

**THE COMMON COUNCIL OF THE CIVIL CITY OF NEW ALBANY, INDIANA,
HELD A COUNCIL WORK SESSION IN THE THIRD FLOOR ASSEMBLY
ROOM OF THE CITY/COUNTY BUILDING ON MONDAY, JUNE 6, 2016 AT
6:30 P.M.**

The meeting of the **New Albany City Council** was called to order by Mr. McLaughlin at 6:30 p.m.

PRESENT: Council Members, Mr. Coffey, Mr. Caesar, Mr. Phipps, Mr. Nash, Mr. Blair, Mr. Aebersold, Mr. Barksdale and Dr. Knable and President McLaughlin.

OTHERS PRESENT: Mr. Lorch, Mr. Gibson, Mr. Hall, Mr. Duggins, Officer Davidson and Mrs. Glotzbach

Dr. Knable apologized to the public for thinking that they would be allowed to speak during a council work session. He read a prepared statement and questions by Mr. Aaron Hellems. Said statement/questions are on file in the city clerk's office. He said that in summary they are asking that the council require that the developers follow the PUDD stipulations as well as to challenge any city officials who feel they can choose which ordinance they follow. He stated that his intent was to create a forum tonight where their voices could be heard and to allow the city the opportunity to lay out their time line.

Mr. Coffey asked how the judge came to his decision of the ruling.

Mr. Gibson replied that the decision was made based upon the evidence that was presented to them.

Mr. Coffey asked if at any time in the past has the planning & zoning department or anyone else took it upon themselves to change the rules after it was approved and if this question came up during the judge's decision.

Mr. Gibson stated that he isn't sure what Mr. Coffey is asking. He explained that the court looked at depositions, testimony, the ordinance that was passed by the council as well as other evidence and made the decision based on that material. He stated that if he would like to see the judge's decision he could supply that to him.

Mr. Coffey asked when did the city went from being in a lawsuit against them to a partnership with them.

Mr. Gibson stated that when the lawsuit ended and the court ruled that they could continue to develop as the council approved it.

Mr. Coffey stated that hillside is no different from Spring Street Hill and this is the third time they are going to be fixing that so why would the city take on that responsibility. He asked if there was a letter of intent or if anyone knew what actually happened with this project.

Mr. Gibson stated that he was asked to give a chronological history of events and that is all he will be doing tonight but he is welcome to go to the Redevelopment Commission and ask them these questions.

Mr. Caesar stated that he was never informed of the 18-month change and that is the biggest problem he has with this. He explained that when he first came to the council it was very strict and he is not sure why or when that changed.

Mr. Gibson stated that the courts explained that if that language had been in the ordinance it would have made a difference.

Mr. Caesar stated that the language wasn't any different from PUDDS that they have seen in the past but they just assumed that 18 month stipulation was still there.

Mr. Gibson explained that is what they argued but the judge disagreed.

Mr. Coffey stated that the developer thought that too and they chose to pull the second reading.

Mr. Gibson stated that they chose to file a lawsuit instead.

Mr. Coffey asked why they came for another reading on it if the law states that it is good for an indefinite amount of time.

Mr. Gibson stated that the development of this site goes back to 2001 when the Kelly's owned a majority of it. He explained that for about 5 years off-and-on there were various renditions brought to the Plan Commission for review. He stated that in 2008 they brought what is now the current PUDD and what the lawsuit is about. He explained that they were told that they needed to bring the PUDD back to the council and they did file for one, but decided to withdraw that and file a lawsuit. He stated that they filed suit in February of 2013 and after about a year the judge granted them a summary judgement to allow them to proceed under the 2008 PUDD.

Mr. Coffey asked if they were allowed to do the original 2008 PUDD.

Mr. Gibson replied yes.

Mr. Coffey stated he saw the PUDD and one thing they were not allowed to do was go in and clear-cut.

Mr. Gibson stated that Mr. Wood explained his reasons for his decision.

Dr. Knable asked if this decision sets a precedent as far as no expiration.

Mr. Gibson stated that it is not a precedent but a local court ruling so he does not see it reaching a state level. He explained that going forward they will want to review the language they use in future PUDDs. He stated that this PUDD is an anomaly and is nothing he has seen in his 12 years working for the city.

Dr. Knable stated that he would like to make sure to protect the interest of the citizens going forward and what recourse they as a council have for this situation.

Mr. Gibson stated that he suspects that any future PUDD will need to be cleaned up in the ordinance.

Dr. Knable asked if we can mandate that on there.

Mr. Gibson replied yes that can be put into the ordinance and would probably carry much more weight.

Dr. Knable asked what their best recourse at this time is for the residents in the area.

Mr. Gibson replied the Plan Commission would be the ones that ultimately sign off on the plans.

Mr. Blair asked if the agreement and partnership with the current developer was made after the lawsuit.

Mr. Gibson stated that he doesn't know when that happened.

Mr. Caesar stated that he believes that the council needs to sit down and do an ordinance that gives them a little more teeth in this. He stated that they had the first and second readings on this 3/7/16 and the third reading was on 3/17/16 for the Thornton's on State Street. He explained that on the legal description it read speed tables on Coyle Drive and that is how it was sold to the community and part of the reason he voted for it. He stated that after the council unanimously approved this it went back to the Plan Commission and they eliminated the speed tables. He stated that this is a very busy section of roadway and something needs to be done for these people on Coyle Drive. He asked if they need to create a stipulation that requires the PUDD to come back to the council if there are any changes after they have voted to pass it once it goes back to the Plan Commission.

Mr. Blair asked if the Plan Commission has the authority to override their vote essentially.

Mr. Coffey stated that once they vote on the PUDD it doesn't come back to the council for review.

Mr. Aebersold asked why it even comes before the council for a vote if it can be changed after.

Mr. Coffey stated that there is no way these things should be done like this and they need some added oversight and the council needs to step up to the plate.

Mr. Phipps stated that as a representative of the Plan Commission he doesn't remember any discussion regarding removing speed tables.

Mr. Caesar stated that there probably wasn't a discussion.

Dr. Knable stated that he feels this is another example of why Mr. Blair's idea of for them to get together and discuss what they want individually and as a group to take place is a good one.

ADJOURN:

There being no further business before the board, the meeting adjourned at 7:00 p.m.

Pat McLaughlin, President

Vicki Glotzbach, City Clerk