

## **BEECH GROVE CITY COUNCIL MEETING MINUTES MONDAY, FEBRUARY 4TH, 2013**

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

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

All joined in the Pledge of Allegiance to our flag.

### **SPECIAL PRESENTATION:**

Ø **Proclamation** – Presented by Mayor Buckley: Representatives from Tri-Kappa came forward. Tri- Kappa is an organization that is limited to the State of Indiana and was founded in 1901 by Mary Wright Sewell. It is now more than 10,000 members strong with more than 140 Hoosier chapters. The Local Chapter in Beech Grove is known as Zeta Theta and was founded May 19, 1961. They meet the first Thursday every month at the Beech Grove Public Library. The members of Tri-Kappa give over 1.5 million dollars to its endeavors of charity and education. They give to many charities in Beech Grove and award scholarships to deserving Beech Grove High School graduates. NOW THEREFORE, Mayor Dennis Buckley hereby proclaimed February 17th through February 23rd, 2013, as Tri-Kappa week for the City of Beech Grove. IN WITNESS WHEREOF, Mayor Buckley hereto set his hand and cause the seal of the City of Beech Grove to be affixed this 4th Day of February 2013.

Ø **First Christian Church Presentation** – Presented by Mayor Buckley: He asked the audience to look at the back wall to see the new framed “Welcome to Beech Grove” stained glass structure. This was made by the good people from The First Christian Church. The drawing was done by Marilene Haskett whom the Mayor asked to step forward and turn the light on. Councilor Ed Bell made the frame and Pastor Paul did the stain glass. Mayor Buckley thanked everyone from the church.

**APPROVAL OF MINUTES:** Mayor Buckley presented the January 7th, 2013 minutes to the council and asked for any questions or comments. There were none so he asked for a motion to approve the minutes as presented. Councilor Jennings moved to accept the minutes as presented. Councilor Harrison seconded the motion, which was approved by unanimous vote.

### **PUBLIC COMMENTS** (non-sewer related)

None

### **COMMITTEE REPORTS:**

Ø **Greenscape Commission:** None

Ø **Redevelopment Commission:** Presented by Joe Griffin, Vice President, RDC.

Joe would like the Council to know that it is important for the Council members to show up at the RDC meetings because the committee is very important to the City of Beech Grove. He also thanked the Mayor because he does show up. Joe stated the RDC and the council have to work together and they also need to have community involvement to make it work. Real redevelopment is everyone working together; because that is the only way it will be successful.

At the next meeting they will be discussing Main Street redevelopment and how it will impact parking and

driving on Main Street.

RDC meetings are the third Thursday of each month and the next meeting is February 21, 2013.

Ø **Public Safety:** Presented by Police Chief Mark Swartz.

The Public Safety Committee last met on Monday January 3, 2013.

One of the concerns addressed at the meeting was the trash in the backyards of properties. The Board of Health has been notified. Per the Board of Health, even though it looks bad, as long as the trash is off the ground they are in compliant.

The biggest concern right now with the Fire and Police Department is school safety. The Police Department has offered to go through the schools and give them any safety advice they can. The High school is upgrading their security system. The Police Department also has plans to do activities when school is not in session that includes training to the teachers and officers of what instances the police respond to and how they respond.

There is also a concern about our Commercial Vehicle Ordinance. The members of the Public Safety Committee have been asked to go to their neighbors and citizens to see what their concerns are and bring this information back to the committee at the next meeting.

The construction on Main Street will be starting the first of March.

The Fire Department will be getting a new fire truck soon.

Next meeting will be February 27, 2013 at City Hall.

**Dennis opened the floor for questions or comments.**

Councilor Jennings asked if there was anyway to make the K1 building any less assessable because right now you can walk right in and be in the office.

Police Chief Swartz stated that they have talked to the school representatives and they will be upgrading the security but not sure how soon that will be. The police department does have Officer Mark Parker stationed at the schools. He is at the high school most of the time but he does go around to the other Beech Grove schools and Holy Name if he is asked to. Councilor Bell made a comment where he sees in Officer Parker's report that he stays very busy with the schools. Councilor Coates asked if the council could see the reports and Clerk Treasurer McMillan stated they are on the Web Site under Police Reports.

Councilor Stewart asked for more information on the Commercial Vehicle Ordinance.

Police Chief Swartz Mark stated this would include any vehicle; van, tow trucks, etc. that has business writing on it.

Ø **ABC:** Presented by Mayor Buckley.

