

**BEECH GROVE CITY COUNCIL
MEETING MINUTES
MONDAY, JULY 1st, 2013**

Mayor Dennis Buckley called the meeting to order at 7:00 p.m.

ROLL CALL: Present: City Council Members, Dave Mobley, John Jennings, Dave Harrison, Ed Bell, and Anthony Davidson. Also present, Mayor, Dennis Buckley, Clerk Treasurer, Dan McMillan, and City Attorney, Craig Wiley. Councilors Mary Stewart and Kathy Coates were absent.

All joined in the Pledge of Allegiance to our flag.

APPROVAL OF MINUTES: Clerk Treasurer McMillan presented the June 3rd, 2013 meeting minutes to the Council. Councilor Jennings moved to accept the minutes as written. Councilor Mobley seconded the Motion; which was approved by unanimous vote.

SPECIAL PRESENTATION:

[BGFD Response Capability Study, Spring 2013](#)

A visual presentation along with a written study was presented by Lieutenant Aaron Jeannette, Beech Grove Fire Department and Local No. 416 Union Representative. Highlights of the report are listed below.

Two fire officers were injured while fighting the fire at North 13th in January 2013. One Officer was burnt and the other officer fell. The officer who fell has some serious injuries and is still off work. The officer who was burnt was off for a month but has now returned to work.

This was the first significant fire for Beech Grove so the Fire Chief wanted to call in the SIT team. The SIT team is a group of people who investigate Fire Fighters who are killed in the line of duty, along with OSHA, to help figure out what happened, how to prevent it from happening again and to better things. The SIT team's review showed that lack of manpower caused the firefighters to not get the water on the fire in a timely manner. After the review from SIT the Fire Department also asked for an independent study from Local 416. The independent study also showed that manpower is an issue in Beech Grove. In order to be a better Fire Department they need to fix the manpower issue now.

The Fire Department wants to clean up their policies, stop doing things the way they have always done them, and now do them right. The Fire Department is coming to the Council to ask the City to re-hire 3 civilian medics that were fired or laid off three years ago this September. If they bring them back they can pull off a Fire Fighter from the ambulance and put him back on the fire truck. These positions would be funded by the ambulance money that is collected for the City. The budget for the year is \$675,000.00 and as of June 30th they have collected \$394,000.00. If it continues at this rate then they would collect around \$790,000.00. This would be the cheapest way to get the fire fighters back on the fire trucks where they need to be. This was requested in the budget last year but it was decided there was no money and also they should wait and see how the St. Francis gig works out. They know that they will collect more than budgeted, so they are coming to the Council to consider giving them permission to hire the 3 civilians back and provide funding in the budget for these positions.

PUBLIC COMMENTS: None

COMMITTEE REPORTS:

Greenscape Commission: - None

Redevelopment Commission: - Presented by Joe Griffin

Joe stated that the last meeting was held at City Hall, but no one from the Council attended. Joe wants to remind them that there is plenty of room for them to sit and he would like for them to attend. He again wants to remind everyone that the RDC Commission is for the people of Beech Grove.

Joe reported that the rock pile was discussed at the meeting and they are still trying to find out where they stand with it. They have some ideas and assumptions about it There will be a special meeting, probably this Friday, July 5th , (information will be posted in City Hall and on the City Website) to discuss the rock pile and other issues. The RDC is probably going to have to do more drilling and address other issues to be in compliance with the Brownfield Grant. These issues have to be resolved before April, so time is of the essence. Joe invited everyone to please attend the meetings. At the next regularly scheduled meeting; which is the third Thursday of the month, the guest speaker will be from the Public Access Councilor's Office. Many questions are always raised about what is or is not public information. You can get your answers at this meeting. Joe stated that he will reserve chairs for all the Council Members so they will not have to worry about finding a seat. So please show up. Also, the public needs to show up because it is for them. Going forward the RDC Commission will have guest speakers at many of their meetings.

Public Safety: Presented by Chief Robert Cheshire

The Fire Chief would like to thank Lieutenant Jeanette and Local 416 for their presentation and appreciates all the hard work they put into it.

