

**BEECH GROVE CITY COUNCIL
MEETING MINUTES
MONDAY, DECEMBER 1st, 2014**

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, Anthony Davidson, Ed Bell and Mary Stewart. Also present were Mayor, Dennis Buckley, Clerk Treasurer, Dan McMillan, and City Attorney, Craig Wiley. Absent was Councilor Kathy Coates.

All joined in the Pledge of Allegiance to our flag.

SPECIAL PRESENTATIONS: Tamara Tracy from the Department of Metropolitan Development gave a presentation on the “Indy Rezone” program. This program is designed to change the rules in zoning, not the map. The rules have not been changed in over 50 years. These new codes would only effect new development or redevelopment. The new rules are a compressed version of the old rules and will be user friendly. The new rules will make it easier to develop or redevelop. There will also be some reclassifications of businesses and they have added 4 mixed-use districts:

Indy 1- Really Tall Towers- there are none in Indianapolis

Indy 2- Buildings that are right up to the street and they have developed right along the street corridor

Indy 3- Buildings that are close to the street but go deeper off the corridor maybe a block and a half- more robust area- village type.

Indy 4- Buildings that are close to the street like Indy 3, but village type, and necessitates rapid transit if it comes.

There are a few requirements-

- Minimum level of transparency- you have to have windows- no blank walls
- Lighting requirements
- Reduces the amount of parking requirements
- Set backs must match the existing set backs
- Minimum building heights

She also gave an overview of the differences in the aesthetics of neighborhoods- this prompted them to develop a context map; which includes a compact context and a metro context and she explained their meanings. She also further explained that the DMD is looking for input from the City Council on the following questions:

- Should there be a compact context and if so, where should the line be?
- Should Main Street be a mixed-use district? If so, which one?

Tamara does not expect an answer tonight, but would appreciate an answer as soon as possible. Councilor Stewart thanked Tamara and complimented her on the presentation.

MAYOR BALLARD'S LIAISON—Liaison Kelly Foulk is the new liaison for Perry and Franklin townships, which includes Beech Grove. She may be reached at 317-429-7807 or at Kelly.foulk@indy.gov . Kelly announced her office hours are Monday's at the Franklin Township Library from 1:00 to 3:00 and on Tuesday's at the Perry Township Government Center from 1:00 to 3:00.

She also stated that she has been discussing with Donald Webb, RDC President the possibility of installing sidewalks in the corridor on Emerson Avenue from 465 to Thomson. The first quote from Indianapolis DPW was \$1,000,000.00 but they are continuing to research the project and search for alternatives.

Brian Seyfert contacted her regarding the possibility or availability of any tax abatements on the State Farm Building on Main Street. Brian is looking at purchasing that building.

Keep Indianapolis Beautiful is seeking out projects to complete on the southeast side of Indianapolis.

Especially tree plantings- Beech Grove should contact her if interested

April 25th is the "Great Indy Clean-up" date. KIB supplies dumpsters, gloves, trash bags etc. Mayor Ballard will be present.

APPROVAL OF MINUTES: Clerk Treasurer McMillan presented the November 3, 2014 meeting minutes to the Council. Councilor Jennings moved to approve the minutes as presented. Councilor Stewart seconded the Motion; which was approved by unanimous voice vote.

PETITIONS OR COMMENTS BY CITIZENS:

Dave Grenoble, Indianapolis – Mr. Grenoble quoted State Statute to the Council to clarify that according to State Statute, Beech Grove does not have a Council President, but has a President Pro Tem. Beech Grove is a Third Class City and in accordance with State Statute, only Second Class City's have a Council President and the two positions are very different. Mr. Grenoble stated that signing documents, as President rather than President Pro Tem constitutes fraud.

City Attorney, Craig Wiley asked Mr. Grenoble about claims he has made on social media regarding RDC files. Mr. Grenoble agreed to allow the city to copy the records he has regarding the RDC that were public information requests that have been submitted over the years.

COMMITTEE REPORTS

Clerk Treasurer's Financial Report - Clerk Treasurer Dan McMillan

Tonight, we have transfer requests that do not raise the budget and the Second & Third Readings on the additional appropriation requests that do raise the budget. The \$400,000.00 is for paving and that will be funded by transferring the 2012 ROI payment from sewage to corporate, per Jeff Peters.

