

Town Council Meeting  
Monday, August 27, 2012  
6:00 P.M. Town Hall

Edinburgh Town Council met in a regular session on Monday, August 27, 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, Vice President Curtis Rooks and President Ron Hoffman. Also present was Clerk Treasurer Jackie Smith and Town Attorney Dustin Huddleston.

President Hoffman presented the minutes of the August 13, 2012 Executive Meeting and the August 13, 2012 regular Council 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.

Councilwoman Ervin asked about the claim for Larry Gordon for a down payment on a fence.

Councilman Drybread said that was for a fence between the Nazarene Church and the cemetery. John said it was done except for two sections.

Councilman Simpson made a motion to approve the claims. Councilman Rooks seconded Unanimous.

President Hoffman said next on the agenda was Resolution 2012-16 Imperial Indiana Company Tax Abatement and turned it over to Building Commissioner Watson.

Building Commissioner Watson said he had investigated this and found it is a duplicate request that had been approved in March, therefore no action needed to be taken.

President Hoffman said as you recall Dick Hammond was here with some issues about noise and that we had no noise ordinance and I told him we would put it on the agenda and have a discussion at the next meeting and the noise ordinance discussion is next on the agenda.

Councilman Rooks said we have a common nuisance ordinance and asked if that would fall into the same category as noise after a certain time.

Town Attorney Huddleston said no because ours is slanted toward a structural defect or something physically wrong on the property. To establish a common nuisance you have to establish that this is a continual on going problem and it requires notification. Dustin said he thought it would be tough to do and he thought we should address it specifically.

President Hoffman asked if we need one?

Councilwoman Ervin said she thought so.

Councilman Rooks said like in Kami's neighborhood there is a racecar that the will park late at night every once in a while and it is pretty loud and that is what I think we need an ordinance for that.

President Hoffman asked if you are looking at establishing it on hours?

Councilman Rooks said he thought it should be based on the hour.

Councilwoman Ervin said she would cover both and says after 11:00 anything that is a nuisance like a barking dog or working on cars late at night. Kami said she thinks we should cover both.

President Hoffman said that is a tough one because you have people riding motorcycles through town at all hours.

Councilwoman Ervin said that it should be something that happens continually and this will give our officers a little extra padding to rely on the noise ordinance that starts at 11:00.

Town Attorney Huddleston said a general provision that pretty much says the use or performance of any property under this section says shall not produce noise in such a manner that is objectionable because of volume of frequency etc. and that would be hard to use because it is pretty general language.

Councilman Drybread said this is a question of how you address it because for some people a blast of 2 minutes is too much and it needs to be more specific.

John Rondot said we need to be careful about setting a time on it because some people work third shift and he has been in that position. John said noise is a problem at any time of the day.

President Hoffman said he could have complained everyday for 3 years from 1 in the morning until 5 in the morning and they didn't work, but slept all day.

Councilman Rooks said he would like to see what other towns and cities have. He asked Dustin if Johnson County had anything in place?

Town Attorney Huddleston said Johnson County has a noise ordinance that triggers at a certain hour.

Councilwoman Ervin asked if we fell under that?

Town Attorney Huddleston said no this is for unincorporated county areas.

President Hoffman said John Rondot had a good point. Ron said he would set quiet hours from midnight to 5:30 or 6:00 and a lot of state parks enforce that.

Councilman Drybread said the way he looks at it that you need to put a time line in there.

President Hoffman said we actually have no noise ordinance.

Councilman Drybread said that is correct we just have a nuisance ordinance.

Councilman Rooks asked if under the common nuisance ordinance if an officer went once and asked them to turn it down a little and then had to go back for the same thing would this fall under the common nuisance?

Town Attorney Huddleston said its pretty hard because it is not a permanent thing. Dustin said in a common nuisance you have to file a lawsuit and I would rather have a specific ordinance.

Councilwoman Ervin said she would like to do some research and look what others have and she would be willing do that.

President Hoffman said he need some kind of bases to work off of and Kami is good at doing research and let her do it, because he doesn't have a clue.

Councilman Drybread said this is one of those where one man's junk is another man's treasure.

Councilwoman Ervin said she thought if we look at other ordinances and language it will help us.

President Hoffman said Nashville has a noise ordinance.

Councilman Rooks said we need to get some information on it and make a decision that is going to be in the best interest of the community.

President Hoffman asked Kami if she would have a report at sometime.

Councilwoman Ervin said yes.

President Hoffman said next on the agenda was a request for a continuance for vacating public ways from Francis "Tony" Swift who could not attend this evening. Ron asked Building Commissioner Watson if there was anything he wanted to get into or wait until he was here?

Building Commissioner Watson said he was prepared to answer some questions but he had asked for a continuance.

President Hoffman said we have his request in writing.

Town Attorney Huddleston said that he wanted the council to be aware that it will have to be re advertised because it has been published in the paper that a meeting will happen here tonight and we will have to re advertise for the next meeting and the expense paid for by Mr. Swift.

President Hoffman asked Building Commissioner Watson if Tony was aware of this?

Building Commissioner Watson said yes.

President Hoffman said Clerk Treasurer Smith said it had been re advertised and asked Building Commissioner Watson if he could confirm that?

Building Commissioner Watson said yes.

#### COUNCIL COMMENTS:

Councilman Drybread said he met with the Ministerial Association last week. John said he had been working with them on the layouts at the senior center and they are very appreciative that they don't have to teardown and set up each time.


#### DEPARTMENT REPORTS:

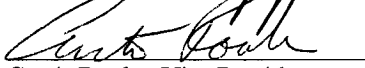
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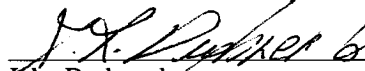
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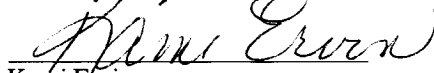
Being no further business or comments, Councilman Simpson made a motion to adjourn the meeting, Councilman Drybread seconded. Unanimous.

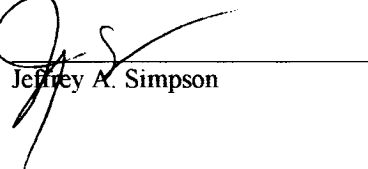
EDINBURGH TOWN COUNCIL

  
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Ron Hoffman, President

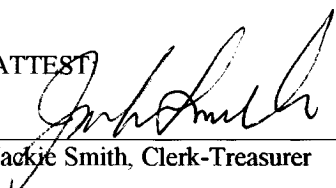
  
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Curtis Rooks, Vice President

  
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John Drybread

  
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Kami Ervin

  
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Jeffrey A. Simpson

ATTEST

  
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Jackie Smith, Clerk-Treasurer