

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 THURSDAY, NOVEMBER 21, 2013 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. Hall, Mr. Robison, Police Chief Knight, Major Whitlow, Colonel Pennell, Mr. Duggins, and Mrs. Glotzbach.

MOMENT OF REFLECTION:

PLEDGE OF ALLEGIANCE:

APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:

Mr. Coffey moved to approve the Regular Meeting Minutes for November 4, 2013, Mr. Phipps second, all voted in favor.

COMMUNICATIONS – PUBLIC:

Brad Bell thanked the Council for hearing the R-13-16 tonight. He explained that he is representing the Human Rights Commission and happy to say that they have several members here to show support. He stated that HJR-6 is horrible legislation and Indianapolis should be ashamed of themselves for trying to take away rights from their citizens. He explained that if passed this will be the first time in history that Indiana has amended the Constitution to take rights away from its citizens. He presented a handout of the language regarding HJR-6 basically stated that marriage should be between one man and one woman and the Human Rights Commission got involved because this is a major violation of human rights, the Bill of Rights, previous Supreme Court Rulings and the City's Ordinance. He explained that this legislation is about more than just gay marriage and he understands that everyone is entitled to their own belief system. He stated that not everyone has the same beliefs but it is not the legislature's job to force their own beliefs on the general population and a vote for this resolution tonight would be them standing up to protect every citizen of New Albany. He explained that there are over 1300 laws that protect heterosexual couples once they get married which is in stark contrast to zero rights afforded to homosexual couples. He stated that we are a country of religious freedoms and they do not have the right to restrict freedoms of others based on those beliefs and HJR-6 violates the assertion that all men are created equal. He explained that he and his partner were married in 2009 and they live as a family raising their daughter in a state that does not recognize their relationship and he is in front of them tonight to fight for the rights of every citizen in Indiana. He stated that this past week 300 clergymen and faith leaders delivered a letter to the Indianapolis Assembly opposing HJR-6 along with universities, small business, and law makers that have changed their vote who oppose HJR-6. He reminded them of the 14th Amendment that states "No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." He stated that HJR-6 would not only be morally wrong but would make it illegal in the eyes of the Constitution.

Jason Bielefeld, President of the Gay/Straight Alliance at IUS informed the board that their IUS Faculty Senate voted to support the Freedom Coalition in Indiana to oppose HJR-6 and they are supportive the resolution before the City Council. He urged the council to vote yes to R-13-16

Larry summers, Vice President of Indiana Equality Action stated that the founding documents of both our country and this state lay out clear guidance for how we should govern our people. He quoted the Declaration of Independence which states that all men are created equal and explained that these words are echoed in the Indiana State Constitution. He stated that HJR-6 strives to strip liberties from the citizens of Indiana and it is their responsibilities to make sure the local voices are heard at the general assembly. He stated that it is a barrier to global competition as well as attracting top talent and global and is against Hoosier values of fairness and liberty. He explained that they opened this meeting with the Pledge of Allegiance that closes "with liberty and justice for all" and he implored them to in favor of the resolution to promote liberty and justice for all.

COMMUNICATIONS – CITY OFFICIALS:

Mrs. Benedetti asked if the Tree Board has a budget.

Mr. Gonder replied yes.

Mrs. Benedetti stated that there is a tree that is split on the right-of-way on Main Street. She explained that Mr. Thompson went out to look at it and explained that it wasn't feasible in the budget and asked if the board has a budget for things like this. .

Mr. Gonder stated that the budget is real minimal and it would take about \$3,000.00 to take down a tree. He explained that the total budget for the board is about \$11,000.00 and if they paid to take down all the trees that need to be taken down the money would be gone in a week. He stated that it is not a good use of the funds that they have and really falls under the purview of the Board of Works.

Mr. Zurschmiede stated that if the tree is dangerous then the Board of Works should be able to take it down.

Mr. Benedetti stated that she would give the address to Mr. Gonder and he can talk to the arborist.

Mr. Coffey stated that if it doesn't move fast enough she could just bring an additional appropriation to the Council.

