

**BEECH GROVE CITY COUNCIL
MEETING MINUTES
MONDAY, JUNE 2nd, 2014**

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

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

All joined in the Pledge of Allegiance to our flag.

SPECIAL PRESENTATIONS:

Psi Iota Xi, Eta Lambda Chapter – Sorority representative Jan Grider told a little about their organization and presented a check in the amount of \$1,125 to Tom Hannan of the BG Parks Department to help take care of nine trees in Sarah Bolton Park. This is done in honor of the sorority sisters who have passed away.

Beech Grove Middle School Recycling Club – The Beech Grove Middle School Recycling Club gave a presentation to the City Council. They gave this presentation at the request of Mayor Buckley in connection with the Indiana Clean Communities initiative.

Bruce Bye, Consulting Agreement – Bruce Bye presented for consideration a planning/economics development consulting proposal between the City of Beech Grove/Redevelopment Commission and Indiana University Professor Frank Nierzwicki with Nierzwicki Governmental Consulting LLC. Mr. Nierzwicki specializes in urban planning. This agreement would begin in mid-June 2014 and last until September 1, 2014. Initially presented at the May 15 RDC meeting, the RDC feels that this proposal benefits other parts of the City of Beech Grove and therefore the costs should be shared. The RDC is waiting to see what the City Council does before they vote on it. Mr. Bye is asking the City Council to approve spending up to \$2,650, which is half of the amount of the proposal plus travel expenses.

Benefits for the City of Beech Grove include:

1. **Planning:** Since planning/zoning for Beech Grove originates with Metropolitan Department of Indianapolis, take steps to be more involved in the development of area/regional comprehensive planning issues.
2. **Economic Development:** Maintenance of TIF Districts can be very complicated and should be done with strong local support and understanding.
3. **Financial Management/Data Management/Transparency:** Data needs to be available in order to give a fair and unbiased evaluation of the city's financial and business operation to maintain public trust.
4. **Capital Improvement Program and its relationship with the Redevelopment Projects:** The development and maintenance of the area's infrastructure is very important in the development of a strong local economic development plan.

During discussion by the City Council, Mr. Bye clarified that half the contract fee would be paid by the City Council and half would be paid by the RDC. Clerk Treasurer McMillan stated that there should be enough money in the Council's Professional Services account to cover this. He also stated that he thinks this proposal would be a help to all in the City of Beech Grove, not just to the RDC. Councilor Coates moved to accept the Consulting Proposal submitted by Mr. Bye. Councilor Stewart seconded the Motion; which was approved by unanimous voice vote.

APPROVAL OF MINUTES: Clerk Treasurer McMillan presented the May 5, 2014 meeting minutes to the council. Councilor Stewart moved to approve the minutes as presented. Councilor Harrison seconded the Motion; which was approved by unanimous voice vote.

PETITIONS OR COMMENTS BY CITIZENS:

Edward McDonald, Beech Grove – Mr. McDonald requested that littering fine signs be posted on Main Street. He stated that every Sunday, he picks up trash on Main Street from 17th Avenue to City Hall and usually gets a very large bag of trash. He would like to see littering signs with a fine of \$1,000 in order to change the thinking of the residents so that they will learn not to litter. He also requested that the City straighten up the street signs at 10th and Main. They are currently at an angle and he is troubled by the sense of decay that the condition of the signs shows. Mayor Buckley stated that the City will certainly consider Mr. McDonald’s requests.