We also have on the agenda tonight the Second & Third Readings for the 2015 TAW. As in years past this ordinance will be approved before the Indiana Bond Bank determines the amount needed for the 2015 TAW. We are fortunate to have the credit rating to be able to use the Indiana Bond Bank, because of the low interest rate they offer and they determine the amount needed and the ability to repay. I have received and passed on to you a preliminary sizing from the Indiana Bond Bank. When we began in 2012 we had a TAW of just over \$2,396,345.00. For the year 2014 we had a TAW of just over \$2,170,627.00. This was lowered by over \$224,000.00.

If the preliminary sizing from the Bond Bank holds true our TAW for 2015 will be approximately \$1, 617,000.00. This would be over \$500,000 lower than last year and over \$775,000.00 lower than 2012, but we must remain frugal and responsible in our spending and borrowing. Yes, these numbers indicate the city is heading in the right direction financially, but it does not mean the city has an over abundance of money, it only means we are finally returning to financially stable ground.

In November, we paid the last claim on Main Street, so it is completely paid off!

We presented to the BOW the recommendations from the Insurance Committee and the employees. The insurance committee consisted of Aaron Jeannette, B.G.F.D. #416 Representative, James Baughn, B.G.P.D., F.O.P. Local #86 Representative, Rodney Giffin, Civilian Employees Representative, David Irwin, Dawn Whalen, and myself. The City of Beech Grove is self-insured and holds a health insurance trust for the city employees. The trust is funded for 2015, so it will be the employee's decision if they prefer a small raise in rates this year, to try to prevent a large raise in rates in the future.

In addition, I have been working on the renewal for the liability insurance for 2015. That will go before the BOW for approval in December.

Clerk Mary Duffer has taken a position with Butler University. Mary came to us in April and we knew her position with the city would only be temporary until she secured a position that was more suitable to her MBA degree. Since beginning her employment in April of this year and continuing until November 14, Mary spent a considerable amount of time recording lien releases, for the sewage department, some of which dated back to 2009. Mary was able to bring us into the year 2014. Since September, Mary recorded 793 lien releases at a cost to the city of approximately \$11,500. Clerk Debbie Springer absorbed the majority of the workload for the corporate side. This was a major undertaking and I am glad we are now current. Since November 17, the clerks in the sewage department have worked on the remaining 2014 lien releases and have now brought the city current. Great job by all of them! Going forward it will be the responsibility of the sewage department to keep the lien releases current. I would be remiss if I did not publicly thank Mary Duffer for her service to the city. We greatly appreciated her service and we wish her success in her new position.

SBOA still has not released the audit for public consumption. As soon as they do, I will email a copy to all of you. I am expecting that very soon, but until that time, I cannot release the results.

As you might recall I reported to you earlier in the year about a Federal Ambulance Reimbursement program that we had become aware of and filed applications for on behalf of the BGFDD, dating back to 2011. We received our first check this month in the amount of \$82,861.12 That is for the years 2011 and 2012. We created Fund # /Ambulance Reimbursements and receipted that check into that fund. According to the laws governing the fund, the money can only be used for ambulance related expenses. This is ongoing, so we will file these applications yearly. We have not received confirmation yet, but we believe the reimbursement amount for 2013 to be approximately \$40,000.00.

The City website continues to be a success and is provided at no cost to the taxpayer. We continue to have wonderful volunteers that assist with updating and posting. Thank you website volunteers!

The homepage on the website has city meetings information that includes links to agendas, minutes, ordinances and more.

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

The bank account balances as of November 30, 2014 are listed below.

Bank Account Name	Bank Account Balance
City Corporation	\$2,338,559.47
City Utilities/Sewage/Wastewater	\$964,435.47
Main Street Redevelopment/Main Street Loans	\$258,244.85
City Court	\$155,532.00
Criminal Investigations (CIF)	\$189,459.23
Redevelopment Commission (RDC) General	\$920,767.48
Redevelopment Commission (RDC) Debt Service	\$584,842.97
BNY- Mellon 2004 SRF Balance	\$136,178.37

OLD BUSINESS:

[Resolution #10, 2014- Non-Binding](#)

... clarifies the monies dispersed to the Beech Grove Police Department

Clerk Treasurer McMillan read Resolution #10, 2014 into the record.