Public Safety Committee Report- Chief Cheshire reported that the Public Safety Committee had a meeting last Wednesday. Chief Cheshire thanked Mayor Buckley and Clerk Treasurer McMillan for attending. Several complaints made by citizens were reviewed. Some were simple issues such as trash, tree limbs, etc. There were some compliance issues and the Police Department has stepped up and looked into those issues. The committee also discussed coming together more as a City and working on the Disaster Repair Emergency Response Plan. They received some good input from the Community Businesses and citizens. They were asked to have a Citizen Emergency Response Training (CERT) session this fall. Chief Cheshire stated that Debbie Springer, Public safety Committee Member, reported that she has taken the class and they do a lot of good things for the citizens in an emergency situation. The City of Indianapolis does offer this program and if there is an interest Beech Grove would like to partnership with them. At the Public Safety Committee Meeting ,Debbie Springer also asked about the feasibility of having our own dispatch again and Chief Cheshire indicated that it would be a Huge undertaking for the City and also quite expensive. He does not see this happening at this time. Chief Cheshire mentioned the Fireworks are scheduled for July 3rd at the park. There are several vendors in the city that are compliant with our ordinances to have permits to sell fireworks. If anyone sees any vendors who look like they should not be here please call the Fire Department and they will investigate. If an individual wants to set off fireworks in his neighborhood then they need to get a permit through the State of Indiana. Fireworks, by state ordinance can be let off for a two week span; which includes one week before July 4th and one week after. Councilor Jennings asked, regarding fireworks, by law, how late can you shoot them off? Chief Cheshire said he will double check, but he believes it is 10:00pm or 11:00pm. Councilor Davidson asked when the next Public Safety Meeting would be and Chief Cheshire stated it will be Wednesday, July 31st, at 9:00am in Council Chambers. He also stated that everyone is welcome to attend.

ABC – None

Financial Report: - Presented by Clerk Treasurer Dan McMillan

Clerk McMillan stated that we have begun the State Board of Accounts Audit for the City of Beech Grove and we are glad to have them here. He knows we have made mistakes but the only way to learn is through corrections. He looks forward to their guidance on many issues. Also, he informed the Council that the Auditor asked that it be

relayed to the Council Members that he will be in City Hall 7:00 a.m. until 5:00 p.m. Monday through Thursday and he welcomes any Council Member to meet with him if they have any questions. Due to the Holiday he will only be in the office this week, July 1st, - July 5th, until the end of day Tuesday.

Clerk Treasurer McMillan reported that he attended a DLGF conference on the Budget and Gateway. He passed out the budget worksheets to the Department Heads at the June 28th, Department Head Meeting and he looks forward to moving through this process. He also informed the Department Heads that the budget expenditures need to be kept within the 2013 budget amounts. The 2013 budget has proven to be very successful so far this year. He also will be submitting financial reports to Jeff Peters this week to receive his assistance with revenue projections. Mayor Buckley and Clerk McMillan meant with Jeff Peter's in early June to discuss the 2014 budget and the City's Financial Plan.

Clerk McMillan reported that the City received \$2,267,067.33 in spring property tax money and the RDC received \$372,749.90. The Sewage received \$49,596.12 in Special Collections for the first half of 2013 and has spent approximately \$1700.00 in filing sewer liens and releases.

Clerk McMillan also reported that the City made their first 2013 Tax Anticipation Warrant payment in the amount of \$1,055,924.02 with a remaining balance of approximately \$1,240,000.00. The interest was \$3,677.02 and the total amount borrowed was \$2,228,854.00. The City has also made a payment to the 2005 Sewage Works Bond in the amount of \$35,610.90. Interest on this bond was \$15,610.90 with a remaining balance of approximately \$512,000.00.

Clerk McMillan stated that in July the City will make its first payment on the 2012 GO Bond and the last payment on the 2002 GO Bond. He also stated that we will make payments on the 2005 and 2007 Series TIF Bonds. The City continues to make monthly payments on the 2004 State Revolving Fund Loan and information on these will be reported at the August 2013 meeting.

Clerk Treasurer McMillan is happy to report that we did not have to ask for "Early Tax Payments" this year, nor have we taken an ROI payment or Pilot payment from the Sewage Utility. He also will discuss this with Jeff Peter's.

Clerk McMillan commented that the City Website continues to grow and it had 3 days with record hits approaching close to 2,000 hits per days.

All Financial Reports, City Debt Schedules, Bank Statements and more are available on the City Website at www.beechgrove.com.

