

Town Council Meeting  
Monday, August 13, 2012  
6:00 P.M. Town Hall

Edinburgh Town Council met in a regular session on Monday, August 13, 2012 at 6:00 P.M. at the Town Hall, 107 South Holland Street, Edinburgh, Indiana.

President Hoffman called the meeting to order and led the Pledge of Allegiance.

President Hoffman thanked everyone for coming.

Members answering roll call were: Councilman John Drybread, Councilman Jeff Simpson, Councilwoman Kami Ervin and President Ron Hoffman, and Vice President Curtis Rooks. Also present was Clerk Treasurer Jackie Smith and Town Attorney Dustin Huddleston.

President Hoffman presented the minutes of the July 23, 2012 Council Meeting, July 26, 2012 Budget Workshop Meeting. Councilman Rooks made a motion to approve the minutes. Councilwoman Ervin seconded seconded. Unanimous.

President Hoffman said claims were next on the agenda and turned it over to Clerk Treasurer Smith. Clerk Treasurer Smith said he had signed all claims presented to him and turned them over to the council for approval. Councilman Simpson made a motion to approve the claims. Councilwoman Ervin seconded. Unanimous.

President Hoffman said next on the agenda was Resolution 2012-5 Dietech new tax abatement and asked Nate Dillingham to explain.

Nate said they planned to expand with ½ to 1 million dollars in equipment and to add jobs. The abatement was for presses, trimmers, end formers and welders.

President Hoffman said it was for expansion and would there be more employees?

Nate said 5 and probably more than that. He said they started with 10 employees and now have between 100 and 150 people. Councilman Rooks made a motion to approve Resolution 2012-5. Councilwoman Ervin seconded. Unanimous.

President Hoffman said next on the agenda was Ordinance 2012-11 amending section 156.172 of the Town Code, which contains to swimming pools.

Town Attorney Huddleston said at the last meeting you instructed me to carve out a new schedule on fees since you thought they were to high and to lower the fee from \$ 75 to \$20 and the in ground pools remain at \$ 75. Other things that I have added that when a pool permit is required they must report to Wade to get the permit and to make sure they are put in right as state requirements. Dustin said he didn't specify the state requirements so if changes are made we can follow these and certain pools must have a fence around them for protection.

Councilwoman Ervin asked Wade if he had reviewed it?

Building Commissioner Watson said yes.

Councilman Rooks asked how deep does it have to be to have a fence around it?

Building Commissioner Wade said state code declares that anything that has a capacity of 42" or greater must have an automatic lid that closes or a fence.

Councilman Rooks said anything under that is not required.

Councilman Drybread said this is a good move.

Town Attorney Huddleston said since it has a fine it needs to be published before it goes into effect.

Councilwoman Ervin asked if anyone knew if we were publishing in the Courier?

Clerk Treasurer Smith said when he called them he was told that we didn't have to publish in the Courier because it doesn't meet the requirements and it would be expensive because they aren't set up for it.

Councilwoman Ervin said she would follow up on that with Paul.

Town Attorney Huddleston said since we are in 3 counties we are required to publish in the Journal, The Republic and The Shelbyville News to legally cover the requirement.

Councilwoman Ervin said we have so many people who don't take the paper and the Courier is free.

Councilman Simpson made a motion to approve Ordinance 2012-11. Councilman Rooks seconded. Unanimous.

President Hoffman said next on the agenda was the Pat Pankey agreement. Ron said Pat came to the town hall a week ago Friday and told John and me that because of his health he was going to retire and had enough sick days and vacation days accrued for the 90 days for PERF to make their first payment and he was going to retire on October 31 and on November 1<sup>st</sup> he will no longer be an employee. Ron said we would have a little

something at the time of his retirement. Mr. Dave Lutz will be acting as Town Marshall for this time period. Pat has signed an agreement pending a slip from the doctor putting him on extended sick leave. He has that but we didn't have time for that before the meeting. What we vote on will be pending on the medical leave attached to the agreement.

Councilman Rooks made a motion to accept the agreement subject to the medical documentation. Councilman Simpson seconded. Unanimous.

President Hoffman said he needed a motion for him to sign the agreement. Councilwoman Ervin made a motion to let Ron sign the agreement. Councilman Rooks seconded. Unanimous.

President Hoffman said next on the agenda was Christopher McAllister. Ron said Chris met today with the courts and the judge and plea- bargained that all charges were dismissed except for a misdemeanor battery and he had to do 40 hours community service and sentence was suspended. Ron said we received a document from the attorney, but it is not signed by the judge. President Hoffman asked Chris if he was there when the judge signed the plea agreement.

Chris said yes.

President Hoffman said Mr. McAllister has been adjudicated and it is time for us to make a decision on his future.

Councilwoman Ervin said he was put on administrative leave so he could have due process. I think since he started with 4 counts and now has only one misdemeanor and he does have an impeccable record in the department I recommend reinstatement immediately with back pay with the exception of two weeks.

Councilman Rooks said he agreed we let the courts handle the situation and his record with the department is excellent. I agree that he should be reinstated immediately.

Councilman Simpson said he agreed and Chris has served 13 years without any problems and the due process and the courts dealt with that and he agrees to reinstatement and back pay.

Councilman Drybread said he had worked with Chris for the last 7 years and he has worked for the department for 13 years. With the 4 counts being reduced to one he should be reinstated immediately with back pay except for 2 weeks.