In the last two months there has been a renewal for Napoli Villa and the Moose lodge. Also there is a restaurant going in at Churchman Hill that will have a liquor permit but they still need to submit two more pieces of paperwork before it will be issued.

Ø **Financial:** Presented by Clerk Treasurer McMillan.

Clerk Treasurer McMillan passed out to the council the financial report that was presented at the State of the City address and it is also available on the Web Site for anyone who wants to review it.

Councilor Bell stated the report was very well written.

**MAYOR'S LIAISON REPORT:** Gary Loveless, Mayor Ballard's Liaison to the Southside, presented the following report:

Commercial vehicle definition is different in Marion County then in Beech Grove. Commercial vehicles in Marion County has to be larger than a 3 quarter ton truck. Vehicles that have a truck body on them or dually wheel vehicles are in violation if it is not your personal vehicle.

Burmese American Community Institute had a grand opening. They are the largest in the country and right here in Perry Township. There are now 9000 Che-Burmese families here in this community. They are the ones who will be buying our houses and keeping the property values up. Of the large cities, we are the only one that is growing because of this immigration. They are here legally, learning and trying to better themselves just like our ancestors did.

"Great Indy Cleanup" is April 6th for our part of town.

"State of the City" speech for Mayor Ballard will be Tuesday February 19th at 1:00 p.m. at the Alexander Hotel, which is downtown.

Indy Parks Department is doing something totally different. They will be opening the weight room for \$10.00 a month to help raise money. Beech Grove might want to look into doing something like this.

If anyone would like to speak with Gary he is at the community offices in Perry and Franklin Township on Mondays. He is at Perry Township government center from 11:00 to 1:00 and the Franklin library on Franklin Road from 2:00 to 4:00. Most times he has zero people show up so he does have time to talk to anyone.

Mayor's night out will be Tuesday February 12th. at 6:00 p.m. at St- Anne Catholic Church in Decatur Township.

Greater Southport Business Alliance will be having their "Taste of Perry" membership drive at German Park on Wednesday February 27th from 7:00 to 8:30 p.m.

We have some old classic movies coming up at Garfield Art Center. The next one is February 16th at 7:00 p.m.

There is also a Marion County Greenway Master Plan meeting coming up and they are doing one per township. Our township is Perry and it will be at Perry Meridian High School on Wednesday March 6th at 6:00 p.m. with presentation starting at 6:30 p.m.

Mayor Ballard will be at the Chambers office in Beech Grove on Thursday February 14th.

### **PUBLIC HEARING**

At this time Mayor Buckley suspended the Council meeting to go to the Public Hearing for General Ordinance No. 1, 2013 - Sewer Rate Adjustments

### **PUBLIC COMMENTS:**

Ray Shoe signed up to speak: he stated if more people would come to the Senior Citizens Center they would have a better understanding as to why they need to be increased.

Mayor Buckley asked if anyone who had not signed up would like to speak and no one came forward.

Councilor Jennings made a comment that the last time sewer rates were increased it was very dramatically and everyone was up in arms. This time the Council tried to do it more calmer and collective and increase it a little at a time.

Jeff Peters, Financial Advisor, presented the following:

As he stated before, in order for the Sewage Works to operate in the same manner they do now and provide for the transfer of money from Utility to General Fund to cover operations for payment lieu of tax and a return on investments, we will have to raise the rates. It has been eight years since they were last raised and it should have been done incrementally during that time period.

**Dennis opened the floor for questions or comments.**

Councilor Coates wants to make sure she understands it correctly that the residential rates will be based on a flat rate and not water usage.

Jeff Peters stated it would be a flat rate for residents.

Councilor Coates stated she did not receive any questions or concerns from anyone in her district about the increase so she wants to make sure she understands what is best for the city in order to make her decision.

Alan Hux, Attorney at Law, represents the Indiana Apartment Association, presented the following:

He wants to thank the Mayor and everyone involved for taking his clients into consideration when creating this proposal. After reviewing the Ordinance he wants everyone to know he believes it to be a fair and equitable proposal for the city and will cover their revenue expenses.

Dennis opened the floor for questions or comments.

Councilor Stewart thanked Alan for coming up and speaking to us and letting us know he thought it was fair and equitable.

No one else came forward so Mayor Buckley closed the Public Hearing and re-convened the Council Meeting..

**OLD BUSINESS:**

**[General Ordinance No. 1, 2013](#) – Second Reading**

.....Sewer Rates

Mayor Buckley asked for a Motion to waive the rules to read General Ordinance No. 1, 2013, by title only.