Chris Duffer, Beech Grove – Mr. Duffer informed the Council that he had spoken at the Board of Works meeting 2 weeks ago concerning Councilor Bell receiving Indianapolis Indians tickets from Crossroads Engineers. Mr. Duffer feels that this is a conflict of interest and that Councilor Bell should not accept gifts from potential contractors upon which he would vote to approve their contracts. While other city officials had also been invited to attend the game, no one else accepted the tickets nor attended the game. The Employee Manual states that no employee will accept a gratuity or gift of \$5 or more. Councilor Bell stated at the BOW meeting that the tickets were not given to him, but rather they were given to his wife, but that he did attend the event. In the time period after the BOW meeting, we’ve learned that the tickets were brought to City Hall and given to an employee in the Clerk Treasurer’s office who was told that the tickets were for Ed Bell, the envelope was marked for Ed Bell, and told that they were Indianapolis Indians tickets. It sounds as if Councilor Bell was not telling the truth. When contacted, the State Board of Accounts wondered at first if Councilor Bell would be considered an employee because of his position on the Council. The position of the State Board of Accounts is that everyone is an employee especially since he was appointed to the Board of Works. Todd Austin at the State Board of Accounts thought that this might rise to the level of contacting the prosecutor. Mr. Duffer chooses not to get involved with that, but feels that the City would be better served to have another individual sit on the Board of Works. Mayor Buckley has the authority to do this and Mr. Duffer requests that Mayor Buckley appoint a different person to the Board of Works. City Attorney Wiley asked who spoke to Mr. Austin at the State Board of Accounts, and Mr. Duffer answered that he and Clerk Treasurer McMillan spoke with Mr. Austin. He also stated that the State Board of Accounts considers anyone who reports earnings from the City to the IRS to be an employee of the City. City Attorney Wiley stated that the Employee Manual needs to be amended, that the manual is a disgrace and that is something that we can do down the road. Mr. Duffer stated that the previous administration had updates to the Employee Manual ready, but that time ran out before the election for the previous Council to approve the amendments. Mr. Wiley stated that the Council can put together a Code of Conduct for its members they want, but he doesn’t think any laws have been broken with this issue. In response to City Attorney Wiley’s question, Mr. Duffer stated that he did not violate the \$5 rule while in office. Councilor Harrison mentioned that every Christmas, someone leaves a box of candy for the Councilors and wondered if that candy was more than \$5.

COMMITTEE REPORTS

Youth Council – none.

Greenscape Commission – Tim Latimer reported that the Greenscape Commission met on May 19th. Most of the meeting was spent talking with Sister Sheila Fitzpatrick from the Benedictine Center concerning the upcoming Peace Garden project. The Commission is concerned about the trees on Main Street. There are a few that need to be replaced as a result of the bad winter we had. The Commission is continuing to develop its Hazard Trees list, and will provide a report when the list is done. They are continuing to look for the emerald ash borer, but so far have not found any evidence of this pest.

RDC – Donald Webb stated that he is trying to do reports so that they are available ahead of time. At our last meeting we heard from Mr. Nierzwicki. The RDC did not want to pay the entire amount of the proposed contract because we felt not all of it would be for us. We will vote on our portion of the charge at the next meeting on June 19th to match what the Council has approved tonight. The Rockpile project is still going forward. We did approve the \$220,000 for the repaving of the four streets that had been listed. The work on Digital City should start this month and be done. The crew can begin work as soon as Mr. Webb completes the purchase order. The RDC is starting to get a little worried because they are seeing a large influx of legal bills, some attached to St. Francis and the sewer problem. As these bills start to pile on the RDC, the RDC's ability to do things for the City will be restricted as we begin to run out of money. From 2009-2012, the RDC had been receiving money that was part of a school referendum for Beech Grove public schools (roughly \$85,000 per year) that should have been going to the schools. The RDC met with Dr. Kaiser, and the RDC members feel that this is the schools' money that should be given back to them as soon as possible. This will also limit how much we will be able to do.

Public Safety – Chief Swartz stated that a public safety meeting open to the public was held last week on the last Wednesday of the month at the Community Center. There were more citizens who attended. Discussion centered on some public safety issues and concerns. The fire department has been busy. We have requested that anyone who has a concern should contact the police or fire department about it, rather than just put it on Facebook where city employees may not see it. The next meeting will be at 6 p. m. at the Community Center on the last Wednesday of the month.

