Baird, Mr. Gonder, Mr. Zurschmiede and Mr. McLaughlin voted no. Amendment did not pass.

Mr. Phipps moved to approve the amendment to B that we begin the meeting with Pledge of Allegiance and then go directly into business, Mr. Gonder second, Mr. Caesar, Mr. Phipps and Mr. Gonder voted yes and Mr. Coffey, Mrs. Benedetti, Mr.

Blair, Mrs. Baird, Mr. Zurschmiede and Mr. McLaughlin voted no. Amendment did not pass.

Mr. Coffey stated that Mr. Gonder's amendment was voted on at the last meeting and shouldn't be allowed to be brought forth again. He added that it takes a year to do that.

Mr. Gonder stated that he asked the attorney and he said that is not true on an amendment.

Mr. Coffey asked Mr. Lorch if he is 100% positive.

Mr. Lorch stated that if any of the words are different from the previous version then it can be voted on.

Mr. Blair stated that he is in favor of it if it is a religious prayer or a religious inspiration given by a council member because it would take away some of the concern of different groups coming in to make a various statement or doing something that is maybe inappropriate.

Mr. Coffey stated that is the same thing that Mr. Gonder asked for before and is merely a play on words.

Mr. Gonder stated that the thrust of it is the same but the fact of the matter is that this is something that he views as a compromise between one method of offering an invocation versus the council taking responsibility for itself.

Mr. Coffey said that the amendment failed last time it was voted on.

Mrs. Benedetti asked if a moment of reflection could be done by a council member on their turn.

Mr. Coffey stated that is the way the amendment reads.

Mr. Blair stated that he would agree to a prayer or inspirational reading but not a moment of reflection.

Mr. Coffey asked what the problem is with a moment of reflection if a minister is not present.

Mr. Blair stated that he just believes in prayer and prayer in public meetings and thinks that is what the council should do.

Mr. Coffey stated that to him the way the Supreme Court ruled is that the council basically be given the wisdom to make the right decisions.

Mr. Blair stated that he is not in agreement with Mr. Gonder's amendment and would offer his own amendment and take out pieces of it and just limit it to a prayer or inspirational reading.

Mr. Coffey stated that it should be tabled so that the public has the opportunity to listen to the amendments again.

Mrs. Benedetti stated that she agrees that if it is going to be changed that much, she feels that the public should be allowed to come in on it. She then asked Mr. Caesar if he would be willing to table it and let the public come back and weigh in on it.

Mr. Caesar stated that the public has already weighed in on it.

Mrs. Benedetti stated that they didn't know that it was going to be changed again.

Mr. Caesar stated that there are changes a lot of times on third readings.

Mr. Coffey stated that they are not that massive and the changes that are being proposed are primarily the changes that were turned down.

Mr. Gonder stated that this is the third reading and if his amendment is defeated tonight then it obviously will not come back.

Mrs. Benedetti read Mr. Gonder's amendment from the prior meeting's minutes and said that it is basically the same as what he is proposing tonight.

Mr. Gonder said that he is not denying that but there were certain people who had changed their minds about it and the amendment just reflected that change.

Mr. Coffey asked Mr. Lorch to make a ruling on whether the amendment is changed enough to be voted on.

Mr. Lorch stated that if the language is different than previously offered then it can be voted on again.

Mr. Coffey asked him to be more specific.

Mr. Zurschmiede stated that he is ready to move on with it unless the council attorney says no.

Mrs. Benedetti asked Mr. Lorch if the language was changed enough to vote on the amendment.

Mr. Lorch replied yes.

Mr. Blair stated that he wanted to do an amendment that each council member do a prayer or religious inspirational reading.

Mrs. Benedetti asked if a council member is allowed to pass.

Mr. Blair replied yes.

Mr. Coffey stated that is redefining what the Supreme Court ruled.

Mr. Phipps stated that the Supreme Court ruling didn't require prayer, it permits it.