Craig Wiley, City Attorney, stated a fund could be set up and it is legal.

Scott Ferrer, Lieutenant with BYPD, stated his position and he would like the grant money to not be appropriated into overtime money in the budget, but rather appropriate the grant money into an overtime fund; which would eliminate the guessing of how much money is available for overtime. He also stated that it could be done with a Resolution to appropriate the monies into the overtime fund .It was done this way before the Wright administration and he felt it was more transparent.

Clerk Treasurer McMillan commented that he spoke with the SBOA and that in fact the monies are being distributed into the correct accounts and it is illegal to raise the budget. The overtime budget before Clerk Treasurer McMillan took office was \$30,000.00; which is the approximate amount the city collects from the grants. The remaining balance of overtime was historically funded through the CIF Fund. The Clerk Treasurer's position is that this would raise the budget, thus it is against state statute.

Councilor Davidson made a Motion to approve Resolution #1, 2014.

Councilor Stewart Seconded the Motion; which was approved with a 5 to 1 vote.

Councilor Harrison voting no.

General Ordinance No. 18, 2014 – 3rd Reading

... Amends Chapter 96: Garbage and Refuse Collection, pursuant to "Heavy Items"

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Jennings moved to approve the ordinance on 3rd and Final Reading.

Councilor Mobley seconded the Motion; which passed by unanimous voice vote.

General Ordinance No. 22, 2014 – 3rd Reading

... Amends Chapter 77, Schedule IV Speed Limits

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Jennings moved to approve the ordinance on 3rd and Final Reading only.

Councilor Davidson seconded the Motion; which passed by unanimous voice vote.

General Ordinance No. 23, 2014 – 3rd Reading

... Amends Chapter 96: Garbage and Refuse Collection, pursuant to "Charges for Heavy Collections"

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Davidson clarified that this ordinance reads, "It is at the discretion "so he wants everyone to understand it is up to the Director of Public Works whether we get charged or not.

Councilor Stewart moved to approve the ordinance on 3rd and Final Reading.

Councilor Jennings seconded the Motion; which passed by a 5 to 1 voice vote.

Councilor Davidson voting no.

General Ordinance No. 24, 2014 – 2nd Reading

... Amends Chapter 33 concerning the Police Chief and the Criminal Investigation Fund

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Jennings moved to approve the ordinance on 2nd Reading only.

Councilor Stewart seconded the Motion; which passed by unanimous voice vote.

General Ordinance No. 24, 2014 will be heard on Third and Final Reading on January 5, 2015.

General Ordinance No. 25, 2014 – 2nd and 3rd Reading

... Authorizes a Tax Anticipation Warrant for 2015

Mayor Buckley asked for approval to read the ordinance by Title only.

Councilor Jennings moved to approve to read the ordinance by Title only.

Councilor Stewart seconded the Motion; which passed by unanimous voice vote.

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Stewart moved to approve the ordinance on 2nd Reading only.

Councilor Mobley seconded the Motion; which passed by unanimous voice vote.

Mayor Buckley asked for approval to read the ordinance by Title only.

Councilor Jennings moved to approve to read the ordinance by Title only.

Councilor Stewart seconded the Motion; which passed by unanimous voice vote.

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Stewart moved to approve the ordinance on 3rd, Reading only.

Councilor Jennings seconded the Motion; which passed by unanimous voice vote.

General Ordinance No. 26, 2014 – 2nd and 3rd Reading

... Authorizes Additional Appropriations for 2014

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Jennings moved to approve the ordinance on 2nd, Reading only.

Councilor Stewart seconded the Motion; which passed by a 5 to 1 vote.

Councilor Davidson voting no.

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Stewart moved to approve the ordinance on 3rd, Reading only.

Councilor Jennings seconded the Motion; which passed by a 5 to 1 vote voice vote.

Councilor Davidson voting no.

General Ordinance No. 27, 2014 – 1st Reading

...Amends Chapter 105 pursuant to trees and flora

Proposal for Remediation of Tree-Sidewalk Conflicts

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Jennings asked if this would be an added expense to the city to retain an arborist. Mayor Buckley stated that the city already has an arborist on the Greenscape Committee.

