

Village of Indian Point

Trustees Court Meeting Minutes

Monday, December 13, 2010 – 7:00pm

Indian Point Municipal Center 957 Indian Point Rd

Members present; Jim Daily –chair, Tim Stout, Carole Kurtz, Dave Canady, Attorney Diane Breazele

Absent – Bill Turner – vice chair

Called meeting to order at 7:00 p.m. with the pledge of allegiance

Jim thanked all the residents in attendance for attending this meeting. He explained what the municipal court would involve, and how it would benefit Indian Point. The floor was opened to questions and comments.

Jim commented that the 6,000 for the first year included software. Brent and Donna have been researching and may be able to get court software for about \$400.

Someone made the comment that if a case went to trial to Stone County there would be additional cost for a judge if the violation went to a Jury Trial. Could you request a court hearing in Stone County, as opposed to a Court on Indian Point?

Jan commented that a very small percentage of cases would involve incarceration.

Someone asked if the Planning and Zoning enforcement would include inspecting someone's home. Greg commented that either would be possible under the Ordinances, but was not going to become the norm for compliance.

Ryan McGuinness wanted to know how the Planning and Zoning Ordinances were drafted. Greg said they used a company called HNTV, who drafted some specifically for Indian Point, but he was sure some of the verbiage was "boiler plate" and they complied with State Statutes.

The first year will cost more, for startup and software, but will be offset by an Increase in revenue for Ordinance violations.

Tim said that the Court is not a money maker; we just hope to enforce the laws we have. That the Police were not going out on a Ticket spree. The Chief was fair and the Board would like to see it remain that way.

Jim said that other Villages have Planning and Zoning and enforcement.

One of the citizens was concerned because he felt the Village was not charging each business owner the same. That construction on a business did not require any "impact" fees, that business was getting preferential treatment over residential owners. It was explained that Zoning Compliance Permits were required for any resident, either business or residential before any improvements could be made. If there is no sales tax revenue, then that individual does not have impact fee.

People were zoning in on Police speed violations, and felt that the court would open the door for abuse. It was suggested that we look into the costs. Diana explained that whoever the Judge was for a municipal court, had their own violation charges, and if the judge opted to fine for a lesser charge, that was his right. Brent explained that if he wrote excessive tickets, the State would look very closely as to why. Safeguards are already in place so citations will not get abusive.

One citizen said maybe some of these laws that we have spent so much money on, are not needed. Once we start a program we can't put it back.

The Village already has financial stress, and knew there were non-recurring expenses. He said we were spending \$168,000 more than we were taking in. We could not count cash on hand; a lot of problems with the Board of Public Works, and other financial stresses. Roads would become a big issue soon. He did not see where we had any money in the current budget for Road improvements. Jim explained that we did not know where the \$168,000 was from, as there was not anything like that in the current budget. He also explained that money is in Capital for Roads, and the money is there.

Do we want the Village to continue to stay stagnant, which is what we are doing? Anything major is currently handled by Stone County, but they don't prosecute cases for Indian Point. Brent shared that he gets irritated, as it costs about \$3 per ticket, plus the Officer's time and Gas and maintenance on the vehicle. Of 9 citations, only four even came to the prosecutor.

A code enforcer can only report code violations. The Police are the only ones that can issue a citation.

Currently there are 6 homes that they know of, that rent in violation. At least 5 of them WILL sue the Village if it comes to that. Why is the Prosecutor not prosecuting our cases, is he lazy or something? Tim responded that they have more important cases than code violations; much more serious offenses, like murder.

When someone rents a room in a resort, we get revenue from the Sales Tax that gets collected. When people rent their houses illegally, we get nothing. If it was a legal business, we would receive some income from it.

When an infraction gets thrown out, or is not prosecuted, it's our own money that we are cheating ourselves from.

A spend a lot of time and thought creating laws and a Municipal Court would allow us to uphold these laws. Right now, we have a loss of Sales Tax, which we might not even know we are missing; and a change in home value. Greg could put up a fence and raise hogs. That would be against regulations, but they are not enforced.