ABC-none

[Clerk Treasurer's Financial Report](#) - Clerk Treasurer Dan McMillan

Dear Councilors,

In January, the City learned of a program that is sponsored by Medicaid/Medicare that provides supplemental payments to qualified ambulance services. The program is designed to assist government-owned ambulance services to recoup some of the losses they incur from Medicaid/Medicare ambulance runs. Former Steuben County Auditor Pam Coleman of Peters Municipal Consultants, Debbie Springer, Administrative Clerk for the City of Beech Grove Clerk Treasurer's Office, Chief Cheshire & Chief Pierce of Beech Grove Fire Department and myself, spent the month of January gathering thousands of pages of data ranging from 2011 through 2013, in an effort to meet the January 31, 2014 deadline for filing applications to receive reimbursement. I want to publicly acknowledge and thank them for their assistance with completing the very lengthy applications. I am happy to announce that we just recently learned that the City has been approved. We will be receiving approximately one- hundred- thousand dollars reimbursement for the years 2011-2013, but it will take us approximately 18 months to receive payment. Going forward we should receive approximately \$30 - \$35,000.00 each year.

Because of a significant increase in ambulance runs, there is a need for an increase in ambulance services and supplies; therefore, the Fire Department Budget in 2015 will need to include an increase for ambulance services, including supplies. I will have to come before council next month to ask for an increase in the appropriation 101210220.003 Fire/Medical Supplies for this year-2014 for the ambulance supplies, as the appropriation will be depleted by the end of June.

I have included a report showing the comparison of ambulance revenues from last year versus this year. The councilors report shows monthly detail and I will include that report online, but for the sake of saving time, I will report YTD increased gross revenue amount from the ambulance service is almost \$62,000.00. That amount is **gross revenue**, as it does not include their increased expenses. The gross revenue last year from the ambulance service was \$877,709.43. I believe it will top over \$1,000,000.00 this year.

As Financial Officer for the City of Beech Grove, I will be making the following recommendations during the budget process, as I believe they would be smart and sound business decisions for the City of Beech Grove and the Citizens.

- 1) Increasing the ambulance service by staffing both ambulances 24/7 in 2015; which would include continuing our contract with St. Francis for part of that? Not only could this provide additional revenues for the City, and also provide additional coverage for the Citizens of Beech Grove.
- 2) Invest the additional revenues from the Medicaid/Medicare reimbursements into a Capital Project Fund for the Ambulance Service/Fire Department.

The Public Safety Clothing Allowance was included on the May 31st, payroll. The clothing allowance is \$400.00, per employee, per half. The total amount this half; which includes both departments was \$25,600.00. The second payment of \$400.00 per employee will be made in late November or early December, depending on how the payroll falls.

Chris Harrison has been assisting us in the Sewage Department in the absence of one of our employees that is on extended medical leave, and we have appreciated that very much; however, Chris's last day will be Wednesday. We knew when we hired her that she would need to leave for the summer to babysit her grandchild. Chris has been training Mary Duffer, Mary will now be cross-trained in two positions, and I will be assisting as well in the Sewage Office taking payments and answering questions.

Our new sewer billing came out this month. We are very happy with it. The bill now includes information regarding your last payment. The old bills did not. If there is a discrepancy in your record of payments versus ours, or you have questions or concerns please contact us at 803-9120. In addition, we would love to hear feedback on your opinions of the new bill. We believe the format is better and it will save the City money.

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. The "Documents Page" is getting used by many people and was the idea and creation of one of our volunteers. These volunteers have given an enormous amount of hours, ideas, effort, and hard work to make this website a success and we are grateful for their service. Thank you website volunteers!

We have two Community related informational pages available. Please, if you have any community events that you would like posted, email those to me at dan.mcmillan@beechgrove.com, we try to get those posted the same day. You can check them out at the links listed below:

Community Event Page <http://www.beechgrove.com/community-events.html>

Community News Page <http://www.beechgrove.com/community-news.html>

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

The bank account balances as of May 31, 2014 are listed below.

