

BEECH GROVE CITY COUNCIL MEETING MINUTES
MONDAY, August 20th, 2012

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

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

All joined in the Pledge of Allegiance to our flag.

MEETING MINUTES: Clerk Treasurer Dan McMillan presented the Council with the minutes from the August 6th, 2012, meeting. Councilor Jennings recommended amending the minutes concerning Joellen Castettler comments and the vote results from General Ordinance #24. Councilor Stewart moved to approve the minutes as presented. Councilor Mobley seconded the motion; which was approved by unanimous voice vote.

PUBLIC COMMENTS: Mike Jarvis asked when the alleys will be done by the RDC. Mayor Buckley stated that the engineering is done, the contract was approved, and it has been sent to the newspaper for bids. It will be after the fall festival probably October.

OLD BUSINESS:

Mayor Buckley introduced,

[General Ordinance No. 22, 2012](#)

Amended to remove alleys 07/16/12 Approved on First Reading 07/16/2012 Amended to read "portable basketball goals shall not be left on sidewalks, streets, cul-de-sacs, or in front of fire hydrants when finished playing

...an ordinance that amends Chapter 73 of the City of Beech Grove [Indiana] "Code of Ordinances" by adding Section 73.13. Section 73.13 addresses portable basketball goals left on local streets, courts, cul-de-sacs and alleys.

Councilor Coates asked if the ordinance includes alleys. Mayor Buckley stated that it does not. This only includes streets. Councilor Jennings asked if language should be included, per Joellen Castettler's previous request, to include who is going to enforce the ordinance and what the penalty will be. Councilor Jennings also asked if we will we move these goals every time and will there be fine. City Attorney Craig Wiley stated it is implied that the city police will enforce this. Councilor Jennings then asked also how the mailman is going to handle this. Are they going to withhold delivering the mail? The Mayor stated that he assumes the Post Office will call city hall if they have a problem and ask for help. Councilor Bell stated he got a notice from the post office that if he didn't remove brush around his mail box the Post Office will deliver. Councilor Jennings wants to make sure that the ordinance is written well enough and that it has some teeth behind it. Mayor Buckley stated that law enforcement will enforce it. Councilor Davidson stated that at the end of most chapters in the ordinances have penalties written in them for violations.

Councilor Jennings moved to accept General Ordinance No. 25, 2012 for the Third and Final Reading. Councilor Stewart seconded the Motion, which was approved a 6-1 voice vote. The vote was as follows:

District No. 1 Councilor Mary Stewart – yes

District No. 2 Councilor Ed Bell – yes

District No. 3 Councilor Anthony Davidson – yes

District No. 4 Councilor John Jennings – yes
District No. 5 Councilor Dave Harrison – yes
Council at Large – Kathy Coates – no
Council at Large – Dave Mobley - yes

Councilor Davidson introduced,

[General Ordinance No. 25, 2012](#)

...an ordinance that amends Chapter 50, Sections 50.071 and 50.083 of the "Code of Ordinances" of the City of Beech Grove, Indiana concerning the installation of lateral sewer lines, cleanouts, repairs or replacement of such lines, and inspections conducted by the City of Beech Grove and its authorized agent.

Councilor Coates moved to read General Ordinance No.25, 2012 by title only for the Second Reading. Councilor Davidson seconded the Motion; which was approved by unanimous voice vote.

Mike Fitzgerald spoke to the Tap Fees. He stated that in the past we were charging \$35.00. This Ordinance raises those fees to \$300.00 on residential and \$500.00 on commercial to try to offset some expense to the city.

Councilor Stewart moved to accept General Ordinance No. 25, 2012 for the Second Reading only. Councilor Jennings seconded the Motion, which was approved by unanimous voice vote.

Mayor Buckley introduced

[General Ordinance No. 26, 2012](#)

...an ordinance that amends Chapter 34, Section 34.14(B) of the "Code of Ordinances" of the City of Beech Grove, Indiana pursuant to ambulance responses outside the corporate city limits of the City of Beech Grove.

Councilor Coates moved to read General Ordinance No. 26, 2012 by title only. Councilor Jennings Seconded the Motion which was approved by unanimous voice vote.

Mayor Buckley read General Ordinance No. 26, 2012, into the record.

Councilor Jennings moved to approve General Ordinance No. 26, 2012 for Second Reading only. Councilor Mobley seconded the Motion, which was approved by unanimous voice vote.

RDC UPDATE:

Councilor Bell opened the floor to Councilors for nominations for the open seat on the RDC that was created, by John Morgan's resignation.

Councilor Davidson nominated Scott Seach
Councilor Harrison nominated Ben Hermann
Councilor Bell nominated Liz Lamping
Councilor Mobley nominated Joe Griffin

Councilor Bell closed the nominations. Councilor Jennings asked if telephone numbers of the nominees will be passed out to Councilors after the meeting.

NEW BUSINESS:

Clerk Treasurer Dan McMillan - presented a Letter of request for transfers. These transfers do not increase or decrease the current budget, but are for corrections to the budget.

- 1) **Police Department** - transfer \$200.00 from Janitorial Appropriation No. 101200220.310 to Canine Appropriation No. 101200220.330 (Not enough budgeted) - Councilor Jennings moved to accept the transfer. Councilor Stewart seconded the Motion; which was approved by unanimous voice vote.
- 2) **BOW** - transfer \$2660.00 from BOW Engineering Appropriation No. 101008312.000 to BOW Regular Salaries Appropriation No. 101008113.000 (Not enough budgeted for even one Board Member. Board Members are paid according to Salary Ordinance No.7, 2012) - Councilor Jennings moved to accept the transfer. Councilor Coates seconded the Motion; which was approved by unanimous voice vote.
- 3) **BOW** - transfer \$125.00 from BOW Engineering Appropriation No. 101008312.000 to Social Security FICA Appropriation No. 101008131.000 (Not enough budgeted) - Councilor Stewart moved to accept the transfer. Councilor Bell seconded the Motion; which was approved by unanimous voice vote.
- 4) **BOW** - transfer \$40.00 from BOW Engineering, Appropriation No.10108312.00 to BOW Medicare, Appropriation No.101008133.000 (Not enough budgeted) - Councilor Bell moved to accept the transfer. Councilor Harrison seconded the Motion; which was approved by unanimous voice vote.
- 5) **Fire Department** - transfer \$48,112.00 from Meals, Appropriation No. 101210141.000 to Overtime, Appropriation No. 101210116.000 (Not enough budgeted) - Councilor Bell questioned the \$48,000 appropriated for meals. Fire Chief Rob Cheshire gave a brief description of the meal appropriation and the reason for the transfer. Councilor Bell moved to accept the transfer. Councilor Harrison seconded the Motion; which was approved by unanimous voice vote.
- 6) **City Court** - transfer \$2500.00 from City Attorney, Appropriation No. 101004310.001 to Longevity/Education Incentive, Appropriation No. 101004115.00 (The Judge is entitled to \$2500.00 education pay in accordance with Salary Ordinance No. 7, established in 2011 and nothing was budgeted) Councilor bell asked if the judge just went to school. Clerk McMillan explained that city employees, the Mayor, Clerk and Judge all are entitled to education pay in accordance with the Salary Ordinances No. 7 and 8, 2011 The City Council Members are not. Clerk McMillan explained that eligible participants receive education pay, even if their degree or credit hours are from twenty years ago. It is an ongoing credit to their yearly salaries. So far this year the judge had not received his education pay and was not even aware he was eligible for it and no money was budgeted for it, but in accordance with the salary ordinance the city had to compensate him. As of today's date

Judge Wells is caught up on his education pay. Clerk McMillan also stated that the entire education credit needs to be re -examined.

Councilor Stewart moved to approve the transfer. Councilor Harrison seconded the Motion; which was approved by unanimous voice vote.

Mayor Buckley pointed out that all the transfers tonight ended with “not enough budgeted”. He also stated that there was not enough budgeted for many things including crossing guards, dental plans, storm water repairs, and a portion of the Mayor and Clerk salaries. Councilor Coates asked about the storm water repairs. The clerk stated that revenue was budgeted for storm water and we do not receive revenue from it and repairs were budgeted against it.

Clerk McMillan presented to the Council a Conflict of Interest statement for Mike Fitzgerald because as inspector he oversees his own work. This was recommended by the state auditor. With the new nepotism law the state is cracking down.

Councilor Jennings asked how much work Mr. Fitzgerald does in the city. Mr. Fitzgerald stated that he primary handles emergencies. Councilor Bell asked if the Conflict of Interest Statement covers his company also. Mr. Fitzgerald stated that he does not bill the city personally. Mr. Fitzgerald bills nothing personally. Councilor Davidson asked if Mr. Fitzgerald inspected his own work on the emergency work he completed for the city. Mr. Fitzgerald acknowledged that he did. Councilor Davidson wanted to clarify that Mr. Fitzgerald decides what permissible is. Clerk McMillan commented that the lightning strike happened Saturday, August 4th, at approximately 6:00pm, and City Hall was without power. The Clerk stated he was not trying to throw work Mr. Fitzgerald’s way but rather had no idea as to who he should call. The Clerk also stated that Mr. Fitzgerald is always willing to help out whenever h is needed. The Clerk also stated that Mr. Fitzgerald’s wife is an employee of the city and her conflict of Interest Statement was presented earlier this year.

Councilor Stewart moved to approve the Conflict of Interest Statement. Councilor Harrison seconded the Motion; which was approved by a 6- 1 voice vote. The vote was as follows:

District No. 1 Councilor Mary Stewart – yes
District No. 2 Councilor Ed Bell – yes
District No. 3 Councilor Anthony Davidson – no

District No. 4 Councilor John Jennings – yes
District No. 5 Councilor Dave Harrison – yes
Council at Large – Kathy Coates – yes
Council at Large – Dave Mobley - yes

Councilor Jennings Introduced:

General Ordinance No. 27, 2012

...an ordinance that amends Chapter 78, Schedule I of the "Code of Ordinances" for the City of Beech Grove, Indiana pursuant to restricting parking on the north side of Elm Street from Memorial Drive to Killian Drive.

