

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
WILL HOLD A REGULAR COUNCIL MEETING IN THE THIRD FLOOR
ASSEMBLY ROOM OF THE CITY/COUNTY BUILDING ON MONDAY,
OCTOBER 5, 2015 AT 7:00 P.M.**

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

ALSO PRESENT: Mr. Lorch, Mr. Gibson, Mrs. Moeller, Mr. Hall, and Ms. Milburn

Mr. McLaughlin called the meeting to order at 7:00 p.m. and asked if anyone was there to speak on the following:

INVOCATION: To be given by ministers of different faiths, if present. If none are present, then a moment of reflection.

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Caesar moved to approve the Work Session Meeting Minutes for August 27, 2015, Mrs. Baird second, all voted in favor. Mr. Coffey abstained

Mrs. Baird moved to approve the Work Session Meeting Minutes for September 9, 2015, Mr. Caesar second, all voted in favor. Mr. Phipps Abstained

Mr. Gonder moved to approve the Regular Meeting Minutes for August September 17, 2015, Mrs. Baird second, all voted in favor. Mrs. Benedetti abstained

COMMUNICATIONS – PUBLIC (AGENDA ITEMS):

COMMUNICATIONS – COUNCIL:

COMMUNICATIONS – MAYOR:

Mr. Hall stated that Harvest Homecoming is almost here and they are expecting another great year. He thanked all the volunteers who put in a ton of hours and invited the council members to join in the festivities.

COMMUNICATIONS – OTHER CITY DEPARTMENTS OR CITY OFFICIALS:

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

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES:

READING

A-15-04 An Ordinance Setting Salaries for the Year 2016 for Non-Bargaining Unit Employees

Caesar 1&2

Mr. Caesar introduced Bill No. A-15-04 for first and second readings, Mr. Phipps second, all voted in favor.

Mr. Caesar explained that this is for non-bargaining employees. He stated that there has been a lot of work done on the budget in general and they are very certain that the funds will be there to cover everything that they have included.

Mr. Coffey asked if they are setting it up to pay the city's part of animal control only.

Mrs. Benedetti stated that she doesn't know that the Animal Shelter Board has voted on the raises yet.

Mr. Caesar stated that they are clarifying that they will pay the hourly positions up to the federal guidelines.

Mrs. Benedetti explained that they can approve it but it still needs to go to their board.

Mr. Coffey stated that the council is appropriating the money and if they need it they can use it.

Mr. Zurschmiede stated that it is more of a limit on wages.

A-15-05 An Ordinance Setting Salaries for the Caesar 1&2
Year 2016 for Elected Officials

Mr. Caesar introduced Bill No. A-15-05 for first and second readings, Mr. Phipps second, all voted in favor with the exception of Mr. Coffey and Mrs. Benedetti who voted no.

Mr. Caesar stated that this covers the Mayor, City Clerk, 8 council members and the Council President.

Mrs. Benedetti stated that she has always fought for the council members to get raises and this year is no exception. She explained that the Mayor has received an increase every year for the last three years so she will have to vote against it because there are mayor's all over the state that do not take an increase.

Mr. Coffey stated that he has never voted for a raise for the council and he isn't going to start now so unless it is separated out he will have to vote no.

Mr. Phipps stated that he generally isn't in favor of voting for raises either but they don't know who will be on the council next year so he feels more comfortable voting for it at this time and this would be the time to do it.

Mrs. Baird stated that she agrees with Mr. Phipps and in this case she will vote in favor of it just in case there are new members on the council next year.

Mr. Blair explained that the raise is a minimal amount and he also agrees with Mr. Phipps approach to the vote.

A-15-06 An Ordinance to Fix the Non-Reverting Caesar 1&2
Budgets for the Year 2016

Mr. Caesar introduced Bill No. A-15-06 for first and second readings, Mrs. Baird second, all voted in favor.

Mr. Caesar stated that this goes through all the non-reverting funds where money comes in and goes out and they usually stay the same. He went over each department that gets money from these funds.

**A-15-07 An Ordinance to Fix the General Fund
and Other Budgets for the Year 2016**

Phipps 1&2

Mr. Phipps introduced Bill No. A-15-07 for first and second readings, Mr. Coffey second, all voted in favor with the exception of Mrs. Benedetti and Mr. Zurschmiede who voted no.

Mr. Phipps explained that they have been over this in the work sessions and stated that Mr. Gibson is here tonight if there are any questions.

Mr. Gonder asked about capital outlays on parks

Mr. Gibson stated that it is the total for all the ones they discussed in the work session and he needs to get a resolution to them for the final meeting that has the individual ones listed out.

Mr. Blair asked if the resolution covers River Boat.

Mr. Gibson replied yes.

Mrs. Benedetti stated that the Homeless Coalition came to them asking for money and they were in a consensus with Jeffersonville that if they appropriated then this council would as well in the amount of \$75,00.00 for a one year commitment. She asked for his recommendation on which fund to take it out or how to split it up.

Mr. Gibson stated that he would have it done by

Mr. Blair stated that he would feel more comfortable if they did an appropriation for it and asked the coalition to come in.