Councilor Harrison made a motion to waive the rules and read by title only.

Councilor Bell seconded the motion; which was approved by unanimous voice vote.

General Ordinance No. 1 2013 is an ordinance that amends Chapter 50 Section 50.001, 50.021, 50.032, 50.033, 50.046, 50.047 and 50.084 of the Code of Ordinance of the City of Beech Grove, Indiana.

Mayor Buckley asked for a motion to approve General Ordinance No. 1, 2013 on second reading only.

Councilor Davidson asked for a motion to make an amendment to General Ordinance No. 1, 2013 Section 50.047 to exclude trash pickup but leave the rest. On the 5th page the commercial trash pickup was increased to \$15.00 which is the same amount the proposal is for the residential pickup. Councilor Davidson does not agree that residences should pay the same as commercial pickup. Also he does not think that the study which was done included Commercial trash pick-up once they instituted the changes that have already been made. This would include the amount of trash we no longer pick up for free and the heavy trash pick-up that we are doing now and charging for. For clarification the commercial monthly rate is \$20.00 per tote for every 2 week pickup and residential is a monthly rate of \$15.00 per tote for every week. For \$20.00 you can get picked up twice a week and for \$15.00 you get picked up once a week. It is currently \$10.00. Councilor Davidson is recommending that we do additional studies before moving forward.

Mayor Buckley asked Jeff Peters to come back up and explain the impact on the City if we do remain at the current \$10.00 fee.

Jeff Peters explained that the rate study, on page 16, has the trash expense to be about \$740,000.00 for 2011. In order to cover inflation the \$15.00 fee puts us around \$750,000.00 of revenue to cover that expense. If we keep the rates the same it would be around \$500,000.00 which would make sewage works money subsidizing trash service.

Mayor Buckley asked for a second motion to amend General Ordinance No.1, 2013 requested by Councilor Davidson to delete 50.047 of the ordinance and table it for 6 months.

No second motion was made.

Councilor Bell asked for a motion to make an amendment change. On page 4 D of General Ordinance No. 1, 2013 where it states "the District" should be changed to "the City".

Mayor Buckley asked for second motion to change "District" to "City".

Councilor Stewart seconded the motion; which was approved by unanimous vote.

Mayor Buckley asked for a motion to approve General Ordinance No. 1, 2013 on second reading only.

Councilor Jennings made a motion to approve General Ordinance No. 1, 2013 as amended on second reading only.

Councilor Harrison seconded the motion; which passed by a 6 to 1 vote. The vote was as follows:

District 1 Councilor Mary Stewart - Yes  
District 2 Councilor Ed Bell - Yes  
District 3 Councilor Anthony Davidson - No  
District 4 Councilor John Jennings - Yes  
District 5 Councilor Dave Harrison - Yes  
Council at Large Councilor Kathy Coates - Yes  
Council at Large Councilor Dave Mobley - Yes

Mayor Buckley - General Ordinance No. 1, 2013 is up for third and final reading and asked for a Motion to waive the rules to read by title only.

Councilor Jennings made a motion to waive the rules and read by title only.

Councilor Bell seconded the motion; which was approved by unanimous voice vote.

General Ordinance No. 1 2013 is an ordinance that amends Chapter 50 Section 50.001, 50.021, 50.032, 50.033, 50.046, 50.047 and 50.084 of the Code of Ordinance of the City of Beech Grove, Indiana.

Mayor Buckley asked for a motion to approve General Ordinance No. 1, 2013 on third and final reading.

Councilor Bell made a motion to approve General Ordinance No. 1, 2013 on third and final reading. Councilor Stewart seconded the motion; which passed by a 6 to 1 vote. The vote was as follows:

District 1 Councilor Mary Stewart - Yes  
District 2 Councilor Ed Bell - Yes  
District 3 Councilor Anthony Davidson - No  
District 4 Councilor John Jennings - Yes  
District 5 Councilor Dave Harrison - Yes  
Council at Large Councilor Kathy Coates - Yes  
Council at Large Councilor Dave Mobley - Yes

**NEW BUSINESS:**

**Interlocal Agreement** - City Court

....Agreement between Town of Speedway and the City of Beech Grove

Judge Wells presented the agreement and stated it is pretty much identical to the agreement between Southport and Beech Grove. Southport has been using the Beech Grove courts for about 6 months. With this agreement Speedway will be filing their local ordinance violations and/or, depending on the Marion County Prosecutor's office, infractions with our courts.

Councilor Jennings wanted to know if the relationship with Southport was going well and if it was equitable for the city.