Councilor Bell moved to approve General Ordinance No. 27, 2012 for the First Reading only. Councilor Jennings seconded the Motion, which was approved by unanimous voice vote.

Clerk McMillan introduced,

General Ordinance No. 28, 2012

...an ordinance that amends Chapter 78, Schedule I (C) of the "Code of Ordinances" of the City of Beech Grove, Indiana pursuant to street names and road identifications.

Chief Swartz stated that if streets are not named properly the Judge could actually deny tickets that the police have issued, and the incorrect addresses present problems.

Councilor Bell moved to accept General Ordinance No.28, 2012 for the First Reading only.

Councilor Stewart seconded the Motion, which was approved by unanimous voice vote.

Chief Swartz stated that he will be bringing more ordinances forward in the future for the court.

Councilor Davidson introduced,

General Ordinance No. 29, 2012

...an ordinance amending Chapter 35, Section 35.181 of the Code of Ordinances of the City of Beech Grove, Indiana pursuant to a Purchasing Agency purchasing supplies.

Councilor Bell moved to accept General Ordinance No. 29, 2012 for the First Reading only.

Councilor Jennings seconded the Motion, which was approved by unanimous voice vote.

Councilor Davidson introduced,

General Ordinance No. 30, 2012

...an Ordinance Adding Section 35.21 to Chapter 35 of the Code of Ordinances of the City of Beech Grove, Indiana

Councilor Davidson moved to amend Sub Section E on page No. 2

Councilor Bell moved to accept the amendment. Councilor Harrison seconded the motion; which was approved by unanimous voice vote.

Councilor Davidson volunteered to be the representative for the council. Councilor Bell asked who will vote on their recommendations. Councilor Davidson said the Council will. Councilor Bell asked if all children in Beech Grove will be included, public schools and private. Councilor Davidson answered that they will. Councilor Stewart asked how the schools will be notified. Councilor Davidson stated he has notified all the proper authorities. Councilor Harrison asked how this ordinance is different from the previous ordinance Councilor Davidson presented months ago. Councilor Davidson stated there are not too many major changes, other than the letter of recommendation. Councilor Bell stated that the last time the decision was left up to the principal on the recommendation for the Board and now it will be a council decision.

Councilor Jennings moved to accept General Ordinance No. 30, 2012 for the First Reading only.

Councilor Bell seconded the Motion, which was approved by unanimous voice vote.

Councilor Davidson introduced

General Ordinance No. 31, 2012

...an Ordinance Amending Chapter 77 Traffic Schedules, Schedule IV Speed Limits (6) and (7) of the Code of Ordinances of the City of Beech Grove, Indiana

Councilor Jennings moved to accept General Ordinance No.31, 2012 for the First Reading only.

Councilor Davidson seconded the Motion, which was approved by unanimous voice vote.

COMMENTS BY COUNCILORS:

Dave Mobley – none

John Jennings - *Fireworks are this weekend and he hopes everyone shows up and he asked everyone to please support the vendors. Beech Grove High School Varsity Football Team won the first game last Friday night in 19 games. They beat Lutheran Academy. Many students attended; in general the game was very well attended.*

Dave Harrison – *Stated he thinks since he has been on the council, that this is the first meeting that most of us voted the same way.*

Anthony Davidson- *Thanked all the Councilors for their support of all the ordinances he presented. He presented a concern from a citizen in regards to the fact that no Board of Works Meetings are on the website. Tom Showalter stated he does not put them on the website, but he can. Mayor Buckley asked him to please put the Board of Sanitation on there too.*

Ed Bell- *Thanked Councilor Davidson for cleaning up the Youth Advisory Board Ordinance and bringing it back to the Council.*

Mary Stewart –*She is glad everything passed. Thanked everyone for coming and thanked the Public Works Department for installing the no parking signs on Detroit Avenue between 13th Street and Beech wood. She also thanked the police for the stepped up patrol there. She has heard many positive comments from citizens about it.*

Cathy Coates - none

Comments by Mayor Buckley:

There will be a Special Council Meeting on September 10th, for the 2013 Budget. Second and Third Readings of the budget will occur on October 15th.

September 9th is the Beech Grove Police Department K-9 Fundraiser at O’Gara’s Irish Pub.

Cathy Beloit asked about the vacated position on the RDC. A meeting is scheduled for Friday at 5:30pm. She also asked why we have had 2 RDC presidents resign this year. The mayor stated he will pick one replacement and the council will pick the other.

Karla Middleton asked about what fines will be imposed for the Basketball Ordinance. The police and Mayor both agree that fines will probably not be imposed, unless there is abuse or blatant disregard of the ordinance.

ADJOURNMENT: Councilor Bell moved to adjourn the meeting, Councilor Stewart seconded the Motion. The meeting was adjourned at 8:06 pm.

Dennis Buckley, Mayor

Dan McMillan, Clerk Treasurer

Prepared by: Clerk Treasurer, Dan McMillan, August 20th, 2012