MAYOR'S LIAISON REPORT: Presented by Gary Loveless

Gary wants to second the request for the CERT training. His whole office has been trained and it makes a big difference. In the case of the fire on 13th there could have been people there who would have some training to know what to do before the fire department even arrived.

The Miracle Mile Parade is scheduled for August 31, 2013.

The big changes coming up now are the changing of districts. Gary will no longer be our representative. Mark Warner from Marion County will be the new one servicing us. Also Gary will bring him around to meet everyone before the first of August.

The Council members would like to thank Gary for all he has done for the City and he will be missed.

OLD BUSINESS:

RDC Appointments – Presented by Councilor Ed Bell

Councilor Harrison read into the record a letter from Buddy Templin withdrawing his name as a candidate for the RDC.

Councilor Mobley stated that he would like to have the City Attorney look at all the avenues for the RDC. He does not think the RDC is needed and he believes it should be dissolved. He commented that he does not see anything

productive coming out of the RDC and they are costing the City money. Attorney Wiley commented that the RDC cannot be dissolved without Council Approval on this suggestion.

Nominee Donald Webb came forward and gave the Council a little background on himself. Mr. Webb thanked Councilor Bell and Councilor Davidson for meeting with him and answering any questions he had. He also hopes they will finalize the vote, for or against him at this meeting and not postpone it any longer. He knows the RDC has had a troubled past but he would like at least six months to be on the RDC Commission to see if changes can be made before they do away with it. He stated that the city is seen as a rental community and does not have anything to attract younger people. He has some great ideas and would like the chance to present them. He also commented that Beech Grove needs to get back to the town it used to be.

Councilor Jennings moved to accept Donald Webb as the Council Appointment to the RDC Commission. Councilor Davidson seconded the motion; which was approved by a 3-1 vote with Councilor Bell abstaining.

The votes were as follows:

Councilor Mobley – No

Councilor Jennings – Yes

Councilor Davidson – Yes

Councilor Harrison – Yes

Councilor Bell – Abstained because Laura Middleton was the one he nominated, but she withdrew her name.

The Council congratulated Don Webb on his appointment to the RDC Commission. Mayor Buckley reminded him that he would have to be sworn in, so they will get together and set up a time before the next meeting.

Fire Department Merit Board Appointment - Presented by Councilor Ed Bell

Councilor Jennings recommended accepting the nomination of Don Smith to continue his position on the Fire Department Merit Board. Councilor Jennings stated that all the comments regarding Don have been favorable and everyone has stated that Don is easy to work with and always accessible.

Councilor Jennings moved to approve Don Smith to another term on the Fire Department Merit Board. Councilor Mobley seconded the Motion; which was approved by unanimous vote.

General Ordinance No. 11, 2013

...an ordinance that amends Article XVI "Use of Municipal Vehicles" of the City of Beech Grove Personnel Manual pursuant to accident notification and testing.

Mayor Buckley stated General Ordinance No. 11, 2013 was tabled at the last meeting.

General Ordinance No. 12, 2013

...is an ordinance that amends Chapter 77 of the City of Beech Grove Code of Ordinances concerning traffic patterns on North 8th Avenue.

Clerk Treasurer McMillan read General Ordinance No. 12, 2013 into the record.

Councilor Davidson asked for an amendment to make this a three way stop instead of a four way stop because 8th Avenue is a one way street. Mayor Buckley stated it is a one way north until you get to the last block and then it turns into a one way south. Councilor Davidson withdrew his request and will do further research.

Police Chief Swartz agrees with the ordinance.

Councilor Jennings moved to approve General Ordinance No. 12, 2013 for Second Reading. Councilor Mobley seconded the motion; which was approved by unanimous voice vote.

Third Reading will be on Monday, August 5, 2013.

General Ordinance No. 13, 2013

...is an ordinance that amends the Code of Ordinances Chapter 72, Subsection 72.23 pursuant to the overnight parking of Commercial Motor Vehicles.

Clerk Treasurer McMillan read General Ordinance No. 13, 2013 into the record.

Councilor Davidson would like to make an amendment under section No.4 to say 'except during City sponsored events'.

Councilor Jennings moved to amend General Ordinance No. 13, 2013 Section No. 4 to read 'except for vehicles participating in City sponsored events'. Councilor Harrison seconded the motion; which was approved by unanimous voice vote.

Councilor Jennings moved to approve General Ordinance No. 13, 2013 as amended, for Second Reading. Councilor Mobley seconded the motion; which was approved by unanimous voice vote.

Third Reading will be on Monday, August 5, 2013

NEW BUSINESS:

Request for Variance

Mayor Buckley asked Clerk Treasurer McMillan to read the e-mail request from Steve Proctor requesting loud music to be played at this daughter's 16th birthday party beyond normal hours.

Clerk Treasurer McMillan read the e-mail into record.

Chief Swartz stated that the Police Department is not opposed to loud music at a party, but if someone calls and complains then they will respond to it. If the variance is approved, but it goes beyond reason then it becomes disorderly conduct. The normal quiet time is 11:00 p.m. and the request is to play music until 12:00 a.m. Chief Swartz talked to Mr. Proctor and explained how the ordinance reads. If the variance is approved, then the Police Department will work with him, but they will have to still have to follow procedure on complaints.

Councilor Jennings moved to approve the variance as requested.

Councilor Davidson seconded the motion; which was approved by a 4-1 vote. Councilor Mobley voted no.

Council request that it be noted in the record, that even with their approval of the variance, the Police Department has the right to stop it at any time. Mayor Buckley stated that his office will send a letter to Mr. Proctor of the Council intent.

General Ordinance No. 14, 2013

...is an ordinance that amends Chapter 72 of the Code of Ordinances for the City of Beech Grove pursuant to soliciting around roadways or approach motor vehicles.

Clerk Treasurer McMillan read General Ordinance No. 14, 2013 into record.

Mayor Buckley did advise that this ordinance was brought to him by the Police Department whom asked that it be introduced to the Council. Chief Swartz stated that a couple of officers did a study after several citizens complained about people approaching vehicles, and standing with signs that obstruct the view. The citizens were concerned for their own safety. Chief Swartz is all for the ordinance and thinks it will help the safety of the citizens and the people that travel through Beech Grove.

Attorney Wiley commented that the courts have said that panhandling is free speech, but you can place some limitations on it, so he feels the ordinance is acceptable.

Councilor Harrison asked what the penalty would be, and Chief Swartz stated that it does specify in another ordinance of what that fine would be.

Councilor Davidson commented that he feels more threatened when walking at places such as Wal-Mart then when driving in his car. He has also heard of several states that have struck down pan-handling ordinances and does not see this as a big problem in Beech Grove. He is also concerned that he did not see any exceptions in it as far as charities, etc. Councilor Harrison agrees, because sometimes the fire department stands on the corner with a boot asking for donations. It was clarified that Beech Grove no longer does this due to safety issues.

Karla Middleton, a citizen, was concerned that this would impact kids holding up car wash signs, and John Jennings replied that they could still do that, but they cannot not be on the median, or a corner, where it would block a driver's view. Chief Swartz stated that they need to be stationed back 50 feet from the intersection.

Councilor Jennings moved to approve General Ordinance No. 14, 2013 for the First Reading only. Councilor Mobley seconded the motion; which was approved by a 4-1 vote. Councilor Davidson voted no.

Second Reading will be on Monday, August 5, 2013

COUNCIL COMMENTS:

Councilor Mobley – Everyone have a safe 4th of July and enjoy the Holiday.

Councilor Jennings – Thanked everyone for coming. It's great to be back at City Hall and he is going to miss Gary Loveless, Mayor Ballard's Southeast Side Representative.

Councilor Harrison – Ditto to Councilor Jennings comments and he thanked everyone for coming.

Councilor Davidson – Offered congratulations to Mr. Webb for his appointment to the RDC Commission. He also thanked Captain Pearson and everyone who helped with Little League and Softball.

Councilor Bell – Thanked everyone for coming and also he thanked the Fire Department for their presentation. He offered congratulations and good luck to Don Webb.

The next meeting will be Monday, August 5, 2013 at 7:00 p.m. at City Hall.

ADJOURNMENT:

Councilor Jennings moved to adjourn. Councilor Harrison seconded the Motion. The meeting was adjourned at 8:05 p.m.

Dennis Buckley, Mayor

Dan McMillan, Clerk-Treasurer

Minutes prepared by: Sheri Morgan