Mr. Gibson stated that they could do it either way.

Mr. Phipps stated that he would agree with Mr. Blair.

Mrs. Benedetti stated that they could come in before the next meeting and that way they will know where the money is allocated for the budget.

Mr. Blair stated that having it separated out make it a little more transparent.

Mr. Phipps asked if the appropriation would be easier for him.

Mr. Coffey asked if they would have time to advertise for the additional appropriation.

Mr. Gibson stated that both ways accomplish what they want to do and explained that he will have to check what they advertised for EDIT and Riverboat and that may dictate if they need to do it by appropriation.

Mrs. Benedetti asked why they can include paying in the budget every year instead of doing an appropriation towards the end of the year

Mr. Gibson stated that is something that they all strive for and ideally the way they want to do it the future.

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

Zurschmiede 1&2

Mr. Zurschmiede introduced Bill No. G-14-01 for first and second readings, Mr. Benedetti second, all voted in favor with the exception of Mrs. Baird and Mr. McLaughlin who voted no.

Mr. Zurschmiede stated that it is the same thing they had before and Mr. Lorch has continually sent emails and made phone calls with no response. He explained that Mr. Lorch sent them a letter to let them know that they council is going to move forward on this, essentially forcing their hand. He stated that they may send it back and they may have to make some changes but right now this is the only way he can see to move forward.

Mr. Coffey asked for a highlight of the major changes

Mr. Zurschmiede explained that it codifies what they had and eliminates items that were no longer used or relevant. He stated that they wanted to clean up the ordinance for the code enforcement officer to make it more user friendly for everyone.

Mr. Phipps stated that he is hesitant to move forward without state approval but he is definitely in favor of the ordinance. He explained that he just wants to make sure they do things right the first time.

Mr. Zurschmiede stated that if their attorney can't get a response from the state he doesn't know what else to do and Mr. Lorch has routinely contacted them.

Mr. Gonder asked if it is safe to say that they city will not be able to enforce this until it has been reviewed by the state.

Mr. Lorch replied yes and explained that if the state has any changes they will have to vote on it again with the changes.

Mr. Zurschmiede stated that a huge portion of it is the same as Jeffersonville and explained that it adopts the International Property Maintenance Code that is a generic code that a lot of cities are operating under. He stated that they made some minor changes that they thought were specific to New Albany and they might make some changes on those items.

Mr. Gonder asked if it would do any good to include that they want the state's feedback.

Mr. Lorch explained that it has already been requested that they review it and by passing it they are asking the state approve it so it becomes enforceable.

Mr. McLaughlin stated that he is worried about doing this without the state's approval because he has dealt with this at his company with state and federal regulations and you can't lower the bar. He explained that he still has a few questions and concerns that he would like to discuss.

Mr. Coffey asked if this puts an additional cost on the builders

Mr. Zurschmiede replied no.

Mr. Caesar stated that he is in support of this but he would like to have a work session with the Building Commission and code enforcement to make sure everyone is on board.

Mr. Zurschmiede stated that they have had numerous work sessions and Mr. Lorch has met with the Building Commissioner several times so he has had time to give his input.

Mr. Caesar stated that he would be okay without the work session and long as they had confirmation that everyone is okay with it.

Mr. Zurschmiede stated that if they aren't on board then shame on them because he has heard claims for years that they reason that they can't move on things is because the ordinances and this is a big step to correct that issue.

Mr. Caesar stated that he would like to hear that from everyone involved.

Mr. Blair stated that this is a step in the right direction and gives them teeth to it and take action. He explained that this is a living document and they need to be more proactive as a group but they have to start somewhere

Mr. Zurschmiede stated that he agrees and this is something that will be revisited frequently and on a regular basis. He explained that they need to communicate with the Building Commissioner to find out how they can make it better and what works about it so that they can't constantly be updating it to fit the needs of the city.

Mr. Caesar asked if he is the only one that would like to have code enforcement and the Building Commissioner here for the next meeting.

Mr. Baird stated that she would agree because she isn't comfortable passing something that the state isn't approving and isn't going to have any teeth to it because it isn't enforceable.

Mr. Zurschmiede stated that if they pass it then it will be on the states agenda and they will have to deal with it.

Mr. McLaughlin stated that he heard that Jeffersonville passed their version of it and cited some citizens and they are now being challenged in court.

Mr. Lorch stated that he would check into it.

Mr. Gibson stated that he hasn't heard anything about that.

Mr. Coffey stated that this will stop people from taking single family homes and turning them into duplexes. He asked Mr. Zurschmiede to ask the others to be at the next meeting to come in and weigh in on it.

Mr. Zurschmiede stated that he is fine with that but the last he heard Mr. Brewer was fine with everything they have done.

Mr. Gonder asked for a summary of the ones being overturned.

Mr. Phipps stated that in addition to this they need to do an overhaul of the zoning ordinance.

Mr. Lorch stated that would likely be a two year process.

Mr. Phipps stated that he is willing to vote on it tonight provided that they can get the Building Commissioner in here to weigh in before the final reading.

Mr. Zurschmiede explained that this has an index on it that makes it an incredibly user friendly tool for code enforcement to have at their disposal.

G-15-04 An Ordinance Repealing the Ordinance Coffey 1&2
Prohibiting Collections within the Public
Roadways of the City of New Albany

Mr. Coffey introduced Bill No. G-15-04 for first and second readings, Mr. Benedetti second, the second reading did not pass with 3 aye votes from Mr. Coffey, Mrs. Benedetti and Mr. Blair and 6 nay votes from Mr. Caesar, Mr. Phipps, Mrs. Baird, Mr. Gonder, Mr. Zurschmiede, and Mr. McLaughlin.

Mr. Coffey stated that he couldn't find any surrounding cities that had an ordinance like this and while he isn't saying they don't need one but this actually goes before the Board of Works. He explained that this has created a hardship on non-profit organizations and maybe they should rescinded it and come back to take a look at it.

Mr. Phipps stated that there is a safety and traffic committee and he would suggest sending it to them. He explained that he doesn't want to cause a hardship on charities he is concerned about possible liability to the city and the safety of the citizens. He stated that maybe they need to sign a waiver that they won't hold city liable if the collectors are hurt and have some type of insurance if they cause an accident and this is something the committee could look at. He explained that they banned panhandling but now they are saying charities can't go out and do it and that is an equity issue that needs to be addressed.

Mr. Coffey stated that the Board of Works can regulate all those issues and he knows it is impossible for some of these charities to make up the loss. He stated that when you do this you have to sign a waiver and non-profits do have liability insurance.

Mrs. Benedetti stated that the Board of Works does have the ability to set the parameters if there are streets that aren't as safe.

Mr. Phipps stated that those doing the collecting want to go to the busiest intersections.

Mrs. Benedetti stated that the Board of Works can regulate this and they can put cones back further for safety precautions. She explained that this is happening all over and this is how charities make their money.

Mr. Blair asked if they want the Board of Works to set the regulations or the Council.

Mr. Phipps stated that either could do it but rather than repeal the ordinance he would like to see those guidelines added to the ordinance.

Mr. Blair stated that they could send the Board of Works their recommended guidelines

Mr. Phipps stated that he would like to see the numbers on this because he was told that the fire department had a record year for crusade collecting from the Walmart parking lot.

Mrs. Benedetti stated that they could still do collections there as well.

Mr. Coffey stated that WHAS 11 Crusade lost, Salvation Army lost and St. Elizabeth's lost, the little league lost, just to name a few. He explained that he thinks they went overboard on the safety.

Mr. Blair stated that they did find statistics where people in other communities have been hurt during these collections. He suggested having them pull off into a parking lot instead of in the roadway

Mr. McLaughlin stated that Chief Juliot told him that there have been a couple of firemen winged by car mirrors

Mr. Phipps stated that even if they repeal this the Board of Works could still deny all requests.

Mr. Coffey stated that is correct but he just wants to give the people the ability to apply.

Mr. Caesar stated that they did this a couple of years ago and he hates rehashing something that they have already made a decision on. He explained that he is worried about the safety of the individuals, liability of city, liability of the organizations, and the motorists because people don't pay attention on the roads. He explained that there have been stories in the news about the money being collected not going to programs that they were intended and that is a real concern. He stated that he has worked with and given to charities for many years and they have never considered standing in the middle of the road to raise money, but they figured out what their assets were and they got creative to find alternative ways to make money and to fund their organizations. He explained that you have to commit 100% to make it work and cash is not necessarily the way to do it.

Mr. Gonder explained that he didn't vote for this when it originally came to them and they were very quick to pass this when it came to them, and now they are going to say they are no longer concerned. He stated that it is different to let something slide but to condemn it because they see it as unsafe and then do a 180 to say oh we were wrong because some organizations don't have enough money. He explained that he doesn't see how this is a step in the right direction to undo something that they said they felt was unsafe and now they are going to turn their back on what they said.

Mr. Coffey stated that what Mr. Caesar is talking about is a different group of people but when you are talking about charities that are going after the small change and it makes a huge difference and every nickel counts.

Mr. Phipps stated that his church works with Mrs. Benedetti's church to feed about 75 people who need food and they fund that primary through donations and they have never gone out to solicit beyond their events so it can be done.

Mr. Coffey stated that he understands that but it is not enough. He explained that they shouldn't punish these people. He explained that they can rescind it and let the Board of Works regulate it and make decisions on a case by case basis.

Mr. Phipps stated that he isn't trying to punish anyone he just wants to get it into a committee so that they can grapple with all of these questions and concerns.

Mr. Zurschmiede asked Mr. Lorch if he could research or speak to the issue of rescinding something like this would open them up to extra liability.

Mr. Lorch explained that it is a possibility but he would do some research on it.

INTRODUCTION OF RESOLUTIONS:

BOARD APPOINTMENTS:

COMMUNICATIONS – PUBLIC (NON-AGENDA ITEMS):

ADJOURN:

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:15 p.m.

Pat McLaughlin, President

Mindy Milburn, Deputy City Clerk