

**BEECH GROVE CITY COUNCIL MEETING MINUTES
MONDAY, MARCH 4th, 2013**

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

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

All joined in the Pledge of Allegiance to our flag.

APPROVAL OF MINUTES: Clerk Treasurer McMillan presented the February 4th, 2013 minutes to the council. Councilor Jennings moved to accept the minutes as presented. Councilor Harrison seconded the Motion; which was approved by unanimous vote

SPECIAL PRESENTATION: Evan Smiley, a sophomore, at Beech Grove High School, qualified for the State Finals in wrestling in the 126 lb. weight class. Mayor Buckley stated Evan is a champion in his eyes, and that anyone who gets to the state finals is a champion. Mayor Buckley and Councilor Jennings presented Evan with a plaque in recognition of his accomplishment.

Judge Wells gave an update and financial report on the city court. Judge Wells explained in detail the disbursements the court makes with the funds they collect, and he stated that every cent collected by the court is controlled by Indiana State Statute. Councilor Coates asked why some months such as April and November revenues are higher. Judge Wells explained that many people pay their fines in April with their tax money. The report included a breakdown on the public agencies that are utilizing the city court, as well as the infractions that are coming forth. This report is possible because of the new computer system that was installed last year. Councilor Harrison asked why there is a decrease in the State Police filings. Judge Wells stated that the prosecutor has decided that he wants those filed downtown in Court 13. Councilor Davidson asked if there is a compliance officer writing tickets for ordinance violations in Beech Grove. Judge Wells stated the only two entities that he is aware of that are writing tickets in Beech Grove is the Beech Grove Police Department and Steve Durbin, the Animal Control Officer. Mayor Buckley commented that there is not and that those violations would go through environmental court. Judge Wells argued that they should go through Beech Grove where it would be easily handled and cheaper for everyone. Judge Wells also stated that at a previous meeting, Councilor Bell had asked him if he expected the Interlocal Agreement with Speedway to bring the court into the black. Judge Wells said that while he expects the volume from City of Speedway to assist with finances for the court, he cannot control what filings come through the court. For an example it would be unethical of him to ask the police to write more tickets to raise court revenue. Judge Wells also stated that he does his best to trim the budget, but it can only go so low. There are only two staff members, the Court Clerk and the Judge. The computer system runs very well. It tracks cases and flows, as well as

tracking financials. It all so makes sure that all is being processed in compliance with State Board of Accounts. He also commented on Resolution No.4, 2013 that will be coming up this evening. His concern is with the fines. The current resolution reads that a penalty for X code will be between \$10.00 to \$1,000.00. Judge Wells is asking the council for clearer, more concise direction with fines. He cited fines that nearby communities charge in an effort to assist the council with their decision. Councilor Stewart thanked Judge Wells for the detail he provided in his reports tonight. Judge Wells also stated that it saves on police overtime because they are not sitting in a court downtown waiting for a case to be heard. Clerk McMillan stated that he believes Judge Wells operates the city court in a fiscally responsible manner, and he appreciates the fact that during budget preparation Judge Wells was the first to call and meet with him to try to find cuts in his budget. Judge Wells was able to find \$1,500.00 in his \$115,000.00 budget that is made up primarily of fixed expenses such as salaries. Judge Wells stated once again that the financial solvency of the court is dependent upon the cases filed. He also stated that they have the capacity to grow without adding expenses. He believes they could hear up to 2000 cases a month versus the 250 they hear now.

PUBLIC COMMENTS: Pam Stallard questioned the urgency of inventorying the trash totes. She stated the trash totes have been out in the public for several years. Mayor Buckley told her that the council passed an ordinance last year to inventory the totes. Mayor Buckley also stated that we need to get it done and when the council approves an ordinance the city should enforce it. He said there is no emergency. We could extend it 45 days or 60 days, but the bottom line is that they need inventoryed and it should have been done years ago when the totes were purchased. Pam also asked why everything is going through the Board of Works now instead of the council. Mayor Buckley asked for an example of what she was referring to. Pam stated the Board of Works approving and hiring Wessler to inventory the totes. Mayor Buckley explained that the council funds the agreements and the Board of Works approves the agreements.

Jim Coffman – Jim thanked the mayor and the council for the work being completed on Main Street and he also thanked the citizens and the people in the surrounding area for supporting Main Street businesses. Main Street is going to be great when it is done! Jim encourages everyone to call Main Street businesses to see if they have alternative entrances during construction.

COMMITTEE REPORTS:

Greenscape Commission: - Presented by Dave Miller

Saturday April 20th, is city clean-up day. Normally, Main Street is cleaned up, but because of the construction they are contemplating spreading out. About mid-morning they usually move to the parks. The City of Indianapolis is removing 500 ash trees in the Northeast part of Marion County that are infected with *emerald ash borer*. This part of the county has not had any reports of the *emerald ash borer*, yet. The Greenscape Commission has fielded many questions regarding the disease.

In the 2009 Tree Inventory that the Greenscape Commission conducted, the City of Beech Grove had 43 ash trees in the parks, and on public property. Since, that time 1 or 2 have been removed. The Greenscape Commission will be inspecting the ash trees that remain in the parks and on public property probably, sometime in May. Councilor Davidson asked if there are identifiers to the *emerald ash borer*. Dave said there are. He referenced the Greenscape Commission page on the City of Beech Grove website <http://www.beechgrove.com/greenscape-commission.html>. He said the webpage has an *emerald ash borer* alert that you can click on and get information. Dave also said that people should beware because once the identifiers (very top of the crown and a very, very small d shaped hole) are found it is too late to treat the tree. Many

people have been scammed by companies claiming they can treat the *emerald ash borer*, and once the indicators are realized it is too late. The next Greenscape Commission is March 18th at 6:00pm, at the Community Center. Dave Miller is an Arborist.

Redevelopment Commission: - There was not a meeting in February, so there is not a report.

Public Safety Committee: -Presented by Police Chief Swartz

The Public Safety Committee met on February 27th. The parking issue with commercial vehicles was discussed and Chief Swartz has asked Councilor Davidson to assist with that. They also discussed cleaning up abandoned/ stranded vehicles and they are going to be pushing that on all three shifts this spring. Chief asked that you call him or email him @ mark.swartz@beechgrove.com if you are aware of any. Debbie Springer is currently working in the clerk's office part time and she intends to continue filling her commitment to the Public Safety Committee as well as Crime Watch.

There is going to be a 5k walk on Saturday, May 11th at Sarah T. Bolton Park. Sign in will begin at approx.7:30am and the walk is scheduled to begin at 9:00am. The exact route has yet to be determined. The police department is reviewing the least intrusive and safest route to use. Julie Lockwood is organizing the walk. Questions can be directed to her at julie.lockwood@beechgrove.com. Councilor Jennings asked for verification of date and time and he also asked that Chief Swartz update the council when final plans have been determined.

Councilor Stewart asked for clarification on abandoned vehicles. She wondered what the policy is for vehicles that are not plated, yet not abandoned. Chief Swartz explained that the police will attempt to talk with the residence and tag it before taking any action.

Beech Grove High School Police Officer Mark Parker, reported to Chief Swartz, that a disaster exercise will be conducted March 28th from 7:00am to 3:30pm at the high school. This date is over spring break. There will be approx. 100 actors and 100 workers. This will not be a weather related disaster, but could possibly be a chemical reaction. The school has supplies and this will show how victims or residents are treated. If you have any further questions Chief Swartz recommends calling Beech Grove High School.

The next Public Safety Committee meeting is March 27th at 9:00am at city hall.

ABC – Jim Brooks was unable to attend but did report to Mayor Buckley that Rick Skirvin was approved today. Rick is going to open a restaurant in Beech Grove.

March Financial Report to the Council: -Presented by Clerk Treasurer McMillan

Clerk McMillan passed out financial reports to council members. These reports included bank balances that are also available on line at <http://www.beechgrove.com/2013-bank-statements.html>

Clerk McMillan requested to transfer \$2,500.00 in the City Court budget. It does not increase or decrease their budget. Counselor Jennings moved to accept the transfer. Councilor Davidson seconded the Motion; which was approved by unanimous voice vote.

MAYOR'S LIAISON REPORT:

Gary Loveless, Mayor Ballard's Liaison to the Southeastside, presented the following report;

Free floral permits are available to work on public right away trees but they must be signed off by a Certified Arborist.

- Today there was a Master Transportation planning meeting This meeting involved multi counties and goes all over the place. Indy Go is going to be revising the plan within the next month. Any questions or comments should be directed to Indy Go
- South County Line Road will have 2 intersections widened at Railroad Road and Morgan Town Road.
- State of the City Address is Friday at 1:00 pm at the City Way Hotel.
- There is a Trail-Ways Planning Meeting on Wednesday, from 6:00pm to 8:00pm at Perry Meridian High School and the following day on Thursday, the same meeting will be conducted in Franklin Township at the closed Franklin Township Middle School West.
- Ann Graham Watts, Billy Graham's daughter, is coming to the Convention Center on April 5th and 6th. This free event and is billed as a ladies event.
- Billy Graham is 95 years old and on his last crusade. Information packets are available for councilors. These packets include a DVD and information on home meetings that you can present to your church.
- Christian Emergency Network has a Community Emergency Response Team that Indianapolis trains regularly. This is training for individuals in the event of a disaster and what can be done until emergency help can arrive.

OLD BUSINESS:

Council Nomination to the Board of Zoning and Appeals:

Councilor Davidson nominated Al Thompson. No other nominations were made.

Councilor Jennings moved to close the nominations. Councilor Mobley seconded the Motion; which was approved by unanimous voice vote.

Councilor Mobley said he cannot vote for someone he doesn't know. Councilor Jennings suggested tabling the nomination until Councilor Davidson provides the council with contact information. Councilor Jennings moved to table the nomination. Councilor Mobley seconded the Motion; which was approved by unanimous voice vote. Clerk McMillan stated that at the past meeting, Councilor Bell had nominated Joe Haag, and he wanted to make sure that Mr. Haag was not excluded. Councilor Stewart nominated Mr. Haag.

Mayor Buckley tabled the nominations until the next meeting.

General Ordinance No. 2, 2013

...an ordinance amending Section 72.23 [Parking Restrictions at Night] of the Code of Ordinances of the City of Beech Grove, Indiana

Councilor Davidson read the ordinance into the record.

Per the advisement of Chief Swartz, Councilor Davidson moved to amend the ordinance to read, "Commercial vehicles weighing more than 26,000lb, shall not park, within the residential or business district, on public thoroughfares, of this

city, except for the purpose of loading, unloading or performing work. Councilor Jennings moved to accept the amendment. Councilor Stewart seconded the Motion; which was approved by unanimous voice vote.

Councilor Coates asked how large a 25,000lb truck is. Chief Swartz said that most commercial vehicles weigh more than that. One ton work vans do not. He said any vehicle registered or labeled as a company truck would be included in this ordinance. Councilor Coates asked about a contractor or painter that has ladders on their trucks. Chief Swartz stated that if it is labeled as a company vehicle it will be treated as a commercial vehicle. Councilor Jennings stated that a vehicle that weighs more than 26,000 pounds would be a small semi, flat bed, or a box truck. He said that does not include anyone's personal vehicles. Commercial vehicles are identified with a tag on their plate.

Councilor Jennings moved to accept the ordinance and amendment as read. Councilor Stewart seconded the Motion; which was approved by unanimous voice vote.

General Ordinance No. 3, 2013

...an ordinance adding Section 96.10 to Chapter 96 [Garbage and Refuse Collection] of the Code of Ordinances of the City of Beech Grove, Indiana

Councilor Davidson read the ordinance into the record.

Councilor Jennings commented that this ordinance is directed toward those that are claiming to be trash pickers but are actually scoping out your garages. We don't want to stop them from removing an old dishwasher from in front of my house, but we do want to stop them doing it at 2:00am and removing it from my garage. They will have to have a tag on their vehicle and this will give the police department an opportunity to identify them and if there is misbehavior they can address that.

Councilor Jennings moved to accept the ordinance as read. Councilor Davidson seconded the Motion; which was approved by unanimous voice vote.

NEW BUSINESS:

Resolution No. 4, 2013

Violation Fees for City Court

Councilor Davidson read the resolution into record.

Councilor Coates asked what would happen if the State of Indiana increases their fees. The person being fined would see an increase.

Councilor Jennings moved to approve Resolution No.4, 2013 as presented. Councilor Mobley seconded the Motion; which was approved by unanimous voice vote.

[General Ordinance No. 4, 2013](#)

*Incorporates the provisions of **Resolution No. 5, 2004** (Establishing the Beech Grove Greenscape Commission), **Special Ordinance No. 8, 2005** (Tree and Flora Ordinance) and **Special Ordinance No. 2, 2008** (Term of Office Amendment)*

Dave Miller stated that this ordinance will combine Resolution No. 5, 2004, Special Ordinance No.8, 2005 and Special Ordinance No.2, 2008 that will comply with city code. There is no change. This will create an ordinance that will be in the city code. Councilor Jennings commented that this is not an “addition”, but “instead of”. Dave Miller said that is correct. Dave also recommended correcting the misspelling on page 6 under 105.111 “Licensing and Permits” to read good instead of food. Mayor Buckley suggested approving on first reading and correcting it later. Councilor Jennings suggested reading the ordinance by *title only*. Mayor Buckley agreed.

Councilor Jennings moved to read this ordinance *by title only*. Councilor Harrison seconded the Motion; which was approved by unanimous voice vote.

Mayor Buckley read the ordinance into the record.

Councilor Jennings moved to accept the ordinance as read. Councilor Mobley seconded the Motion; which was approved by unanimous voice vote.

[General Ordinance No. 5, 2013](#)

Main Street Reconstruction

Clerk McMillan read the ordinance into the record.

Councilor Davidson does not agree with the placement, but does agree with the ordinance.

Councilor Jennings agrees with Councilor Davidson. Both said the ordinance placement should not be amongst highways and that it needs to be moved to a more appropriate place. Councilor Davidson will work on that.

Councilor Davidson moved to table General Ordinance No.2 2013. Councilor Jennings seconded the Motion; which was approved by a five to one vote. Councilor Harrison voted no.

Councilor Coates is concerned about the verbiage in the ordinance regarding signs. She believes exceptions should be made for the Fall Festival and other such events. Councilor Jennings suggested that Councilor Coates take the month to look over the ordinance and write an amendment.

[General Ordinance No. 6, 2013](#)

Driver's License Checks

Clerk McMillan read the ordinance into the record.

Councilor Coates asked why it would be random. Councilor Jennings stated the randomness is that the Police Chief may walk up and say I need to see your driver's license at any time. Councilor Coates thinks it should be checked when they are hired.

Councilor Jennings moved to accept the report as read. Councilor Harrison seconded the Motion; which was approved by unanimous voice vote.

[General Ordinance No. 7, 2013](#)

Drug Testing

Clerk McMillan read the ordinance into the record.

Councilor Jennings would like to add a section that states all employees are subject for all employees. Mayor Buckley stated that this ordinance refers to new hires. He withdrew his Motion to amend and will bring it forth at the next meeting for all city employees.

Councilor Davidson moved to amend the ordinance to read that all applicants “shall be” verses “should be”. Councilor Davidson thinks that would get pricey testing all applicants.

Mayor Buckley stated that Police & Fire applicants are already subject to drug testing per conditions of PERF. Other councilors agree that it should be done with every desired applicant.

Councilor Stewart seconded the Motion to Councilor Davidson’s amendment; which was approved by unanimous voice vote.

Councilor Davidson moved to accept the ordinance as amended. Councilor Jennings seconded the Motion; which was approved by unanimous voice vote.

Mayor Buckley said next month an ordinance for current employees will be presented also.

[General Ordinance No. 8, 2013](#)

Holiday Schedule

Councilor Jennings asked if this could be read *by title only*.

Councilor Jennings asked Clerk McMillan if he was familiar with this, and asked him to give them a brief description of the ordinance. Clerk McMillan said that he had requested that an ordinance be written to clarify what holidays are recognized, as paid holidays, for city employees. There has been conflicting information. Clerk McMillan stated that he just wanted clarity. Clerk McMillan also said that he would like to see an amendment that would allow the employees to trade a holiday for Christmas Eve or the day after Thanksgiving.

Councilor Jennings asked the clerk if this ordinance is approved on first reading tonight if he could get it amended before the next meeting. Mayor Buckley commented that Councilor Bell wrote the ordinance, but he could not be there tonight. He also commented that they could approve it on First Reading and then Councilor Bell could give a better explanation of the ordinance at the next meeting. Councilor Mobley opposes the additional holidays. As a veteran he stated he has never got it off with pay. He also stated that Good Friday, nor the day after Thanksgiving is legal holidays. Councilor Harrison thinks that government gets these holidays. Councilor Davidson commented that he checked some other local cities and the State of Indiana holiday schedule and these holidays are the same. Clerk McMillan stated that Greenwood gets ten holidays per year. Discussion continued amongst the councilors.

Councilor Davidson moved to read *by title only*. Councilor Coates seconded the Motion; which was approved by unanimous voice vote.

Councilor Stewart moved to accept the ordinance as read. Councilor Jennings seconded the Motion; which was approved by a five to one vote. Councilor Mobley voted no.

[Related Documents](#)

COUNCIL COMMENTS:

Councilor Mobley- *No comment*

Councilor Jennings – *Beech Grove Boys Basketball is over. We went two rounds into the sectionals. They played Indian Creek and didn't play very well but won, and then they played Danville and played very well and got beat. The kids had fun and played well. Basketball, volleyball, baseball just pick one and support your local kids because some day they will be taking care of you.*

Councilor Harrison –*Thank you to everyone for coming and staying so long.*

Councilor Davidson –*At the Feb 19th, the Board of Sanitation meeting a request came forward from the Public Works Director to Hire Wessler Engineering to count Trash totes and create a database to track the totes. The Board signed an agreement to pay Wessler Engineering \$16,000.00 and no bid process was used. The city had been approached by volunteers to do this at free of charge. Because this was over \$10,000.00 it was required to be put out for bid in accordance with 35181 of the Beech Grove City Code that was adopted last year by the city council and signed by the Mayor. The Board is comprised of Mayor Buckley, Councilor Bell, and Sandra Seward. Upon notification of what the Board had done, I quickly wrote a letter to the Board addressing that their decision was in violation of city code and asked that the taxpayers not foot the bill for their mistake. Mayor Buckley had pulled the agreement, now I just learned; a new agreement was presented to the Board for \$9,700.00 to only count the totes. This does not include any tracking. Volunteers were able to count. However, the money will be spent. After looking at the financing of the city I am concerned about the spending habits of the city.*

I also want to mention that Beech Grove School System is on spring break for two weeks this year.

Councilor Bell – *Absent*

Councilor Stewart- *No comment*

Councilor Coates – *Is glad council meetings are only once a month because it gives her more time to digest the subject matter.*

Mayor Buckley- *The next meeting will be Monday, April 1st, 2013 at 7: pm at Hornet Park Community Center. If this changes it will be posted in the Beech Grove City Website. Council has an appointment to the Fire Merit Board in May. Don Smith is currently serving and Mayor Buckley is not sure if he wants to continue. Mayor Buckley will make a not to remind council of this appointment at the April meeting.*

ADJOURNMENT:

Councilor Jennings moved to adjourn. Council Stewart seconded the Motion.

The meeting was adjourned at 8:29 p.m.

Dennis Buckley, Mayor

Dan McMillan, Clerk–Treasurer

Minutes prepared by: Dan McMillan