Mrs. Benedetti asked if there is anything in place about hanging deer in backyards, gutting them, and leaving them hanging.

Mr. Coffey stated that falls under Department of Natural Resources.

Mrs. Benedetti stated that she received a few calls about the smell coming from these animals.

Mr. Coffey stated that they can call the Department of Natural Resources and they can send the Game Warden out to the location.

Mrs. Baird stated that she spoke with a lady that lives on McDonald Lane and said that the speeding is so bad that it is like a race track. She explained that she brought this up before a few years ago and either it wasn't address properly or it has started up again since their presence there. She asked if they could get an officer out there to monitor it.

Chief Knight stated that she has not received any complaints but if Mrs. Baird would let them know what the approximate area is they can send someone out there.

Mr. McLaughlin stated that there was about 2.8 inches of rain on Sunday and he saw several areas in the City that were flooded due to leaves in the streets and gutters. He explained that blowing them into the streets has become common practice and this year is the worst he has seen.

Mr. Duggins stated that they spoke about it and Mr. Thompson is rerouting the Street Sweepers to these areas.

Mr. McLaughlin stated that is great to hear but the citizens need to take some responsibility for this as well.

Mrs. Benedetti stated that from what she is hearing once they know where to go they are picking them up pretty quickly.

Mr. Coffey asked Chief Knight to hand out a copy of the Fleet One Billing Report which shows the money that they saved on fuel with the new police cars.

Chief Knight presented the board with charts tracking their expenses and stated that she has been charting fuel consumption and maintenance on the new cars and there is a significant savings in these areas.

Mrs. Benedetti stated that they budgeted for the police cars in 2014.

Mr. Coffey stated that he doesn't think so.

Chief Knight stated that the dollar amount that they thought would be appropriate but it was never budgeted for.

Mr. Coffey stated that they really need to take a look at what they have in EDIT because they are saving the City money.

Chief Knight explained that the new cars average 18-20 miles per gallon where the older cars average about 8-10. She stated that the ones in the patrol division are the ones that use the most fuel and the ones that need the most upkeep.

Mr. McLaughlin asked if these are standard all wheel drive and if they could be ordered as front wheel drive.

Chief Knight explained that they could be ordered as front wheel drive but there isn't a significant cost difference between the two.

Mr. Blair asked if they were on a regular replacement schedule what they should be replacing every year.

Chief Knight stated that they need to get caught up first but after that they would need to replace 10 – 12 per year.

Mr. Zurschmiede asked Chief Knight if she could bring in a list of cars and their mileage.

Chief Knight stated that the list that she has is from January but she can get it updated.

COMMUNICATIONS – MAYOR:

Mr. Hall stated that the Saturday after Thanksgiving kicks off with the Jingle Walk as well as the Holiday Fest with the tree light-up in downtown New Albany. He invited them all to come down and enjoy the festivities.

APPROVAL OF CF-1 FORMS:

INTRODUCTION OF ORDINANCES AND RESOLUTIONS: READING

R-13-16	Resolution Opposing House Joint Resolution HJR-6	Phipps
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Mr. Phipps introduced R-13-16 and moved to approve, M Gonder second, all voted in favor with the exception of Mr. Blair who voted no and Mrs. Benedetti who abstained.

Mr. Phipps stated that this is the first time in history that Indiana attempts to take away rights by a Constitution Amendment and it does set a dangerous precedent. He explained that it does have far reaching consequences beyond gay and lesbian individuals but can potentially endanger insurance benefits offered to heterosexual couples that aren't married. He stated that some are even concerned that it will affect wills and power of attorney that same sex couples have drafted to try to give their partners legal rights. He explained that this is not a gay rights ordinance but

serves to protect the rights of the citizens in Indiana. He stated that this is their Bicentennial year and in 100 years from now and people will look back on this year in the future and all that will be left will be the actions that they take to make New Albany a better place and show that they stood on the right side of history.

Mr. Zurschmiede stated that he thought that if HJR-6 passed the next time it came before the legislature then it would go on the ballots for the citizens to vote on.

Mr. Phipps stated that is exactly what it is.

