

Town Council Meeting
Monday, September 10, 2012
6:00 P.M. Town Hall

Edinburgh Town Council met in a regular session on Monday, September 10, 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 27, 2012 Council Meeting. Councilman Rooks made a motion to approve the minutes. Councilman Drybread 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. Councilman Rooks seconded. Unanimous.

President Hoffman said next on the agenda was the 2013 Budget Pre Adoption Hearing. Ron said he recently learned from an unnamed source about a situation that exists and I have not been aware of it and I am sure the council isn't aware of it. As a result there are going to have to be some pretty sizeable adjustments to this years budgets and next years budgets. As of today we will have to or not have to vote on the pre adoption budget as it is because of the short notice that came to my attention and is coming to yours now. John has gotten with the superintendents and made them aware of the issue and they are working on it and we will have a resolution.

Councilwoman Ervin asked what is the shortfall?

President Hoffman said we need to end this year with \$300,000 and next year depending on how much we have left this year and the changes we make in the future we are \$772,000 short and two years ago we had to account for 1.1 million.

Councilwoman Ervin asked how this happened?

President Hoffman said the property tax referendum that was voted in on 2008 and was implemented in 2009 and was fully implemented in 2010. It goes hand and hand with a thing called the circuit breaker, which is given to the Clerk Treasurer and my first question is to Jackie on how this works?

Clerk Treasurer Smith said he had a hard time understanding it and he tried to work with the Department of Local Government Finance and to be honest he didn't understand it until Dan Hedden sat down with me and explained it to me.

President Hoffman asked what did you come away with?

Clerk Treasurer Smith said it should be part of our budget process, which he didn't know in the past.

President Hoffman asked what does it does to our budget?

Clerk Treasurer Smith said it cuts our budget.

President Hoffman said how?

Clerk Treasurer Smith said by reducing the amount of property tax that you actually get.

President Hoffman asked how do they get to that?

Clerk Treasurer Smith said the Department of Local Government Finance says you will get this much and the county says you will get this much minus the circuit breaker.

President Hoffman asked how do they get to that number?

Clerk Treasurer Smith said he wasn't sure what he meant.

President Hoffman said how do you get to the number that we are going to be shorted even though they approved our budget.

Clerk Treasurer Smith said he wasn't for sure.

Councilwoman Ervin asked if this was available when we did our budget workshop?

Clerk Treasurer Smith said yes and it was his fault for not getting it and he tried to do it by giving you a paper, but I probably should have given you the actual circuit breaker.

President Hoffman said we have never received it and it has been going since 2010.

Clerk Treasurer Smith said it was his fault because he just gave you a paper that said we would be short.

President Hoffman said it is determined by residents having a 1% cap, commercial building 2% cap and businesses having a 3% cap. An example would be the town has a levy on every property if your house is assessed at \$ 150,000 you would by \$1000.00 so \$500 is cut off. And if you apply these cuts for every residential business and commercial property it ends up being the circuit breaker, which is deducted from the taxes, and we have 3 counties, Johnson, Bartholomew and Shelby. If this information was provided to us and it is received in March, some times in April and rarely in May. So in April and March this is when the Clerk Treasurer will have the information and we haven't had it so it put us in a difficult position because every budget that we submit will be approved as is. They don't include any credit for the circuit breaker. So we have been under the assumption that what budget was submitted there would be money for it. We have never spent all of are budget and we have always had money left over and that's just been our practice because we have done a good job and never had to borrow money. The piece of paper that you have got shows on the first page that if we spend all of our expenditures out of the general fund we would be \$5000 in the hole and that's not going to happen. But next year we will be anticipating the circuit breaker of \$700,000 we would be short \$ 783,623. If you recall 2 years ago we had to \$ 1.1 million and ended with \$100,000. So we are clearly capable of doing it. We will do it with some changes. We don't know what they will be yet. John will get the information together from the budgeted departments and we will have a plan that works.

Councilwoman Ervin said she didn't understand if this was your first budget.

Clerk Treasurer Smith said he didn't think he expressed it to you correctly. He said he gave you sheets that said we were going to be short in different funds and he probably should have given you the circuit breakers.

President Hoffman said as I recall you said it was a gut feeling and I asked you to put it in writing and he said you wouldn't it was speculation. If we would have had the right information we would have been able to be way ahead of this game. So there are opportunities for us to do some things if you take a closer look at the report for next year that we pay \$185,500 for trash pick up plus \$267,000 for hydrant rental and \$96,000 for storm water and that is absorbed in the budget. You total all of those and you get \$608,000 that the town pays for services in this town.