Judge Wells stated from our standpoint it has gone very well. We have not had any complaints and Southport seems to enjoy the relationship. The officers show up each month and file about 100 tickets per month. On each filing in our court when a judgement is made the city of Beech Grove receives \$19.50 and approximately 65 to 70 have judgements. The number should be higher now because we work with a collections agency to go after the people who do not pay. Judge Wells expects Speedway to have around 200 per month.

Councilor Davidson asked for the number Southport writes as compared to Beech Grove.

Judge Wells advised that Southport writes between 85 - 100 local ordinance violations. Southport does not file their local infractions with us. Infractions are a state code violation.

Councilor Davidson also wanted to be sure Judge Wells could handle the additional cases .

Judge Wells said yes because a lot of the process is handled through the inter-net instead of coming to the courts and anything new could be brought on without a problem.

Councilor Davidson asked Judge Wells that with the new revenue will the courts be able to get in the black.

Judge Wells expects this addition will make that happen every year if they continue to write violations at the level they are doing now.

Clerk Treasurer McMillan read the Interlocal Agreement between the City of Beech Grove and Speedway into the record.

Mayor Buckley asked for a motion to approve the Interlocal Agreement between the Town of Speedway and

the City of Beech Grove.

Councilor Davidson made a motion to approve the Interlocal Agreement between the Town of Speedway and the City of Beech Grove.

Councilor Bell seconded the motion; which was approved by unanimous voice vote.

**General Ordinance No. 2, 2013**

....Commercial Street Parking

Councilor Davidson read General Ordinance No. 2, 2013 into record.

**Mayor Buckley opened the floor for questions or comments.**

Councilor Davidson made a comment that this has always been an ordinance and he received several complaints so was wondering what caused it to start being enforced.

Police Chief Swartz stated the ordinance has always been enforced so it is nothing new but thinks the ordinance needs to be updated. Also the Public Safety Committee is looking for ideas to update it. The police recommendation would be to limit big trucks and numerous vehicles from the same company parking on the same block.

Councilor Jennings asked if part of the amendment should include the number of vehicles.

Police Chief Swartz agreed that it should limit the number of business vehicles.

Councilor Harrison was questioning if this includes dully vehicles because of their size on some of the narrow streets.

Police Chief Swartz said they do not want to go after public citizens but go after business.

Councilor Bell asked to table the motion until further research is done but Councilor Davidson suggested it not be tabled and be put to a motion on first reading which still gives the council time to research before next meetings.

Councilor Jennings made a motion to accept General Ordinance No. 2, 2013 on first reading.

Councilor Mobley seconded the motion; which passed by a 6 to 1 vote. The vote was as follows:

District 1 Councilor Mary Stewart - Yes

District 2 Councilor Ed Bell - No

District 3 Councilor Anthony Davidson - Yes

District 4 Councilor John Jennings - Yes

District 5 Councilor Dave Harrison - Yes

Council at Large Councilor Kathy Coates - Yes

Council at Large Councilor Dave Mobley - Yes

**General Ordinance No. 3, 2013**

....Waste and Refuge Collection

Councilor Davidson read General Ordinance No. 3, 2013 into record.

Mayor Buckley opened the floor for questions or comments.

Councilor Bell asked Police Chief Swartz how they would enforce this ordinance.

Police Chief Swartz answered that they would have to have their permit on them, either on the person or on the vehicle. He also stated this would help the police to investigate the people to be sure they are allowed to be there and are not thieves. If this ordinance is approved it will be posted on the Web site and also the police would give out warnings to the people the first time they are stopped.

Mayor Buckley asked for a motion to approve General Ordinance No. 3, 2013 on first reading only.

Councilor Jennings made a motion to approve General Ordinance No. 3, 2013 on first reading only.  
Councilor Mobley seconded the motion; which was approved by unanimous voice vote.

### **Council Appointment to BZA**

Last fall Bob Maloof resigned and Mayor Buckley called downtown to make a determination whether Bob was an appointment by the Mayor or the Council. He was informed that it was through the Mayor of the City of Indianapolis so Mayor Buckley appointed Joe Haag. He later found out that Bob was a Council appointment so Mayor Buckley had to ask Joe to withdraw from the BZA. There is now a council appointment position open on the BZA. As president of the Council, Councilor Bell would like to leave the position open for a month so they can get nominations and bring a recommendation to the March 4th meeting.

Councilor Jennings wants to put on record tonight that he will nominate Joe Haag because he worked with him on the Sewer Committee and knows him very well.