Mr. Zurschmiede stated that maybe his constituents don't understand what they are getting the opportunity to vote on but they like the idea of being able to vote and he thinks that they are under the impression that it will give them the opportunity to vote on the gay marriage issue.

Mr. Phipps explained that it doesn't allow them to vote one way or the other but only allows them to take away rights. He stated that it is a step backwards and stated that it even goes so far as to say that the state will not recognize any other relationships similar to marriage so benefits granted to domestic partners will be in jeopardy. He stated that they aren't granting any rights with this but rather trying to protect the rights already given.

Mrs. Benedetti stated that there are citizens that do want to weigh in on this and if this doesn't go to a referendum then she is taking away the rights of the citizens to vote on this.

Mr. Phipps stated that if it were an issue like taxes or something like that then he would say more power to the people to make those decisions but to take away rights should not be up for a vote. He stated that if we had allowed the south to vote on ending desegregation there would be states that would still be segregated to this day. He explained that there are things that enshrined in the Constitution that guarantee equality that should not be up for a vote.

Mr. Gonder stated that HJR-6 if allowed to go forward on a vote is a change to clutter up the Constitution. He explained that this is not an expansion of rights, which goes with the flow of history, but taking rights away and steps into a religious interpretation of what people should and should not do.

Mrs. Benedetti stated if this goes to referendum and fails don't companies still have the right to cover whomever they choose.

Mr. Phipps stated that they may not because insurance companies have to abide by the laws of the state that they are in. He explained that it would certainly take away this right to Universities and any type of municipal entities.

Mrs. Baird stated that it is very confusing and if it is put on a referendum many people would be voting to what they actually believe because of that confusion.

Mr. Phipps stated that she is exactly right and even people that are well read on this are confused so the people that aren't as versed will have an even more difficult time.

Mrs. Benedetti stated that hopefully if it came up for a vote people would educate themselves on it.

Mrs. Bair stated that would be an awfully big job.

Mr. Gonder stated that when you have a hot button issue like this it plays upon people fears and you don't just toy around with a document like a Constitution to gain a political advantage.

Mr. Coffey stated if it ends up on a referendum all the money would come from outside forces trying to cloud the issue one way or the other. He explained that if you look at the moral aspects of this it starts to question many other relationship dynamics and what consequences that could have. He stated that this is something being used to divide the state even further and HJR-6 is playing on people's fears and hate by making it a gay issue but it is an equality issue. He explained that this is wrong and he can't understand anyone even contemplating something like this.

Mrs. Benedetti asked if there would ever be a bill that comes up to approve gay marriage.

Mr. Phipps stated that it could happen but this would prevent it.

Mrs. Benedetti stated but they can go and vote on this.

Mr. Phipps explained that they can only vote in one direction which is to take rights away.

Mr. Zurschmiede asked if the no vote would be voting against it.

Mr. Phipps stated that it would not and explained that it would just preserve the status quo.

Mr. Zurschmiede stated that it would send a strong message to the legislature though if it was voted down and he thinks that is what a lot of citizens want to have the chance to do.

Mr. Phipps stated that it could go the other way too which is dangerous.

Mr. Coffey stated that it is not about same sex marriage but about picking apart individual rights.

Mr. Phipps stated that some of the state legislatures feel that they were wrong for putting in the second clause but they are scared to take it out because of the fear of retaliation from extreme conservatives.

Mr. Gonder stated that he would rather be on the side of trying to help someone than trying to curtail their rights.

Mr. Phipps stated that he wants to be on the right side of history and be proud when their grandchildren and great grandchildren look back at the decision that they made.

BOARD APPOINTMENTS:

MISCELLANEOUS ITEMS:

COMMUNICATIONS – PUBLIC (non-agenda items):

Roger Baylor stated that he would have wished that they could have had the chance to vote on bridge tolls. He explained that the current poll on Develop New Albany's website is running about 75% in favor of changing the one-way street grid with 30 businesses signed up to put emblems of support in their windows.

IN COMMITTEE:

TABLED ORDINANCES:

ADJOURN:

There being no further business before the board, the meeting adjourned at 8:30 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk