

**BEECH GROVE CITY COUNCIL
MEETING MINUTES
MONDAY, MARCH 2nd, 2015**

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

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 PRESENTATION:

Plaque Presentation 7th Grade Boys Basketball Team- Councilor Jennings read a proclamation signed by Mayor Buckley and a plaque was presented to the coaches and the team for being the Indiana Crossroads Conference Champions.

Plaque Presentation 9th Grade Boys Basketball Tournament Champions- Councilor Jennings read a proclamation signed by Mayor Buckley and a plaque was presented to the coaches and the team for being the Triton Central Invitational Champions.

BGHS Foreign Exchange Student Recognition – Each student introduced themselves and Mayor Buckley and the Director recognized them and thanked them for their contribution to the program. This year there are 10 foreign exchange students and that is the most Beech Grove has ever had.

Youth Council –The Winter Guard recently received a Silver Rating at the IHSCGA competition at Brownsburg High School.

The Beech Grove Band Ensemble performed at State at North Central High School and scored a silver with a 14.5; which is 1 point away from a gold. They gave their award winning state performance this evening in Council Chambers and it was spectacular.

Comprehensive Plan- *presented by Frank Nierzwicki, AICP*

Frank gave a preliminary report on the Redevelopment Commission and recommendations for the City of Beech Grove going forward. He complimented the RDC for preparation of their budget. He also complimented the Clerk Treasurer for the financial transparency available on the website and he complimented the City of Beech Grove Schools and Superintendent, Dr. Paul Kaiser on the excellent school system we have.

MAYOR BALLARD LIAISON’S REPORT: -presented by Kelly Foulk

The City of Indianapolis is now on “Next Door” and using it as another communication tool.

She reported on projects on the southside that are on the Rebuild Indy List, as well as upcoming meetings that Indy Parks will be holding to get public input.

Mayor Ballard will be holding a *Meet & Greet* on April 9th. The time and place will be posted on *Next Door* and on the Indianapolis City Website.

Information for Indianapolis, including dates and times for meetings and “Meet & Greets” can be found at indy.gov

APPROVAL OF MINUTES:

Clerk Treasurer McMillan presented the February 2nd, 2015 meeting minutes to the Council. Councilor Jennings moved to accept the minutes as written. Councilor Stewart seconded the Motion; which was approved by unanimous vote.

PUBLIC COMMENTS:

Alan Hux- attorney representing Willow Glen and Park Emerson expressed his opposition to General Ordinance 28, 2014 and he encourage the Council to not pass it on Third Reading this evening. His concern is that with the broad terms used in the ordinance that enforcement would be inviting lawsuits. He encouraged the Council withdraw the ordinance or table it. Councilor Stewart expressed her displeasure with what she perceived to be threats from Mr. Hux and she explained that she was very detailed with the ordinance and it does express her wishes.

Mayor Buckley explained that Beech Grove Police Department had over 1000 runs to Walmart last year and that requires two police officers for each run to mitigate the problem. These runs were for things such as a \$10.00 frame and at some point this has to stop. The City went to Motel 6 -38 times last month and that has to stop too. The City has to give the police department the leverage to write tickets. The City of Beech Grove is not reinventing the wheel with this ordinance, this is an ordinance that was copied off another city. Councilor Davidson explained that this ordinance is an effort to try to control police runs and to hold these corporations more accountable, because the runs to Walmart and Motel 6 are taking away from the citizens.

Jeffrey Slauter- attorney representing the Apartment Association of Indiana, explained that they want safe streets and to be good members of the community. He said that they would prefer to sit down and work out mutual ways that both the city and apartments can accomplish these goals without this ordinance, so he would ask them not to pass it.

Brian Burdy- attorney representing Walmart- explained that he was just brought into this by Walmart and he really hasn’t had time to completely review this. Walmart is beginning a pilot program that they believe will cut down on police runs and he gave a brief description of the pilot program. He asked that Council table the ordinance until he has time to work with the City Attorney, the Mayor and Beech Grove Police Department to see if they can find an equitable solution to the problem.

Chris Pryor- representing the Metropolitan Indianapolis Board of Realtors- expressed their concerns with the ordinance interfering with contracts and the vague language used possibly opening the door for potential problems. He is asking that the ordinance be tabled.

COMMITTEE REPORTS: Mayor Buckley stated that all reports will be given in written form this evening.

Greenscape Commission

Redevelopment Commission

Public Safety

ABC

Financial Report: - *presented by Clerk Treasurer Dan McMillan*

Good Evening Councilors,

The City has completed the year-end reports and submitted them on the Indiana Gateway, including the Debt Management portion and the OPEB (Other Post-Employment Benefits) report. The OPEB reporting is designed to show actuarial costs of benefits offered to employees and retirees of Cities and Towns and it is a report required by state law. It is another new report that was added to the Gateway last year. It is also meant to encourage cities and towns to set aside an asset account to fund future retirement benefits. I look for that to become law in the near future. Currently the City of Beech Grove does not have an asset account set up. We budget for all retirement benefits, but we do not have money set aside in an account that is specifically designated for retirement benefits. That is something we should discuss at budget time.

We paid the lease/purchase payment on the trash trucks in February in the amount of \$38,237.64.

We have 5 payments remaining.

We just secured financing through US Bank for the 2015 police cars- lease/purchase. Ron Magnus, with Indiana Bond Bank, (using the HELP program) bid this through 6 of their lease providers and he received a return of 4 bids. US Bank came in the lowest with an interest rate of 2.275%. When budgeting for this I budgeted approximately \$26,500 per year and the payment will be approximately \$25,800 per year.

Since October or November of 2014 I have been working with Ron Magnus from the Indiana Bond Bank to refinance the 2005A Sewage Works Bond and we have worked out an agreement that will save the City approximately \$70,000.00 if we refinance. The bond bank will also pay all the cost associated with refinancing, including the costs associated with retaining Barnes and Thornburg to assist with the facilitation. Mr. Bingham of Barnes & Thornburg represents the Indiana Bond Bank and is here this evening to give a brief explanation of the refinancing process and to answer any questions you may have. This is a great opportunity for the City of Beech Grove to save \$70,000.00 without having to spend a dime to do so. To me, as CFO of the city, this seems like a no brainer.

Jeff Peters, Financial Advisor for the City of Beech Grove sees this as a great opportunity for the city to save money and he too recommends the city moving forward with this.

Our city website continues to grow and continues to be updated by our website volunteers.

The city website can be viewed at www.beechgrove.com It also has a community page for any organization that would like to advertise their upcoming events. I know the Beech Grove Public Library always has a lot of good information on that page.

Bank Balances are listed below.

City Corporation	\$3,457,497.86
City utilities/Sewage/Wastewater	\$773,557.47
Main Street Redevelopment/Main Street Loans	\$263,569.50
City Court	\$104,717.50
Criminal Investigations (CIF)	\$177,240.75
Redevelopment Commission (RDC) General	\$1,032,965.77
Redevelopment Commission (RDC) Debt Service	\$584,842.97
BNY-Mellon 2004 SRF Debt Service Reserve	\$136,178.37

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:

Greenscape Commission Appointment- Councilor Bell reported that after consideration, Erin Sheridan has decided to decline her appointment to the Greenscape Commission. No recommendations for the appointment were brought forth this evening, so it will be tabled until next month.

General Ordinance No. 28, 2014

...Amends Title XIII General Offenses

Councilor Jennings ask City Attorney Craig Wiley how the conversation went with Mr. Hux and Mr. Slauter. Craig was surprised by the response from both of them regarding the apartment complexes, because to his knowledge the apartment complexes are very good citizens and have been very responsive whenever a problem arises.

Chief Swartz agreed with Craig and he supports this ordinance. It will also give them the right to notify the owner of a property that there is a problem with their tenant, before the police become more involved with the problem.

Councilor Jennings asked how this ordinance could be narrowed. Craig does not see how this could be narrowed. Craig said the police officers will be enforcing this and we do not want to restrict ourselves to commercial property only. Councilor Jennings told Mr. Burdy, Attorney for Walmart that a lot of condoms can be found at the side of Walmart where they allow truck drivers to park.

Councilor Jennings also commented that he gets many calls during the summertime from citizens because they have their windows open and can hear those trucks idling all night. He would appreciate it if Mr. Burdy would address those issues with Walmart.