Bank Account Name**Bank Account Balance**

City Corporation	\$1,245,581.92
City Utilities/Sewage/Wastewater	\$1,190,412.77
Main Street Redevelopment/Main Street Loans	\$249,644.47
City Court	\$158,190.25
Criminal Investigations (CIF)	\$189,291.32
Redevelopment Commission (RDC)	\$531,139.92
General	
Redevelopment Commission (RDC)	\$584,842.97
Debt Service	
BNY- Mellon 2004 SRF Balance	\$136,178.37

Aaron Jeanette asked that considering the ambulance revenue is going up and the current staffing levels, and with what was stated at the January meeting, are we any closer to being able to hire the three civilian employees that we are short? Clerk Treasurer McMillan stated that he currently does not know the answer to that question. He will not know until after a meeting with financial advisor Jeff Peters scheduled for June. Jeanette said that he has been very patient, keeps asking, but it seems like we aren't getting anywhere with this issue. Clerk Treasurer McMillan again stated that it would be premature to talk about this prior to meeting with the financial advisor. Chief Cheshire said that he has been talking to St. Francis about the 24-hour ambulance. The St. Francis program would allow a second ambulance for the City. He also thanked Clerk Treasurer McMillan and Debbie Springer for working on the Medicare reimbursement, bringing that money back and reinvesting the money into public safety in the fire department. In response to Councilor Coates, Jeanette said that there are more runs here in Beech Grove, but the runs outside the City are done at a higher revenue rate. It varies from day to day on the number of Beech Grove runs vs. out-of-city runs.

Compliance Division – Compliance Officer Derek Blice explained how the Compliance Division operates since it is somewhat new to the City. The main concerns are environmental, such as weeds, high grass, abandoned tires and other objects that will harbor mosquitoes, or brush and woodpiles that attract rodents. The two compliance officers are typically investigating complaints or are doing random investigations. If there is a violation, the officer leaves a notice that lists the problem, the ordinance violated, and gives the person 10 days to fix the issue. A re-inspection is conducted after 10 days; if things are still out of order, another notice is sent via postal mail to the physical address and owner's address (if different) describing the violation and giving an additional 10 days to fix the issue. If the problem still exists after the second 10-day time period, the person is issued a court summons. The program began on April 29th. Two hundred sixty-four inspections have been conducted (including both the initial and re-inspections) and less than 5% of the addresses inspected have received a court summons. Twelve building addresses have been forwarded to the Board of Health, mainly for imminent collapse danger. We have also taken down 30 signs that were in the City right-of-way and reported 7 abandoned vehicles to the police department.

You can always identify us by the bright yellow City of Beech Grove vests we wear and we will always be in a marked city vehicle. We can be contacted by phone at 317-803-9099, by email at compliance@beechgrove.com, or contact the Mayor's Action Center at www.beechgrove.com. Mr. Blice confirmed for Councilor Stewart that all the inspected addresses are a matter of public record. Councilor Harrison asked what is considered unsanitary, and Mr. Blice responded that the ordinance is somewhat vague. The ordinance provides a huge list of items that may fall into this category. The individual may call the number listed on their citation to find out how much their fine is and pay it without a court date. Councilor Davidson asked if individuals will have the ability to pay these fines online, but Mr. Blice did not know the answer to this. In response to Mayor Buckley's question, there is no place on the inspection form that indicates a rental property. The officers do not specifically look for rental properties. The officers have been instructed not to enter private property, other than to leave a notice on the door. During May, the officers did not knock on anyone's door and ask to inspect private property. If the Compliance Division receives a call from an apartment complex tenant, they notify the apartment complex to handle the issue. The majority of citations have been issued for tall grass and weeds. The current ordinances dealing with environmental issues are outdated and don't give clear-cut answers. Mr. Blice recommends passing the ordinance dealing with nuisances as it clearly defines what is considered a nuisance. He also provided a description of the property that was considered to be the worst case turned in to the Compliance Division. Quite a difference has been seen in the condition of some of the properties over the last month. Councilor Bell asked if the Building Commissioner has been involved with the buildings turned over to the Board of Health, but the Board of Health responds very quickly to those types of situations. These numbers do include both individuals and businesses.