Councilman Drybread said we are one of the few towns that haven't switched this to user fees. Another thing on the circuit breaker that is misleading is the budgets approved do not include the circuit breaker information in the budget and that baffles me how they do that and it varies every year because assessed values go up and down and that change your monies .We will get it fixed and we will continue to correct the ship as you look at these adjustments as we go and we will get through it.

Councilwoman Ervin said it is hard for her to think we spent all that time sitting here going through it and feeling comfortable and now all of a sudden we have to change. It helps to have the right information.

President Hoffman said one other thing they don't consider when they approve the budget is that not everyone pays their taxes. Some places 90% is all that are paid so they lost 10%. Umbaugh says that we can plan on receiving 97% so we are going to lose 3%, but 3% of 3 million is a big change.

Councilman Simpson said he thought when they do a budget they do a wish list budget instead of reality.

President Hoffman said we can't do a wish list budget, those days are gone.

Councilman Drybread said another thing that people forget is our budget is an 18 month budget based on the last 6 months of this year and the 12 months of next year and we can do some corrections. Jackie and I talked about cutting back on major expenditures this year.

President Hoffman said we have that kind of money and not to spend anything extra.

Councilwoman Ervin asked if we need another budget workshop?

President Hoffman said it might be a good idea and asked what date it needed to be approved?

Clerk Treasurer Smith said the final is October 8th.

President Hoffman said after John gets his stuff together we will have a budget workshop all we have to have is a 48-hour notice.

Town Attorney Huddleston said that is correct.

President Hoffman said we need a motion to approve the 2013 budget for approval tonight and with the changes the final on October 8th.

Councilman Simpson made a motion to pre adopt the 2013 budget. Councilman Drybread seconded. Unanimous.

President Hoffman said next on the agenda was a petition request for a continuance for vacating public ways and turned it over to Tony Swift.

Tony said on the side of the Danner's building on South Walnut Street there is no parking. He would like to open that up for parking on both sides of the street so people would have more access to the building. It has always been an issue when trying to sell the building. Years ago it was a bus stop and that was the reason for the no parking and he wanted to see if we could open it back up.

Building Commissioner Watson said with the existing parking there are one handicapped, one parking and one split parking so they have only one non-handicapped parking for the building. Wade said the proposal was for 2 twenty-foot parking spaces 30 feet from the crosswalk and the code is twenty feet from the cross walk and this still leaves a quarter block in front of the post office.

Councilman Rooks asked if they can still get to the mailboxes on the street?

Building Commissioner Watson said yes.

Town Attorney Huddleston said usually when we have petition to vacate it usually means that if you approve it that property would go to the land owners. In this case Mr. Swift is just asking to modify and if we do have to amend the ordinance to change the parking, but the town still controls the street.

President Hoffman asked Wade what his recommendation was.

Building Commissioner Watson said it is feasible and a reasonable request.

Councilman Drybread said his question about the code had already been answered and he remembers a bus stop on Schaffer's side and a loading zone beside Danner's. John said he didn't know what the emergency needs would be for police, fire and rescue to make that turn.

Councilman Simpson said my question would be would that create a problem for Allen or Lutz.

Fire/EMS Chief Smith said it would be a problem if people were parked on both sides of the street and a car was going east on East Main Cross and turned south on Walnut Street traffic is going to bottleneck and fire trucks today are about 2 feet wider than they used to be and its going to be very narrow to get through if we turn to go downtown.

Councilwoman Ervin asked if 30 feet is enough room for them to turn because the parking would be 30 feet down the block and you could back up before you hit the sidewalk.

Fire/EMS Chief Smith said if cars are parked on both sides and a car is meeting you there is not enough room from my 35 years of experience if cars are parked where the yellow is now and another car is coming they stop and we stop.

Councilwoman Ervin asked Allen if he thought that traffic is a big enough problem to be a reason not to do it?

Fire/EMS Chief Smith said yes he does.

Councilman Rooks asked Allen what they do if cars are parked by the old Blue River Building and cars coming that way?

Fire/EMS Chief Smith said we come to a stop until the cars get out of the way.

Councilman Rooks said we already deal with that.

President Hoffman said in a situation like that couldn't they just back up?

Fire/EMS Chief Smith said if they would back up.