Someone said we would need to re-write our Court regulations to include a fee schedule. Diana said that the Ordinance was for the creation of a Municipal Court, and most judges had their own fee schedule in accordance with State Regulations. We could adopt the fee schedule as a standby order of the court.

Why did we spend about \$700 on an Ordinance, and why is it written and paid for before the Court is approved by the Trustees? Jim assured that the Trustee's did vote to get the Ordinance written.

Jan suggested that we set a limit and review costs at one year and then again at two years; to evaluate whether it meets with the expectations.

Once you set it up, you can't take it away. Diana said it was possible to dissolve a court. It would take the same steps as it takes to set one up. If an every other month court appears to be too much, then we could go to quarterly.

We all have insurance on our homes and our automobiles. We need some kind of jurisdiction to enforce the rules.

Diana said that if we set up the court, the Prosecutor will be dedicated to Indian Point business.

Someone said that when someone can't pay their fines, then the Village would be forced to spend more money to incarcerate them. They did not see with all the violations that there would be enough time to get through all the cases.

Diana said that we would be surprised at how many violations that they could go through in an hour. Deals and pleas can be worked out with the Prosecutor ahead of time. If the Prosecutor and Judge have worked together, the

Prosecutor will have a good idea of what the Judge will allow. By the time the violations come before the judge, basically the prosecutor will tell what they have agreed upon, and the judge will go along with the verdict or not.

Carole said if the Village has tried for about 6 years to get this through, why has it not passed by now? She was told that they tried, but could not get enough support.

Dave Canady discussed zoning issues, and stated that every community has income and every community makes money for the court from traffic citations. He had a lot of numbers to back up his statements. He believes there are more costs than we know of. Other courts said their Judge and Prosecutor are less than 30% of the operation of the court. He spoke with Donna Christian, she told him that if the municipal court was only going to take in 2,000 – 3000 per year, that it would not be self sufficient, and she would not recommend a court for Indian Point, plus we would be charged for the entire cost of a State Audit in 2011.

Security was brought up. Some of the large courts have metal detectors and other security. Most small courts do not have all that security. Chief said if they needed, he could pat everyone down before entering the court.

Greg Maycock and Kevin McCoy both spoke of all the Planning and Zoning and all the Board of Public Works, and the Board of Trustees hours spent in creating Ordinances, but could not enforce Ordinance Violations. The Ordinances were created to address specific problems on Indian Point, in hopes to make it a better, safer place. Greg said they have used a minimalistic approach to Ordinances. Most people will not do anything about enforcing the Ordinances until it's the neighbor next door that is violating a noise ordinance, or other infraction. Realistically we would want zero tickets of any kind for this area.

Boyd Hamilton said there were obviously two sides, again that we should put the Municipal Court on the Ballot. Carole agreed.

Boyd said if we put the information on the ballot, we could have more meetings to answer more questions. He was surprised at how civil tonight's meeting was.

Ryan McGuinness was complaining that there were probably many Planning and Zoning Ordinances that were not necessary. He was referred by many people to the web-site.

If Indian Point is to grow, then the court will allow us to enforce the ordinances. The missions that we have started on will protect the residents of Indian Point.

This current Board will need to Govern, whether to put this on the ballot, or decide on the court. Either way they will have to govern.

Dave Canady talked numbers. He said the BPW Jakes Creek Trail did not turn out the way we expected, so why start on another Bureaucracy when we don't know how it will turn out.

It was pointed out that the Board information is more in the open, and we are a lot better than before.

Tim mentioned that Stone County have much more serious offenses, and don't want anything to do with us. They do not have the manpower to respond to minor calls from outlying communities.

A raise of hands showed the majority of citizens in attendance wanted to court to be placed on a ballot.

Motion to Adjourn was made by Tim, seconded by Carole.

8:50pm . Motion carried – 9:00 pm