OLD BUSINESS:

RDC Appointment

Councilor Bell stated that two individuals have been nominated to fill a position on the Redevelopment Commission. The nominees are Matt Belmer and Rick Greenfield. Matt Belmer introduced herself and spoke about her desire and qualifications to take the RDC position. Mr. Greenfield was not in attendance at the meeting. Councilor Bell conducted a voice vote to appoint Matt Belmer to fill the RDC position; the vote was 4-2 to appoint her, with Councilors Davidson and Mobley voting no. Once Ms. Belmer was approved, there was no need to take a vote on Mr. Greenfield.

General Ordinance #3, 2014 - 3rd Reading

...amends BG City Code Chapter 90: Animals

Oskar Vuskalns spoke regarding this ordinance. The area in which he lives is near Beech Grove High School and is zoned as long-term light industrial. His family has raised poultry for several years and is concerned that this ordinance will prevent them from continuing their poultry activity. He would like the ordinance to be amended to allow poultry. Councilor Mobley moved to amend the ordinance. There was no second. Councilor Bell moved to table the ordinance until the July 7th meeting. Councilor Mobley seconded the Motion; which was approved 5-1, with Councilor Davidson voting no.

General Ordinance No. 4, 2014—3rd Reading

...amends BG City Code Chapter 98: Nuisances

Attorney John Papageorge with Taft Stettinius & Hollister LLP, representing the Willow Glen South apartment complex, spoke in regards to this ordinance. Willow Glen South is particularly concerned with Section 98.08, which states that "each subsequent day, the violation shall be considered a separate violation for which a citation may be issued. No fine shall be imposed for the ten day period immediately following receipt." During the ten-day period when there are no fines, if the management of the apartment complex cannot get a tenant to abate within those ten days due to non-compliance, the clock will start to tick after ten days on fines.

By day 3, the fine would be \$2,500. Willow Glen South is concerned that during the legal process to evict a tenant for non-compliance, the fines against the complex will pile up. The apartment complex is also concerned about the vagueness of the ordinance in interpreting a noise or a stench. Another concern is in regards to specific addresses and the potential for multiple tenants to have lived at the same address at different points in time and how this affects the apartment complex. Finally, the ordinance makes no mention of compliance officers not entering private property. City Attorney Wiley stated that Speedway has a very similar ordinance that they have been successful with in cleaning up non-compliant properties. He believes that the compliance officers will use their discretion in leveling fines if the apartment complex can show that it is making an effort to abate the nuisance. As far as noises and stench, common sense will prevail and deal with things such as dead animals, rather than cooking smells that other tenants may dislike. Councilor Bell moved to waive the rules to read by title only. Councilor Mobley seconded the Motion; which was approved by unanimous voice vote. Clerk Treasurer McMillan read General Ordinance No. 4, 2014 into the record. Councilor Bell moved to approve the ordinance on 3rd and final reading. Councilor Stewart seconded the Motion; which was approved by unanimous voice vote.

General Ordinance No. 5, 2014 – 3rd Reading

...additional appropriations to the 2014 Budget

Clerk Treasurer McMillan read the ordinance into the record.

Councilor Bell moved to approve the ordinance. Councilor Mobley seconded the Motion; which was approved by unanimous voice vote.

General Ordinance No. 6, 2014 - 2nd Reading

...amends Employee Handbook Article XIV - Employee Behavior

Councilor Harrison moved to waive the rules to read by title only. Councilor Coates seconded the Motion; which was approved by unanimous voice vote. Clerk Treasurer McMillan read General Ordinance No. 6, 2014 into the record. Councilor Stewart moved to approve the ordinance on 2nd reading only. Councilor Bell seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 6, 2014 will be heard on 3rd and final reading at the July 7th meeting.