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

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Jennings moved to approve the ordinance. Councilor Davidson seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 28, 2014 passed on Third and Final Reading.

General Ordinance No. 1, 2015

...Amends Chapter 36 pursuant to trash pick-up (recycling)

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

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Jennings moved to approve the ordinance. Councilor Harrison seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 1, 2015 passed on Third and Final Reading.

General Ordinance No. 2, 2015

...Amends Chapter 39 pursuant to the Ordinance Violations Bureau

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

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Jennings moved to approve the ordinance. Councilor Davidson seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 2, 2015 passed on Third and Final Reading.

NEW BUSINESS:

General Ordinance No. 3, 2015

...Amends Article IX of the City Personnel Manual Concerning Sick Leave

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Stewart asked if this how this changes the current policy. Chief Swartz and Chief Cheshire explained their department's policy and they explained that this ordinance would help protect other employees of the city. Fire and police have this in place, through their contracts, but DPW does not.

Councilor Mobley moved to approve the ordinance. Councilor Jennings seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 4, 2015 passed on First Reading.

General Ordinance No. 4, 2015

...Amends Article V of the City Personnel Manual Concerning Health Insurance...

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Jennings moved to approve the ordinance. Councilor Stewart seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 4, 2015 passed on First Reading.

General Ordinance No. 5, 2015

... Refinancing of the 2005A Sewage Revenue Bond

Clerk Treasurer McMillan explained that this is an ordinance to allow him to refinance the 2005A Sewage Works Revenue Program through the Indian Bond Bank. There are no costs to the City of Beech Grove to refinance this debt and in fact the citizens will save a minimum of \$70,000.00. That \$70,000.00 will be put into a debt reserve account that cannot be used until the loan is paid off.

Brad Bingham, Attorney from Barnes & Thornburg, representing the Indiana Bond Bank gave a brief description of the call rights and refinancing of the bond.

Dan explained that the current 2005A bond should have a debt service account and it does not. If the City does not refinance this bond we will have to create a debt service account and deposit \$75,000 into the account. The savings from refinancing will be put into a debt reserve account, and will not be available for usage until the bond is paid off.

Vote for Approval of All 3 Readings Tonight

Councilor Bell moved to allow the 3 readings to all take place tonight. Councilor Jennings seconded the Motion; which was approved by unanimous voice vote.

First Reading

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

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Stewart moved to approve the ordinance. Councilor Jennings seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 5, 2015 passed on First Reading.

Second Reading

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

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Davidson moved to approve the ordinance. Councilor Stewart seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 5, 2015 passed on Second Reading.

Third Reading

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

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Jennings moved to approve the ordinance. Councilor Harrison seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 5, 2015 passed on Third and Final Reading.

COUNCIL COMMENTS:

Councilor Dave Mobley- none

Councilor Jennings- thanked all the youth groups for coming tonight and he complimented the ensemble for their performance. He also said that we still have a lot of work to do with Walmart, because by their own admission with their program in place, we would have at least 19 runs there per month and every time he has tried to bring concerns before them (Walmart) they throw an attorney at him.

Councilor Dave Harrison- asked about a law they were going to pass in New Jersey about people wearing their pants to low and he has seen this often times in Walmart. He questioned why they don't enact a rule in their stores such as "pants to low, you got to go".

Councilor Anthony Davidson-thanked the Beech Grove City Police for all they do. He rides with them at least once a year and he sees the repetitive runs they make and he ditto's Councilor Jennings remarks regarding Walmart.

Councilor Ed Bell- thanked everyone for coming. Regarding Ordinance 28, 2015, this is a start and any ordinance can be amended. If there are changes that you would like to see made, put those requests in written form and present them to Council for review.

Councilor Mary Stewart-thanked everyone for coming, including all the professional opinions that were given and she is proud of the Council for standing up in what they believe in. She also commented that in her 12 years on the Council this is the first time she has seen an ensemble come and play and it was awesome.

ADJOURNMENT: Councilor Jennings moved to adjourn. Councilor Stewart seconded the Motion. The meeting was adjourned at 8:31pm. The next meeting will be Monday, April 6, 2015

Dennis Buckley, Mayor

Dan McMillan, Clerk-Treasurer

Minutes prepared by: Dan McMillan