

Town Council Meeting
Monday, January 14, 2013
6:00 P.M. Town Hall

Edinburgh Town Council met in a regular session on Monday January 14, 2013 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, Vice President Curtis Rooks, Councilwoman Kami Ervin and President Ron Hoffman. Also present were Town Attorney Dustin Huddleston, and Clerk Treasurer Scott Finley.

President Hoffman said next on the agenda was the election of officers. Councilman Simpson made a motion to leave them as they are with Ron Hoffman as President and Curtis Rooks as Vice president. John Drybread seconded. Unanimous.

President Hoffman said next on the agenda was the minutes of the December 27, 2012 council meeting. Clerk Treasurer Finley noted that Town Attorney Huddleston had made a slight change to the minutes. He added that the motion made for the library lease was also to carry insurance on the building. Councilman Drybread made a motion to approve the minutes as submitted. Councilman Rooks seconded. Unanimous.

President Hoffman said next on the agenda were appointments to the Edinburgh redevelopment authority and the Edinburgh library board. Kelli Clawson agreed to take Pat Pankey's place on the authority board as Pat no longer wished to be on the board due to health reasons. Ron stated that the Edinburgh library board had presented a letter to him stating that Cindy Bechtel was reappointed to the library board and had agreed to serve another four years. Councilman Drybread made a motion to approve both appointments. Councilman Simpson seconded. Unanimous.

President Hoffman said next on the agenda was Lisa Roberts' discussion of ordinance 2011-13 discharge of weapons and handed it over to Lisa. Lisa stated that she had received a ticket for \$500.00 for discharging a pellet gun. The officer had confiscated her gun and she believed she should have received a warning first because she was unaware that she could not discharge a pellet gun.

Councilwoman Ervin asked what the ordinance stated as far as first offences.

President Hoffman said that it was supposed to be \$25 for first offence but he did not believe the council ever got around to addressing that.

Councilman Drybread said the council had discussed different fines for first offences and second offences but it had never been passed.

Clerk Treasurer Finley presented ordinance 2011-13 to President Hoffman and Town Attorney Huddleston to look over.

Town Attorney Huddleston said the ordinance reads in Section 4: Violations that any person who violates this ordinance by discharging weapons, including a pellet gun, within town limits shall be guilty of an ordinance violation in the amount of \$500 for each such violation. He also stated that the definition of a weapon is a firearm, handgun, shotgun, air rifle or gun, CO2 rifle or gun, slingshot, bow and arrow, and any apparatus capable of propelling a missile as well as any type of gun from which a shell, pellet, cartridge, bullet, or other projectile is propelled.

President Hoffman asked Town Marshall David Mann if he had any input.

Town Marshall Mann said the officer issued a ticket after responding to a complaint. He said compared to other ordinances the fee does seem high but the officer did use the civil ordinance rather than charging her with a criminal offence. Therefore there was no criminal record associated with it. He stated that the officer does not write the laws, he enforces them and that he was not sure if the officer was even aware of what the fine was at the time of issuing the ticket.

President Hoffman read a portion of the police report stating that Officer Wilson was dispatched to a report of a female who had thrown a dead skunk out her window. Wilson spoke to the suspect Lisa Roberts who said that she had been having problems with a skunk in her yard so she used a BB gun and shot and killed the skunk and threw it towards Decorsey's apartment. Officer Wilson collected the BB gun for evidence and then issued an ordinance violation for discharging a weapon in town limits.

Lisa stated that she did shoot the skunk but she did not throw it out the window or in anybody's yard. She said that she retrieved the skunk and put it in the dumpster. She also stated that Officer Little was the officer that confiscated the weapon, not officer Wilson.

President Hoffman asked if there was any discussion other than having to change the ordinance to gradual increments.

Councilman Drybread stated that as he recalled the ordinance was initiated over target practice with bows and arrows in town. He said that one of the things discussed was the position it puts the police officer in to enforce it and that was when the definition of a weapon was changed to anything with propulsion. He said his recommendation would be to tier that citation.

Town Attorney Huddleston stated that it could be characterized like in other ordinances where the first offence is a fixed amount and if there is a second offence the fee goes up. This would take the discretion off the officers.

Councilwoman Ervin stated that if it were anything more serious it would be classified as a criminal activity, which would fall under the officers discretion.

John Rondot asked if the ordinance stated anything about confiscation.

Town Attorney said yes. Section B of Section 4 does allow the officer to confiscate the weapon.

John Rondot asked if ordinance 2011-13 allowed or demanded confiscation of the weapon because if someone does not know the ordinance and is using a high-powered bow that could be a substantial amount of money.

President Hoffman said it allows confiscation.

Town Attorney Huddleston said specifically in Section 4 the Chief of police of the town or his deputies may impound, retain, and/or destroy any weapons used in violation of the ordinance.

Councilwoman Ervin asked Town Marshall Mann if the weapon could be recovered after paying the fine.