General Ordinance No. 7, 2014 - 2nd Reading

...licensing of Hotels, Motels, or any other place of lodging in the City of Beech Grove

Councilor Bell moved to waive the rules to read by title only. Councilor Davidson seconded the Motion; which was approved by unanimous voice vote. Clerk Treasurer McMillan read General Ordinance No. 7, 2014 into the record. Councilor Stewart moved to approve the ordinance on 2nd reading only. Councilor Mobley seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 7, 2014 will be heard on 3rd reading at the July 7 meeting.

NEW BUSINESS:

General Ordinance #8, 2014

... Fair Housing Ordinance

City Attorney Wiley stated that we are updating the Fair Housing ordinance in order to seek federal funding in certain areas. Mayor Buckley pointed out the changes to the ordinance.

Councilor Stewart moved to waive the rules to read by title only. Councilor Davidson seconded the Motion; which was approved by unanimous voice vote. Clerk Treasurer McMillan read General Ordinance No. 8, 2014 into the record. Councilor Stewart moved to approve the ordinance on 1st reading only. Councilor Mobley seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 8, 2014 will be heard on 2nd reading at the July 7 meeting.

General Ordinance #9, 2014

... amends Chapter 35 pursuant to the Parks Department

Clerk Treasurer McMillan read General Ordinance No. 9, 2014, in its entirety into the record.

Councilor Davidson asked if this is something that needs to be put on a timeline, and Clerk Treasurer McMillan stated that he would appreciate for this to start on January 1st to make things easier and cleaner, but the final decision is up to the Council. Mayor Buckley stated that we can change the ordinance to read January 1st without amending the ordinance. Councilor Davidson moved to approve the ordinance on 1st reading only. Councilor Bell seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 9, 2014 will be heard on 2nd reading at the July 7 meeting.

COUNCIL COMMENTS:

Councilor Dave Mobley - None.

Councilor Dave Harrison – Councilor Harrison stated that he didn't mean to make light of Mr. Duffer's comments but rather was making light of the employee handbook that has not been updated in X number of years. He believes that the handbook really needs to be updated.

Councilor Anthony Davidson – Councilor Davidson congratulated the Beech Grove High School baseball team sectional champions. He also mentioned the BG Little League, as these youngsters will be the future high school players. He also congratulated all the recent graduates for all grade levels. In the future, he would like to see two Council members on the Budget Committee so that the Council is involved in the budget process. He would like to see that happen this year.

Councilor Ed Bell – Councilor Bell thanked everyone for attending. Last weekend, Beautify Beech Grove had a very successful walk including 112 people, which raised funds for the community. He also congratulated Matt Belmer on her appointment to the RDC.

Councilor Mary Stewart – Councilor Stewart thanked everyone for attending the meeting. We covered quite a bit of information this evening. Thanks to everyone who had input, for your patience, and for moving along with us as we strive to make Beech Grove a better, cleaner city.

Councilor Kathy Coates – Councilor Coates thanked everyone for attending and to enjoy the month of June and the upcoming July 4th holiday.

Mayor Buckley—Mayor Buckley stated that the paving bids are going out and they will award bids for paving at the July Board of Works meeting. The Beech Grove High School graduation is this Saturday. The City is getting ready for two big announcements: ADM Milling will be going online on July 9th; that is a \$30 million investment into the City of Beech Grove that will be moved forward concerning the AV. Tentatively scheduled for June 11th, a program at LNG will mark another significant investment of at least \$25 million into the City, which will be on the tax rolls. We were informed last week that the assessed value of the St. Francis structure at 16th and Albany is \$23.7 million, and that they paid their spring taxes of \$400,000. Overall, in three different properties, the City's AV is going to go up by \$80 million. We have also taken some action against St. Francis and hopefully that will be resolved. The senior community will be started in the fall.

ADJOURNMENT:

Councilor Stewart moved to adjourn. Councilor Coates seconded the Motion. The meeting was adjourned at 8:54 p.m.

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

Dennis Buckley, Mayor

Dan McMillan, Clerk-Treasurer

Minutes prepared by: Mary Duffer