Councilor Jennings moved to approve the ordinance on 1st Reading only.

Councilor Davidson seconded the Motion; which passed by unanimous voice vote.

General Ordinance No. 27, 2014 will be heard on 2nd Reading on January 5, 2015.

General Ordinance No. 28, 2014-1st Reading

...Amends Title XIII General Offenses

Karla Richardson, Beech Grove- Karla expressed concern over Section 130.03 Notice to Property Owner E & F. She doesn't understand how the Council will be the body to do the appeals. She would assume the appeal would go through the court. City Attorney stated Karla is correct and they will revise that.

Karla also expressed concern that the ordinance does not seem to specifically define if the notice will go to the homeowner or the renter and exactly what the consequences will be. It states that the renter will be evicted, but what would the consequence be if the violation were against the homeowner. You cannot evict the homeowner. She also expressed concern over the City regulating property owners and telling them whom they should evict. Karla, would like to hear from the police department as to how much more time this ordinance is going to take for police to enforce it.

Chief Swartz believes this ordinance will be a good tool for the police to use.

Police Officer, Nathan Rinks commented that the City does have many renters and he believes this will be a good tool for the police to use to try to address many problems the police are dealing with, such as drugs, under age drinking and fighting.

City Attorney Craig Wiley noted that since the compliance has been initiated in May and the threat of fines or legal action, almost all violations are corrected within the period allowed. Only one case has gone to court.

Councilor Davidson is concerned about the effect on businesses.

Mayor Buckley noted the following stats since compliance began in March:

- 1633 Inspections
- 100 Abandoned vehicles towed
- 30 Court summons
- 113 Second warning 85% compliance
- 765 Notices of violations issued

The council did the right thing on the previous 2 compliance ordinances and this is the third leg of this. City Attorney, Craig Wiley commented that of the 30-summons one has been tried.

Councilor Bell moved to approve the ordinance on 1st Reading only.
Councilor Jennings seconded the Motion; which passed by unanimous voice vote.
General Ordinance No. 28, 2014 will be heard on 2nd Reading on January 5, 2015.

Request to Transfer Appropriations- presented by Clerk Treasurer Dan McMillan

Below is a request for permission to transfer money in appropriations. The transfers do not increase the budget.

Transfer **\$50,000.00** from **BOW/Paving 101008440.100** to **Safe Sidewalks Grant 203900310.001**.

Transfer **\$20,000.00** from **BOW/Paving 101008440.100** to **Road Sign Grant 205900310.001**

Transfer **\$550.00** from **Police PERF 101200132.000** to **Police PERF 1977 170900132.000**

Transfer **\$13,641.57** from **Health Retirees Fund #212** to **the Retirees Payroll Fund #700**. Fund #212 has not been used since 2012. It was replaced with Fund #700; which all retiree expenses, including health insurance are paid from this fund. This will close Fund #212.

Councilor Jennings moved to approve the ordinance on 1st Reading only.
Councilor Harrison seconded the Motion; which passed by unanimous voice vote.

COUNCIL COMMENTS:

Councilor Dave Mobley – Thanks to everyone for coming tonight.

Councilor John Jennings – No Comments

Councilor Dave Harrison – Thanks everyone for coming and the last ordinance Dan read set a record at 21 minutes.

Councilor Anthony Davidson – At the last meeting, Mike Jarvis expressed his concern over not having a light on the flag and Anthony has spoken to Tom Hannan about the issue. Tom has informed him that Simple Electric will be installing that when it is received. Anthony also recognized and thanked Tim Latimer for his service on the Greenscape Commission. Tim has served the Commission for years and served it well. Tim has submitted his resignation.

Councilor Ed Bell – No comment

Councilor Kathy Coates— Absent

Councilor Mary Stewart- No comment

Mayor Buckley— There will be a Special Meeting on Monday, December 8th, 2014 to address the issues with the salary ordinance. The meeting will be open to the public.

ADJOURNMENT:

Councilor Stewart moved to adjourn. Councilor Mobley seconded the Motion. The meeting was adjourned at 9:11 p.m.

The next meeting will be December 8, 2014 at 7:00 pm in Council Chambers at City Hall.

Dennis Buckley, Mayor

Dan McMillan, Clerk–Treasurer

Minutes prepared by: Dan McMillan