

Special Council Meeting
Friday, May 22, 2015
2:20 P.M. Town Hall

Edinburgh Town Council met in a special session on Friday, May 22, 2015 at 2:20 P.M. at the Town Hall, 107 South Holland Street, Edinburgh, Indiana.

President Hoffman called the meeting to order.

Members answering roll call were: Councilman Jeff Simpson, Councilwoman Dawn Graham, Vice President Kami Ervin, and President Ron Hoffman. Also present were Town Attorney Dustin Huddleston and Director of Administrations Mary Patterson filling in for Clerk Treasurer Scott Finley. Councilman Jack Shepherd and Clerk Treasurer Scott Finley were absent.

President Hoffman said on the agenda was the discussion of pending litigation regarding the Patrick Black tax sale. He said the council is at the point where a decision must be made whether to file an appeal on the ruling made by the court on Mr. Black's property. The only thing the town has to lose is the expenses associated with Mr. Huddleston's services. The total litigation costs are estimated to be between \$5,000 and \$10,000. If the appellate court rules in favor of the town, the town would be issued the deed to the property unless Mr. Black appealed the ruling to the Supreme Court. If the town obtained the property, the council would then look to Kenna Consulting for help with applying for a grant to demolish the structure on the property.

Councilman Simpson asked how long this process could take.

Mr. Huddleston said once the appeal is filed, he and Mr. Black or his representatives would have a chance to do a brief. Once everything is submitted the court has an indefinite amount of time to decide. It could last months or it could last years.

Councilwoman Ervin asked if Mr. Black would still be responsible for the property taxes while this process is ongoing.

Mr. Huddleston said yes, he is still the property owner at this time.

Councilwoman Ervin asked if for some reason the taxes again became delinquent while the litigation was still in process, would this keep the town from going through the same process again.

Mr. Huddleston said his guess would be that the county would not cooperate with the town while the litigation is pending. That would not be the county being ill towards the town but the county does not want to repeat the steps while the litigation is still in process.

Building Commissioner Wade Watson said one thing that happened that put this situation into play for the town was when the county assessed the property at a higher value it accumulated more tax. Mr. Black did not pay the additional tax and did not object to the new assessed value.

Councilwoman Graham asked what would happen if the property went up for tax sale and was sold while the litigation was in process.

Mr. Huddleston said first the county would have to put the property on a list for tax sale. With the property being in litigation the county would most likely remove the property from the tax sale process. He said the Indiana Court of Appeals is one of the top two states in getting opinions out on a timely basis so he doubts it will be in litigation for that long but it is a possibility.

Mr. Watson asked Mr. Huddleston what he thought the towns chances were of getting the ruling reversed.

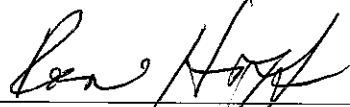
Mr. Huddleston said he honestly did not know.

Councilwoman Ervin made a motion to move forward with the appeal process on the Patrick Black property. Councilwoman Graham seconded. Unanimous.

Councilwoman Ervin made a motion to allow Dustin Huddleston to draft and submit the necessary documents to the appellate court. Councilman Simpson seconded. Unanimous.

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

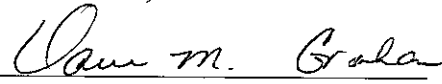
EDINBURGH TOWN COUNCIL



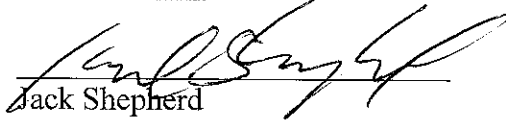
Ron Hoffman, President



Kami Ervin, Vice President



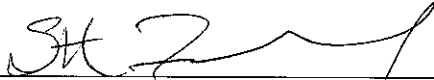
Dawn Graham



Jack Shepherd

Jeffrey A. Simpson

ATTEST:



Scott Finley, Clerk-Treasurer