### **Uniform Conflict of Interest** - Lynn Rekeweg

Clerk Treasurer McMillan read the Uniform Conflict of Interest Statement into record.

Mayor Buckley asked for a motion to accept the Conflict of Interest Statement for Lynn Rekeweg

Councilor Bell moved to accept the Statement as presented.  
Council Mobley seconded the Motion; which as approved by unanimous voice vote.

### **Council President** - Youth Representative

Mayor Buckley was going through some State Statutes and came across Indiana Code 36.4.13.1 .Appointment of a Youth Advisor, section 1, the presiding officer of the Legislative body of the Municipalities can appoint an individual who is not more than 18 years of age to serve as an advisor to the Legislative Body on matters affecting youths in the community. Mayor Buckley asked the City Attorney if the code was still in existence or if it had been amended or deleted. Attorney Wiley advised him that it was still enforce and we had earlier passed an ordinance pursuant to the Youth Advisor so at this time Mayor Buckley will defer to see how the Council. It is up to the presiding officer on how he wants to proceed. Would he like to stay with the format we are doing now or would he like to move forward and appoint someone.

Councilor Davidson believes he had two sign up and doesn't think they had a very good campaign. Councilor Jennings says he knows there are more than two, because his son was one of them, but he thinks only two have completed the actual paperwork. Councilor Bell suggest they leave the youth council as it is and will meet with Steve Cox so they can move forward. Councilor Jennings stated they should make it the councils first order of business when they get more than 3 or 4 members.

### **Council Comments**

Councilor Mobley - *No Comments*



Councilor Jennings - April 6th is the Indy clean-up in our area as Gary said. Also Mayor's night out is coming up and it will be at Decatur Parish at St. Annes. Also he would like everyone to join him in singing Happy Birthday to Dan, (just kidding). As far as the local schools there is still some good basketball being played. Since it has been a long meeting he won't go into the latest but they try hard and play well. They also need your support. The boys 8th grade basketball team went 18 and 0. Undefeated. This has not happened in 47 years.

Councilor Harrison - Wants to thank everyone for coming. He knows the sewer rates is not what everyone wants to hear but knows it is something that had to be done.

Council Davidson - He would like to thank Judge Wells and Mary for the Interlock agreement. He mentioned to Mayor Buckley that during the Mayors State of the City he voiced his opinion on the elimination of the voting rights to excluded cities which involves Beech Grove residents voting for the Mayor of Indianapolis, Councilor Davidson would like to encourage the citizens to contact Senator Greg Taylor, he is actually in the Senate right now, not the State Legislature, and voice your opinions. Councilor Davidson also referred to Mayor Buckley's comment stating the Mass Transit was not a benefit to Beech Grove and does not cover Beech Grove but Councilor Davidson stated that was false because Mass Transit not only includes trains but it also includes buses. This Mass Transit bill would include better buses, more routes, more stops and it does go all the way down to Greenwood. Councilor Davidson also stated as for the elimination of the four at large seats on the security council, that is in the Senate as well. So if you have oppositions he would suggest you express your concerns to Senator Mike Young. Councilor Davidson also mentioned Executive Order # 2 in on the Web Site but Executive # 1 needs to be added. Thanks to everyone for coming out.

Councilor Bell - Thanks everyone for coming out. Also on February 9th at the Senior Citizens Center there is a kickoff for the relay of life. This is a chili cook-off and it will be from noon to 3:00. It's a lot of fun a good cause so please come out and support them.

Councilor Stewart - No Comments

Councilor Coates - No Comments but thank you very much.

Mayor Buckley - As for excluded cities, they should be able to vote for the Mayor of Indianapolis because 24% of their tax dollars go there. Also for Mass Transit, the last rendering of the MPO show no change in the Mass Transit for the City of Beech Grove, Southport or Greenwood. He cannot support a bill that is going to raise the citizen's taxes when it will only benefit the people that are north of I-70. He is not willing increase taxes for people to get back and forth from Indianapolis to Hamilton County. Mayor Buckley is also opposed to the removing of the 4 At Large Council members. That would be like removing two from our council. Those people should have a say.

**The next Meeting will be Monday March 4, 2013 at 7:00 p.m.**

**ADJOURNMENT:** Mayor Buckley asked for a Motion to adjourn.

Councilor Bell made said motion.

Councilor Jennings seconded the motion; which was approved by unanimous vote.

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Dennis Buckley, Mayor

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Dan McMillan, Clerk-Treasurer

**Minutes prepared by: Sheri Morgan**