Town Marshall Mann said he would not have a problem with that. He said typically the officers want to freeze the scene and prevent anyone from getting injured and once the case is calmed down the weapon can be returned.

Councilwoman Ervin said part of the problem is that this happened prior to publishing ordinances into the paper. Ordinances now have to be posted in the Edinburgh Courier, the Republic, and the Daily Journal. She stated that she knew this ordinance had not been put into the Courier. Once the amendment has been approved it can then be published in the papers.

President Hoffman asked for any suggestions on what to do with Lisa Roberts \$500 ticket.

Clerk Treasurer Finley said that as far as paying the fine he had had a lady call in about possibly setting up a payment plan for the ticket since it was a large fine. He had told her that he could set up a payment plan for her starting with \$25 increments.

Councilwoman Ervin recommended that her ticket be put on hold until a new fee structure is agreed upon.

Town Attorney Huddleston stated that he would have to see if the town could legally retroactively amend an ordinance. The fact is she violated the ordinance within a certain period of time.

Councilman Simpson asked if the council should table the discussion until it can be investigated further.

President Hoffman said that he would recommend that until the town attorney had a chance to look into the options. Councilman Simpson made a motion to table the discussion. Councilman Rooks seconded. Unanimous.

President Hoffman said next on the agenda was the Department report from Wayne Gibbs for Timbergate Golf Course.

Wayne handed out packets of information on the past year and put the information into a PowerPoint presentation as well.

Wayne stated that December was a good month for the course with \$56,518 in revenue, expenses of \$23,900 and a net profit of around \$32,000. He stated that he is very happy with this number and it was actually lower than he expected it to be. Gross sales for the year were \$1,031,931 and that is much higher than any year in the past. Expenses were \$1,295,000, which is lower than it has been in the past. This leaves a net loss of \$263,000, which is not exactly acceptable, but again it is much better than past years. Wayne then showed that each of the line items including range balls, greens fees, pro-shop merchandise, memberships, and alcohol sales increased significantly over the past year. Next he showed a list of expenses including course maintenance, payroll and benefits, cost of goods, bond payment, and overhead. He also showed how the expenses were being paid. Revenues from the course paid for \$872,000 of the expenses while the remaining \$423,000 was paid from budgeted taxpayer money. He stated that they had made a great effort to pay as much as possible out of revenue and use as little tax money as possible. He said memberships were up from 54 to 82 and showed a break down of the different membership types. Improvements to the course were a large expense in 2012 that were beyond what would be done in a normal year. These included refilling all of the sand bunkers on the course, new batteries for the golf carts, drywall in the maintenance building, improvements to the clubhouse, lake and pond care, and a defibrillator for the clubhouse.

Councilman Drybread said the thing that jumps out the most is that from 2006 to 2012 the profit loss has gone from half a million dollars to about \$250,000 which is a pretty significant improvement.

DEPARTMENT REPORTS:

John Rondot said that he had a copy of the annual report from the redevelopment commission that he would like to hand out. He said there is still no money in the redevelopment commission so it constrains what the commission can do. One thing they have done is put structure into the commission. It now meets quarterly and everything is done legally. He said in 2013 their intent is to move away some from concentrating on Timbergate and move into some other things like working with local merchants and see how the commission can do more than just manage the golf course.

Councilman Drybread said that he met with Strand Engineering and they will be presenting information regarding the comprehensive plan at the last meeting in February.

Vice President Rooks thanked Wayne for everything he had done at the Golf Course and stated that he is excited for the coming year. He said Wayne had been doing a great job.

Clerk Treasurer Finley said that he will get all the firearm ordinances together for next meeting so the council can discuss further what to do about the ordinance.

PUBLIC COMMENTS:

Ron Hazlegrove said he was there on behalf of the Edinburgh Lions Club to see if the town would like to sponsor the Fall Festival again and asked for the same assistance as last year. He said the dates this year would be the September 11 through the 14.

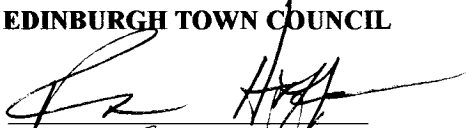
Councilwoman Ervin asked what the amount would be.

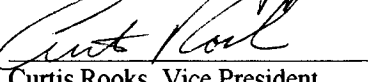
Councilman Drybread said \$3,000.

Councilman Drybread made a motion to approve the cost of the sponsorship. Councilman Simpson seconded. Unanimous.


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

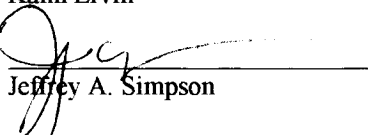
EDINBURGH TOWN COUNCIL


Ron Hoffman, President


Curtis Rooks, Vice President


John Drybread


Kami Ervin


Jeffrey A. Simpson

ATTEST:


Scott Finley, Clerk-Treasurer