President Hoffman said turn on the siren.

Fire/EMS Chief Smith if they back up and park we still don't have enough room to get through.

Councilwoman Ervin said that we have a lot of tight spots in town, so I guess we weigh the benefit over the potential traffic problem.

Tony Swift said he would like to have parking there to help in the process of selling the building.

Councilman Rooks asked if he had some one interested if it was provided?

Tony said he had a couple of people that were not interested because of that.

Councilman Simpson asked what if we only added one parking space?

Councilman Rooks asked what if we only did the side?

President Hoffman asked Tony if we do your side and not Schaffer's would that be okay?

Tony said He thought that would work.

Councilwoman Ervin said if we do one side parking I would keep it on the same side that is already parking. You may have to walk across the street because we already have two hour parking there and we are talking about two-hour parking.

President Hoffman said 2 hour parking is correct.

Councilwoman Ervin said if you let them park on that one side it still could create the same bottleneck that Allen is talking about.

Fire/EMS Chief Smith said on the Schaffer's side you could add a parking spot, but it would be used by the apartments upstairs since they park there already. Allen said what we need to work out is a loading zone for downtown. No businesses downtown have a loading zone and that is something we need.

Councilman Rooks said before he was involved in the town and they talked about the downtown renovation I questioned what they were going to do with the truck because one side was angle parking and one side was parallel parking and you could get two cars through there.

President Hoffman said make it one way all the way north and that would eliminate the problem Allen is talking about. Ron said this town is crowded no matter where you go.

Councilman Drybread said if you can get a ladder truck through New York City we can get our fire truck through that intersection because they go through a lot tighter places.

Councilwoman Ervin asked how many runs do you make to make that turn? Kami said in her opinion if we have potential businesses wanting to come to downtown which we desperately need then we need the parking spaces to help them and getting to Allen's issue they can back up.

President Hoffman said I am sure the police department can render that quickly.

Fire/EMS Chief Smith said we also take the ambulance north at least once or twice a day and it is wide.

Councilwoman Ervin said it is doable with the 30 feet because someone can pull over and you can continue north.

Councilman Drybread made a motion to approve the parking spaces. Councilman Rooks seconded. Motion passed 4-1 with Councilman Simpson voting no.

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

Wayne Gibbs said the revenue for July was \$116,909 and expenses were \$325,334 including the bond payment, which we make in January and July.

Councilman Rooks asked how much was the bond payment?

Wayne told him \$231,500 and without the bond payment we have a profit of \$23,074. 2011 has a typo the revenue should be \$112,000 and profit \$43,000.

Councilman Rooks asked if we always make the bond payments in January and July?

Wayne said January 15 and July 15 and the revenue for July showed increases in alcohol sales, green fees and snack bar sales. Wayne said he was pleased with July numbers.

President Hoffman said this time last year you had a pretty firm hand on the golf course so you are seeing a narrowing of the difference.

Wayne said this will get more difficult every month and you will see that in August because this is the first month that we did not exceed last years monthly total, but we were close by about \$3,000 dollars. Monthly expenditures are estimated and it shows we had a profit of \$82,199. Wayne said green fees were down, but we were up in other areas as green fees and memberships.

Councilwoman Ervin said they have until December to renew.

Wayne said you never know what month that is going to hit.

Councilman Drybread asked how much do you think is setting out there?

Wayne said about 7 or 8 thousand.

Councilman Simpson asked what the membership fee is?

Wayne said a single is \$1,500 and a family is \$2,100 and we have had an additional 12 members this year.

COUNCIL COMMENTS:

Councilman Drybread said the new website kicked off today and I have a bill for \$3,750 to pay.

Councilwoman Ervin asked what the address was?

President Hoffman said to type in Town of Edinburgh.

Councilman Drybread said tomorrow in respect for 9-11 we will have our flags at half-staff.

Councilwoman Ervin said she put together a report with samples of noise ordinances in the area that included Greenwood, Franklin and Columbus. I also ~~did some towns that are~~ our size in population from 2-5 thousand. Kami asked if any one looked these over ~~and saw anything they liked?~~

President Hoffman said he liked Albion and Greenwood because they were short, distinct and to the point and did not include a lot of legal wording. It dealt with noise and I am sure there are some things that can be changed a little bit.

Councilwoman Ervin said she liked Greenwood, but she liked Cicero better because it discussed human noises as well as other noises and there are times when people are screaming, arguing or whooping it up at 2:00 in the morning and Greenwood did not address that. Kami said they really didn't address a fee schedule and I think we should come up with an ordinance before we talk about that.