Mr. Coffey stated that prayer and inspirational are two different things. He also said that he thinks it is deceitful that these amendments were put on again without the public knowing about them.

Mr. Zurschmiede asked what happens if everyone passes.

Mrs. Benedetti stated that we wouldn't have it and just move on.

Mr. McLaughlin asked Mr. Lorch if there is a limitation on how many amendments can be offered in one night.

Mr. Lorch stated that he doesn't believe there is a limitation.

Mr. Phipps stated that this shows exactly how divisive an issue like prayer can be. He said that the he thinks the practice that we had for the last three years worked until some reason it had to be brought up right before an election and all of sudden it became controversial. He explained that we have had amendment after amendment trying to reach some kind of compromise and they have failed.

G-15-03 Ordinance Amending the Starting Time for Caesar 3
Regular Meetings of the City of New Albany
Common Council

Mr. Caesar introduced G-15-03 and moved to approve the third reading, Mrs. Baird second, all voted in favor. Bill G-15-03 becomes Ordinance G-15-05.

Mr. Caesar stated that the clerk informed him that if this passes, the next meeting will still have to be at 7:30 p.m. because there is a public hearing scheduled for 7:15 p.m. before that meeting.

Z-15-02 Ordinance Amending the Code of Ordinances Baird 3
of New Albany, Indiana Title XV, Chapter 156
(Docket A-01-15: Lynn Enterprises – zone change
4515 Lora Linda Blvd.)

Mrs. Baird introduced Z-15-02 and moved to approve the third reading, Mr. Coffey second, all voted in favor with the exception of Mr. Caesar, Mr. Blair and Mr. McLauthlin who voted no. Bill Z-15-02 becomes Ordinance Z-15-06.

Mr. Coffey stated that he did check to see if it would affect our TIF and if anything it would be minimal and they do not have a right-of-way to develop that land and it would have to go back before the plan commission before they could do anything.

Mr. Blair stated that he agrees that it is not as useful of a lot as most industrial properties but we have limited industrial property in the community and he doesn't know why we would take something that is zoned industrial and has a tax base and turn it into residential. He said he thinks that is a bad precedent to set.

Mrs. Benedetti stated that we've done it prior.

Mr. Blair stated that this could actually prevent us from attracting a company into that 10 acres spot adjacent to it because there is not enough room to expand and grow. He also stated that he hates to see and industrial property in the hands of an individual owner.

Mrs. Baird stated that Mr. Lynn explained that the property has such a slant to it that it would not be profitable anyway.

Mr. Blair stated that he also said there was a company at one time looking to build on the whole thing so if a company was interested previously then it could happen in the future.

Mrs. Benedetti stated that Silver Street Park used to be industrial.

Mr. Blair stated that this is part of a large industrial park.

BOARD APPOINTMENTS:

MISCELLANEOUS ITEMS:

Mr. Coffey stated that he does a lot of walking and has noticed a large number of hypodermic needles in the streets, in parking lots and in the curbs. He also stated that he spoke with someone at the health department and they told him that they have 43 new cases of Hepatitis C. He said that the problem is overwhelming and there is no place to put these people who want help. He said that he doesn't know what the answer is but it is going to have to be addressed. He also said that the city and county are going to have to work together on this because it affects everyone.

Mrs. Benedetti stated that she would like to hear more about it and asked if they could come in to talk to us about it.

Mr. Coffey stated that he would see if he could get Mr. Paul Hobbs come in.

Mr. Blair asked if it would be worthwhile to have a joint session with the county.

Mr. Coffey stated that it would be because with this situation, we can't play boundaries.

Mr. Phipps stated that he thinks that it will be up to the city to do it and not rely too much on the county.

Mr. McLaughlin stated that he spoke with Mr. Paul Hobbs also about the mentally ill and that there is nowhere for them to go and that they have to be incarcerated a lot of the time.

COMMUNICATIONS – PUBLIC (non-agenda items):

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 8:55 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk