

**BEECH GROVE CITY COUNCIL  
MEETING MINUTES  
MONDAY, MAY 6, 2019**

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

**ROLL CALL**

Present: City Council Members, Bud Templin, Jim Brooks, Dave Harrison, Elizabeth Lamping, Chris Duffer and Kevin Day. Also present were, Mayor Dennis Buckley, Clerk Treasurer Dan McMillan and City Attorney Craig Wiley. Councilor Vito Mascari was absent.

**All joined in the Pledge of Allegiance to our flag.**

**SPECIAL PRESENTATIONS**

**Beech Grove Boys Basketball Sectional Champions** -Mayor Buckley recognized the Beech Grove Boys Basketball Team for their Sectional Championship. The coach introduced the team and gave a little history of Beech Grove basketball. He also acknowledged Coach Matt English who passed away. Councilor Harrison gave a great description of their game at Southport.

**Apraxia of Speech** – Mayor Buckley proclaimed May 14, 2019 Apraxia of Speech day. The mother of a child with Apraxia of Speech gave a description of what it is. Apraxia is an acquired oral motor speech disorder affecting an individual's ability to translate conscious speech plans into motor plans, which results in limited and difficult speech ability. Individuals with AOS have difficulty connecting speech messages from the brain to the mouth. The child attends Hornet Park Elementary.

**National Police Week – 2019**- Mayor Buckley read a proclamation into the record proclaiming May 12, 2019 – May 18, 2019 Police Week in the City of Beech Grove. He also recognized fallen officers, Richard Ferguson, Tom Kleis and William Toney who were members of the Beech Grove Police Department. Chief Swartz commented that Beech Grove will be sending 5 police officers for National Police Week in Washington DC.

**Emergency Medical Services Week -2019**- Mayor Buckley read a proclamation into the record proclaiming May 19, 2019 – May 25, 2019 as Emergency Medical Services Week. Chief Cheshire spoke briefly and thanked the Council and Mayor for their support of EMS services and the fire department. He invited them to come anytime to the station to view the equipment.

**APPROVAL OF MINUTES:**

Minutes from the April 1, 2019 meeting were presented to Council for approval. Councilor Duffer moved to approve the minutes as presented. Councilor Day seconded the Motion; which was approved by unanimous voice vote.

**PUBLIC COMMENTS**

Dave Grenoble and Harry Hamper spoke to the council.

**COMMITTEE REPORTS**

**Mayors Youth Council** – Principal Liz Walters reported on the happenings at Beech Grove High School. Also, an update on sports was given, including the news that Coach Renfro got “Coach of the Year”. Information on physicals and scholarships were given too.

**ABC** – Ashley Piland reported she had 2 on the docket. El Marachi on South Emerson was approved. One will be continued for Night Owls.

**Green Scape Commission** – In the Packet

**Compliance Division** – In the Packet

**Public Safety** – In the packet

**Financial Report**

To:

Beech Grove City Council  
Dennis Buckley, Mayor  
Craig Wiley, City Attorney

In April we paid the last payment on the skidsteer of \$7,892.73

Stormwater Fund Balance -\$314,751.14

Thanks to the website volunteers who continue to keep it updated at no cost to the taxpayers. Financial Reports, Debt Service, Bank Balances and more can be found on the City Website at [www.beechgrove.com](http://www.beechgrove.com)

The bank balances are listed below:

Corporate	\$2,611,113.35
Utilities	\$900,410.04
Criminal Investigation Fund (CIF)	\$94,329.57
RDC General	\$316,694.56
RDC Debt Service (DSR)	\$240,000.00
2004 SRF Debt Service (DSR)	\$140,212.11
2004 SRF Debt Service Monthly	\$69,587.28
2015A Refunding Bond Debt Service Reserve (DSR)	\$64,358.47

As always, if you have any questions my door is always open. Thank you.

Respectfully Submitted,  
Dan McMillan, Clerk Treasurer  
City of Beech Grove

### **OLD BUSINESS**

Todd Bartron gave an update on the sale of the sewer. On April 30<sup>th</sup>, 2019 a site visit was performed, and 3 entities, Aqua Indiana, American Water and Citizens Energy were present. They were represented by 16 people and Phil Gurganus answered questions as well as others.

### **NEW BUSINESS**

#### **Zoning Hearing**

#### **CASE NO. 2019 – ZONE -026- APPROVAL HEARING – 229 South 3<sup>rd</sup> Avenue**

Linda Ahlbrand from the Metropolitan Development Commission explained to the Council their role in the process.

She gave a history on the property.

The property includes 3 parcels on 3<sup>rd</sup> Avenue and 5 parcels on 2<sup>nd</sup> Avenue. The site received a variance in 1981 to convert all 3 parcels on 3<sup>rd</sup> to a church. The current variance will continue no matter what happens. This petition would rezone it to a SU1 district; which is a religious district.

The benefit is that future development can happen with staff approval and with the current zoning it cannot. The property can't be expanded or built on. The building came to MDC because of a violation that was issued for a large shipping container that is on the property. The photos show that. If this property would be rezoned, then the shipping container would have to get the MDC approval to then be able to get permits. MDC would most likely not consider a shipping container appropriate for a residential zone and we would most likely deny that. I have made the petitioner aware of that, however if they came to us and wanted to build a small shed or a building addition, we would likely approve it, provided it were appropriate for residential. We are recommending approval because a religious use district is appropriate near a residential and we do have steps built in for them to get a permit for development, again noting that a shipping container would not be appropriate but, it would allow them to get a permit for something else with-out having to go back and get an additional variance. That is where they would stand right now if this did not get approved and they wanted to expand they would have to go back for an additional variance to expand or for development on the property, but again religious use is permitted and that 1981 variance and the church can remain regardless of the outcome of tonight. Your recommendations will go on to the MDC for their hearing in the first week of June and then it would go on to the Indianapolis City Council if the MDC recommendation is for approval because it is a 3-step process.

Councilor Lamping said, her questions are about the shipping container. That seems to be the issue as we have all received emails from residents. How did it get there, what is it used for, and why don't they get rid of the shipping container and then we can discuss this?

Linda Ahlbrand replied, I can't answer how or when it got there. They did not receive a permit. It would not have received a permit had they come to apply for a permit. They received a violation and then I believe attempted to get a permit for it and could not and that resulted in this petition being filed.

Councilor Lamping said, so they paid a violation for having it there so their intentions of getting rid of it doesn't seem like to me that they are very committed to getting rid of it.

Linda Ahlbrand replied that she spoke to the petitioner and let her know that the it was likely not going to get approved by our office even if the rezoning got approved. I believe she is understanding of that and is making plans to get rid of it but you would have to ask her.

Councilor Lamping said, how about the petitioner gets rid of the container and then comes back for rezoning. That is how I want to look at it right now.

Linda Ahlbrand replied, a rezoning petition in the State of Indiana must be heard by this body within 30 days of being filed. There is no opportunity for a continuance with the way excluded cities work in Marion County. So, if you don't make a decision tonight it goes back to the MDC without a recommendation.

Councilor Lamping said, so whoever that body is still responsible for getting that shipping container.

Linda Ahlbrand replied, right now she is under violation and the violation is still ongoing and if this is denied or our staff denies it then she would have to remove it and we would have to give her 30 days or 60 days to remove it, I don't know.

Councilor Lamping said, I am still under the thought that it is difficult to get that shipping container out of that area.

Linda Ahlbrand replied, I understand your point and we also agree that it shouldn't be there, but we have separated the issue of the shipping container not being appropriate, agreed, but the rezoning we think is an appropriate category given if it were used properly.

Councilor Brooks asked, there is a creek behind that building and they are going to expand over to 2<sup>nd</sup> Street?

Linda Ahlbrand replied; they have not submitted any plans to expand to 2<sup>nd</sup> Street. They would be permitted if they could get permits, they have to be 25 feet away from that top bank of that tributary Beech Creek and that would not leave much of the property developable and still meet set-backs so what they can effectively do with that property I don't know but they have not submitted any plans to do anything with it but the shipping container was located on that part of the property which is why it was included.

Clerk Treasurer McMillan asked, are any of the 5 parcels are buildable?

Linda Ahlbrand replied, she doesn't know that she can answer that, if you take out 50 feet for the stream and then built-in setbacks from the street probably not but she doesn't know for sure.

City Attorney, Craig Wiley asked, if the Council votes in favor of this but they still do not remove the shipping container what is the remedy?

Linda Ahlbrand replied, the violation that is ongoing would continue and if it were not removed in the time set by the inspector then it would go to court.

Councilor Templin asked, do we have a date in which they were made aware of the shipping container?

Linda Ahlbrand replied, that she did not bring that with her.

Councilor Temmplin asked, do we have an approximate date that you this was made aware of?

Linda Ahlbrand replied, she was made aware of it approximately 4 months ago, but they thought this could be the corrective matter to be able to keep it and they now have been informed that this will not work.

Mayor Buckley commented, Council, within the last year we have had 2 complaints filed downtown concerning the container, our position that it doesn't belong there; with no action from the City of Indianapolis, also these people do not maintain their property. We have been on them, Craig you have been on them legally for 2 years because they won't cut their grass. Deanna Hensley cuts the grass back there. You drive by there tonight on your way home and you'll see the tall grass and what we're talking about, plus they are poor stewards of picking up trash all through there. I'm just passing this on because this is an occurrence, we deal with all the time. Some of you may not be aware of it but they are not good stewards of their property.

Councilor Brooks asked, the property on 2<sup>nd</sup> Street?

Mayor Buckley replied, 2<sup>nd</sup> and 3<sup>rd</sup> Streets.

Councilor Duffer asked if anyone wanted to speak. Mayor Buckley stated he would like to hear from the public. It was stated that the petitioner or their representative should speak first.

Marvin Sangsland, The Witness Foundation of Idaho dba Body of Christ Fellowship -I have not been in favor of the container since the day it was put there. My son from Florida because they wanted to store things in the container for our 50<sup>th</sup> wedding anniversary. We have had the property for 22 years now. It has been a church for 40 years. I heard the complaint about the trash. The biggest problem with the trash is the Speedway right around the corner that continually sale their contents. People walk through our parking lot; they walk through the area and they just drop their stuff there. I have been out of town because my daughter-in-law went into cardiac arrest and was dead for 20 minutes and they had no one to take care of the children or my daughter-in-law, so I have been for 6 months in Idaho taking care of my daughter-in-law and her children. We actually closed the church down for those months because there was no one to see after the property during that time. I would imagine that the trash really piled up over that time. Normally, I try to go over there once, twice or three times a week picking up Speedway stuff. We also had the problem of the people right across the street from us which some of you may know, Skip and Helen they dies and the house was sold and we have people in there, well it's a house of ill repute is all I can say. When their rooms are filled up, they use our parking lot throw stuff in our parking lot from extra rooms in their cars to do whatever it is they are doing. I also pick up underwear, t-shirts and other things and we throw them in the garbage. We are taking care of the property a little better now that I am here continually. We are not a large church; I think Sunday morning and Sunday evening we had 13 people and most of them are elderly including me. I have had very ill health and I have actually been brought back to life 6 times in the past 2 years so after I work for so long and after my strength is totally gone I have to rest a day or two before I can get back to it. I have my daughter here who is also on the complaint, she has been very helpful painting the church inside and out and she has worked today to put flowers along the sidewalk and flowers in front of the church and we are doing our very best to maintain and keep the church. With my son and the container, I told him to go to the city first and check. Well he decided that since he was only here a week or so that he was going to put the container there and beg for forgiveness later. I think the container does not not add to the City of Beech Grove, I think that it is an eyesore and should at least be painted. We can use the storage place because the church literally has no storage place to it. I think the container should be taken out of there and we will move to have the container removed.

#### Remonstrators

Jackie Hudman – I have been asked to speak for some neighbors that live adjacent to the property. As concerned neighbors we know that the building has been used as a church for the past few years. Our concerns are;

1. The zoning, the SU1 is not very clear in what religious uses might allow.
2. Some property owners would like the property zoned residential since it sits in a predominately residential area.

3. The building and the outside grounds are in disrepair and the homeless have used the doorways and the shed on the property as temporary housing with the permission of the current property owner.
4. The cargo container removal needs a deadline for removal instead of someone saying, "it's likely it will be removed".
5. As a concerned homeowner I would like to see the cargo container removed as recommended in the staff report from the because it is an extreme protection corridor.
6. We are hoping you will take appropriate steps to make sure the unsightly property is cleaned up and the cargo container is removed.

Thank you for hearing me and for your consideration.

Thelma Cullison – I moved there in 1966 so I have observed a lot. When I moved there it was a Lions Club, then a Jaycee's and then Alan Hunter had it and he moved around a lot and then he sold it to Art and then Art sold it to preacher. There has been a lot go on there and recently it has calm down some. In the last year or so we have alcoholics and all sorts of people lived on that little porch thing, summer and winter and the little building that is in the parking lot they have lived there, and it's been really crazy. I just hope that it does get cleaned up and taken care of. I wish him the best because I live there and like the minister said there is a problem across the street, and it bothers all of us. I hope they get that straightened up too. Thank you for your attention.

Councilor Brooks asked, what was it zoned before the church?

Linda Ahlbrand said, it is zoned D5 and it has always been zoned D5. They got a variance to use it as a church. Councilor Brooks remarked that the Beech Grove Jaycee's built that building. Linda Ahlbrand replied, they had a variance and she did not include that in the history.

Councilor Duffer said, Jackie had contacted him, and he had gone by and looked at the building and it is in disrepair, it's not been taken care of. The gutters are falling down, there are no doorknobs on the doors, the shed is in disrepair, I would like to think that a church would be a better neighbor to the neighbors than this place has been. I just wanted to say I went by and looked at it.

Tammy Garcia- when we first got the shipping container, we didn't receive a violation for a while and then we got the violation, I began calling and then first I called the number he left and then I went to some of the different agencies do we need to get rid of it or what do we need to do? I think our biggest problem as a church is, we don't have much money. As you said it's disrepair. A lot of times our biggest congregation is kids we pick up from Parkview, so they are obviously not tithing, they're not putting money into the church so a lot of the money that comes is out of our own pockets. Yes, we have had homeless people stay there and we should not have let it happen, but my dad has a problem with turning people away when they don't have food and they say can I stay here. We all advise him please don't, but you know what he has a problem turning homeless people away even if they are drunks. We've gotten rid of that and hopefully we won't have any more problems with that. As far as why did we keep it so long after we got the violation, because I was talking to different departments and they were saying if you make it into a permanent structure, paint it you can probably keep it, so this is the route I was advised. Do this either you do a variance or zoning so I talked to different people even this department I spoke with someone who said there are trees behind it if you paint it and make it look

good it' not bothering anybody but you need to rezone. So, the reason we kept it so long is because we were under the hope that if we put a foundation under it and made it to the ground as a permanent structure that we would be able to keep it. Why would we want to keep it because we don't have anywhere to park a riding lawn mower. We were mowing just 2 days ago, and my dad left the gas can down and someone came by and swept it up, we have to watch our tools at all times because anything that we leave out is stolen.

Yes, the building is in disrepair, my dad is an elderly man, he has heart problems, I am trying to get in and help him some, some of the others are trying to get in and help him, we do plan to make it look better, but at this point I have talked with Linda and she said there is no way you are going to be able to keep it, so that is fine, but we would like to get a structure where we can keep tools, so that is where we're at. Yes, we're residential, we would like to be able to operate as a church and be zoned as a church.

Councilor Lamping asked, is that container is worth anything as scrap? Can you actually make some money off of it if somebody wants to buy it as scrap even if you wanted to restore it you will have to meet building codes.

Tammy Garcia- we paid \$2,400.00 for it and it was cheaper than building a garage so that is what we were looking at and it was the most economical for us. We didn't realize we were breaking any rules at the time. I guess my dad talked to my brother as he said my brother lives in Florida. Once we started getting complaints on it then it was what do we need to do to make this compliant and then I started talking to the different agencies and that is how we got to where we are at.

Councilor Templin asked, you don't own it? Tammy answered yes, we bought it outright. Councilor Templin replied, what she said a minute ago conflicted with what he thought was going on.

Tammy Garcia replied, they will list it and try to sell it and then hopefully if you rezone us, we will try to find a permanent structure that goes with what the property should be.

Councilor Duffer asked, Linda, are they precluded from building a structure on the property with the current zoning?

Linda Ahlbrand replied, the current variance allowed the church building and the parking lot. Any expansion of those 2 things would require another variance for the property to be rezoned.

Councilor Duffer remarked to Tammy; you already have a shed on the property are you not able to keep things in that shed?

Tammy Garcia replied; we have some things in it, but it has been busted into multiple times. We don't trust it to keep anything of value in it.

City Attorney, Craig Wiley asked any more questions for Linda? What we do in the BZA is we go down the line and vote yes or no for the petition, why don't we start with Councilor Templin. I don't think we need a motion.

Councilor Templin - well I think it's all going to come down to the container and I think there has to be a message sent , if you can make it work out, I'll be the first one to help you, but at this point I'll have to vote no.

Councilor Brooks – I know it’s been a church for a long time because I was involved when the church sold it. I did not know it wasn’t vote SU1. With a container there it has to be removed and they have to start taking care of the property and I think it’s going to come up for rezoning again so I’m going to have to vote no too.

Councilor Harrison - I have to vote no.

Councilor Lamping - I agree, I have to vote no at this time. I feel terribly for your health issues and concerns that you have, but it sounds like your base support is weakest at best, I know that is a hardship for you and you want care and give back to people in need but there is resources in the county and other areas that you could turn people to. It’s hard not to help someone. If we can help you in anyway to remedy this but I believe at this time I would have to say no.

Councilor Duffer – No

Councilor Day – No

The vote is a unanimous, No. The Petition is denied.

#### **2019-Zone-040 - 5230 Victory Drive – Request to Hear Rezoning of 5.2 Acres**

Linda Ahlbrand explained the property is currently zoned MU1, it is sandwiched between the 2 hotels out there just south of the interstate. MU1 is a mixed used district for offices and apartments only so how this property got to have that zoning is unclear because it is not appropriate for where this is. A C4 district is a regional commercial district typical of this interchange area. I don’t have a recommendation at this point. I will have next month.

Councilor Duffer moved to hear the rezoning at the June 3, 2019 Council Meeting. Councilor Lamping seconded the Motion; which was approved by unanimous voice vote.

#### **COUNCIL COMMENTS**

**Councilor Day-** Thanks to everyone for coming.

**Councilor Duffer –** No comment

**Councilor Lamping –** Thanks to everyone for coming. Going Green in the Grove was an awesome event and we gave a lot of trees away and we had excitement from the community. We continue to do good things and work hard for our citizens.

**Councilor Harrison -** Thanks everyone for coming and I’m so proud of our high school kids it’s a good thing for our community.

**Councilor Brooks** - Thanks to everyone for being here. Put it on your calendars Friday, June 14<sup>th</sup> from 3:00pm to Saturday, June 15<sup>th</sup> at 3:00pm at Beech Grove High School.

**Councilor Templin** - Thanks to everyone for coming. The police and fire both need new stations and the police need a new gun range. I hope we don't put all our eggs in one basket for funding, because we owe it to them to make this work and to look at all options.

**Mayor Buckley**

Saturday, May 11, 2019 is the Police Department Fallen Officers Blood Drive 8:30 – 11:30 am in the lot at the police station

Public Town Hall Conversation – Thursday at 7:00pm at Hornet Park Community Center regarding the need for new police and fire stations.

**ADJOURNMENT**

Councilor Lamping moved to adjourn. Councilor Duffer seconded the Motion. The meeting was adjourned at 8:19pm. The next meeting will be on Monday, June 3, 2019 at 7:00pm in the City Hall Council Chambers.

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Dennis Buckley, Mayor

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Dan McMillan, Clerk–Treasurer