President Hoffman said Cicero had a fee schedule.

Councilwoman Ervin said she didn't like it because it was too much. She looked at the burning ordinance fees and fines for that are \$25 for the first offense, \$100 for the second, \$250 for the third and \$500 for the fourth and I think we can follow along the same steps and we need to discuss what we want to include.

President Hoffman said one thing that will be difficult is the cars and motorcycles. I don't know how you can have that in there even though they are loud people have the right to drive them.

Councilwoman Ervin said I think the point of that is they are not setting in the driveway at midnight with it running the same as a racecar and she believes it depends on the time of the day.

Councilman Simpson said that depends on the situation because it would be 5pm at his house.

Councilwoman Ervin said it really didn't have a time established in this, but if that is something a person with normal sensitivities should know and if you work 3rd shift you should be able to work it out with your neighbor. Kami said she liked the part that mentioned 30 feet from the public way and not measuring decibels.

President Hoffman asked if there were any problems with making it from 11 pm to 7 am.

Councilman Rooks said he would like it to be from 11 pm to 6am because if he got up at 6 in the morning he would like to mow his yard.

President Hoffman said why don't you use the one you like and bring it back to us to look at.

Councilwoman Ervin said I can send it to you and Wade for comments.

Councilman Rooks said keep it simplified.

Councilwoman Ervin asked Dustin if he had any comments?

Town Attorney Huddleston said what ever you want me to do.

Councilwoman Ervin said she would put some stuff together and will work with Wade on that.

President Hoffman said after you and Wade go over it we need to look at it.

Councilman Simpson said we need to get Dave a copy for comment because they will be enforcing it.

Acting Town Marshall Lutz said one thing we need to consider is something that is disturbing to you is not disturbing to others.

Councilwoman Ervin said this kind of addresses that. It says disturbing the peace and quiet of a person who is defended here of and it talks about preservation of property and safety and normal sensitivity and you just have to use your best judgment.

President Hoffman thanked Kami for all the work she did.

DEPARTMENT REPORTS:

Building Commissioner Watson said he had an update on the elevator demolition project. Scope work has been done and advertisement in the Republic, the Journal and the Construction League and to date I have received 5 bid packets from contractors.

President Hoffman said we are getting there.

Building Commissioner Watson said he hoped to have final review by the 8th of October.

PUBLIC COMMENTS:

Dick Hammond said he appreciated Kami's work on the ordinance and I thank her for that. The other thing that the last couple of years I have come and asked for is a stop sign at Center Cross and Lind. I am concerned about some people taking the corner pretty quick and it is coming from people going south from 252 and turning on Center Cross and not from the people coming north from East Main Cross. I don't know if there is anything you can do to try and slow them down at the intersection.

Councilman Drybread said we will revisit that originally we looked at that before Newbury was in place and we have talked about it a couple of more times.

Dick said there is now a second set of apartments there.

President Hoffman asked John if he would look into that?

Councilman Drybread said yes.

Councilman Rooks asked if Center Cross runs into the apartments?

Dick said yes but I don't know what the street is called in the apartments.

Ted Lucas said the most irritating thing to him is the people who turn their vehicles into amplifiers and this needs to be addressed in the noise ordinance.

President Hoffman said that will be in the noise ordinance.

Councilwoman Ervin said the problem with enforcing that is the vehicle is already gone.

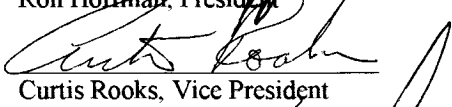
President Hoffman said Mr. Lutz would have to think about that.

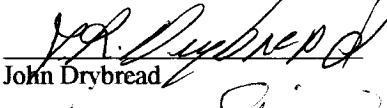
Tony Swift thanked everyone for their help.

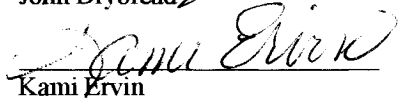
Being no further business or comments, Councilman Simpson made a motion to adjourn the meeting. Councilman Drybread seconded. Unanimous.

EDINBURGH TOWN COUNCIL


Ron Hoffman, President



Curtis Rooks, Vice President


John Drybread


Kami Ervin

Jeffrey A. Simpson

ATTEST:



Jackie Smith, Clerk-Treasurer