President Hoffman said he agrees and one additional item. Ron said he has been impressed with Mr. McAllister's attitude and personality since it happened. Ron said the police officers were given a raise retroactive to January 1. Councilman Rooks, Councilman Simpson, Councilman Drybread, Councilwoman Ervin and President Hoffman all agreed that Chris should get that raise also.

President Hoffman asked Chris if he agreed to what he heard?

Chris said yes.

Councilwoman Ervin made a motion to reinstate Chris McAllister with back pay except for 2 weeks and to include his raise retroactive to the first of the year. Councilman Rooks seconded. Unanimous

President Hoffman said next on the agenda was the Timbergate update and turned it over to Wayne Gibbs.

Wayne said the first report had actual June numbers that showed revenue at \$133,017.06 the best since 2007 and expenses of \$97,900 for a profit of \$35,047.19 Areas of improvement were alcohol up \$5,900, green fees up \$8,000 and pro shop up \$3,400. We were up in every department except the banquet room. Wayne next report showed the 2<sup>nd</sup> quarter sales at \$346,625.29 and expenses of \$288,000 for a profit of \$58,000. Wayne said that was good and if you look at 2007 that number is off a little because that was the year they refinanced and only paid ½ of the bond payment. Wayne said his next report was the July report which had revenue of \$116,909 and expenses of \$325,319.08 and that is so high because of the bond payment of \$231,500.

Councilwoman Ervin asked if he had a sheet with the bond payment taken out?

Wayne said he usually does but he doesn't have one tonight. Wayne said revenues were up in alcohol sales, green fees and snack bar areas and were down in membership and banquet room.

Councilman Drybread said Wayne and I went through a lot of numbers the other day and we tried to project breaking even. Things could be pretty close.

Wayne said if he can finish the year exactly like we did last year we would be around 1.1 million in revenue and about 1.2 million in expenses.

Councilman Rooks asked when we put the simulators in?

Wayne said in January.

Councilwoman Ervin said she had heard a lot of good compliments.

#### COUNCIL COMMENTS:

Councilman Drybread said the haunted house would be back at the Blue River bank again this year because we are still working on the long term plans on what to do with the building. We have shut down the Senior Center and made that the permanent food pantry right now. We have taken the seniors out to show them where the

sports complex is. We make runs to Gleaners a couple of times a month to get food. Allen and Bill West are helping with the food pantry and there is a lot of work that goes on to get all the food put together and get it down here. To have the food pantry and the Senior Citizens together is impossible so we shut it down and changed the locks and we may turn that into a permanent food pantry and do something different with the Senior Citizens

Councilman Rooks asked if Larry is still involved?

Councilman Drybread said yes.

Councilman Drybread said we are trying to get an agreement with Strand to start on the downtown projects for the comprehensive plan.

Councilman Rooks asked about the grain elevator.

Councilman Drybread said Wade would have that information.

#### DEPARTMENT REPORTS:

Clerk Treasurer Smith said you should have had a hand out on the budget hearings in your packet. The first budget hearing is September 10th and the final adoption is October 8<sup>th</sup>.

Councilwoman Ervin asked if we had to do any revisions?

Clerk Treasurer Smith said they told him everything looked okay if we keep our spending down.

Building Commissioner Wade said on the elevator we have a scope of work developed in a draft form and hope to have a final version ready for bids. We have a schedule location and have contacted highway and the railroad to move wires down under 252 and we have applied to the state for a permit to bore the highway.

#### PUBLIC COMMENTS:

Carol Hartman said the article in the Journal about the Edinburgh homes was good.

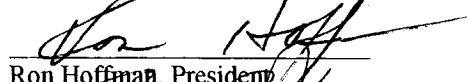
Dick Hammond said that 3 or 4 times this summer he has had problems with noise around his house. He said he had trouble with a neighbor playing drums and the weekend before last there was an outside party going on with loud music and it was 10 till 12 when he went over and told them my wife was trying to sleep and you need to stop or I will call the police. I went to the police station first and then to John looking for a noise ordinance for Edinburgh. To my surprise there is nothing that pertains to this, so I am asking the council to consider passing a noise ordinance. Dick presented the council with a copy of Bloomington Indiana's noise ordinance. Dick said this is a good example of a noise ordinance it gives a definition of unreasonable noise. I ask that you look at it and consider a noise ordinance.

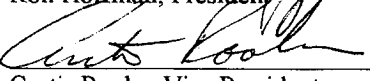
President Hoffman asked Dick if it would be agreeable to you if we had a chance to review this and have it on the agenda for the next meeting?

Dick said yes.

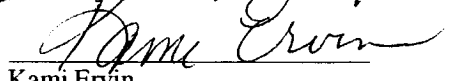
Being no further business or comments, Councilman Simpson made a motion to adjourn the meeting. Councilman Drybread seconded. Unanimous.

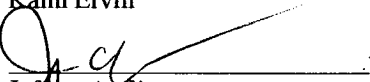
#### EDINBURGH TOWN COUNCIL

  
Ron Hoffman, President

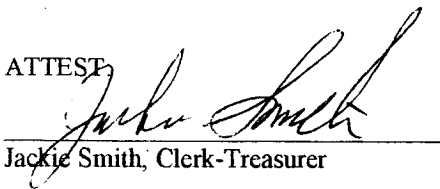
  
Curtis Rooks, Vice President

  
John Drybread

  
Kami Ervin

  
Jeffrey A. Simpson

ATTEST

  
Jackie Smith, Clerk-Treasurer