

**BEECH GROVE CITY COUNCIL
MEETING MINUTES
MONDAY, AUGUST 4th, 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, and Ed Bell. Also present were Mayor, Dennis Buckley, Clerk Treasurer, Dan McMillan, and City Attorney, Craig Wiley. Absent were City Council Members, Mary Stewart, and Kathy Coates.

All joined in the Pledge of Allegiance to our flag.

SPECIAL PRESENTATIONS:

Flag Presentation, Beautify Beech Grove – Jim Coffman and Peggy Dolan from the Beautify Beech Grove committee spoke to the Council. This group raised money to purchase 75 American flags that will be placed on 9th Avenue from Churchman Avenue to Thompson Road. Hopefully the DPW will be able to put those flags up in the next week or two. The group’s next concert in the park will be on Aug. 17th, and the next Farmer’s Market at Churchman and Emerson Avenues (in front of the Emporium) will be on Tuesday, August 12th from 3-7 p. m. The money raised from vendor fees at the Farmer’s Market goes to fund efforts such as the flags and other projects.

APPROVAL OF MINUTES: Clerk Treasurer McMillan presented the July 7, 2014 meeting minutes to the council. Councilor Jennings moved to approve the minutes as presented. Councilor Mobley seconded the Motion; which was approved by unanimous voice vote.

PETITIONS OR COMMENTS BY CITIZENS:

Darlene Stout, Beech Grove – Ms. Stout spoke regarding General Ordinance No. 12 and the proposed stop sign at Main and Ticen Streets. She is in favor of this four-way stop in order to slow traffic down, enable the school buses to drop the children off safely, let the people wanting to turn from Ticen to Main Street to do so easily and safely, and to enable the Main Street residents to back out of their driveways safely. She encouraged the Council to approve this ordinance and the stop sign.

Connie Kelly, Beech Grove – Ms. Kelly brought forward a concern in her neighborhood, South Park Village. Her neighborhood has a chain link fence across the north end of the area that backs up to the WalMart fence. People cut through the area and are damaging the neighborhood fence in addition to the WalMart fence. Ms. Kelly requested the Council’s assistance in working with WalMart to get something done so that it is not so easy for people to cut through that area. She stated that there are a lot of inappropriate activities that take place there. Councilor Mobley said that he will visit the area to take a look at this situation.

COMMITTEE REPORTS

Youth Council – none.

Greenscape Commission – Tim Latimer and the Beech Grove Promoter’s Club thanked several groups and individuals who helped with the July 3rd festivities: the Beech Grove Police and Fire departments; Tom Hannan and the Parks department; Brad Meriwether and the DPW; Mayor Buckley and Julie Lockwood; and Clerk-Treasurer Dan McMillan. Mr. Latimer reported that several trees on Main Street that died over the winter will be replaced. The Greenscape Commission finished its Hazardous Tree Report and made some recommendations to the DPW. The Greenscape Commission would like for all citizens to be aware of potential unscrupulous or uninformed tree trimming companies; they suspect that these companies advise that trees are being affected by the Emerald Ash Borer and need to be removed. Although it’s true that some ash trees are suffering from disease, this doesn’t necessarily mean that the trees have been attacked by the EAB. The Greenscape Commission has not found any evidence of EAB in trees they’ve inspected. Citizens should get an updated liability declaration page from the tree trimmer before they begin any work. The Greenscape Commission has been asked for recommendations regarding the deteriorating conditions in McFarland Park behind Park South. Mr. Latimer inspected the area and spoke with Mayor Buckley about the issues. Mayor Buckley asked the Commission to inform the residents that the City will be addressing the issues in the future. The annual Arbor Day celebration will take place on Saturday morning, October 18th, at the Benedictine Center. More specific details will be provided prior to the event. The next Greenscape Commission meeting will be Monday, August 18th at 5 p. m. at the Community Center. The public is always welcome to attend.

RDC – Councilors have a copy of the RDC report.

Public Safety – none.

ABC-none

Clerk Treasurer’s Financial Report - Clerk Treasurer Dan McMillan

Dear Councilors,

Our State Board of Accounts audit began on Monday, July 28th and we welcome them to the City of Beech Grove. We always enjoy having them here and we always learn new things from them. They will also provide us with some tips to prepare us for next year’s Federal Audit and to improve our accounting procedures going forward.

Tonight, we have on the agenda an Additional Appropriation for the Local Law Enforcement Fund. The LLE Fund derives its revenues primarily from deferrals received from the city court. That LLE Fund has an approximate balance of \$42,500, but we only appropriated \$14,000 for the 2014 Budget Year, so even though the money is in the Fund, it cannot be spent without approval from the Department of Local Government and Finance, hence the Additional Appropriation request.

The month of July Bond & Lease payments included the RDC 2005 & 2007 TIF Bonds auto deduct payments; which combined was \$286,761.75, the 2012 Bond auto deduct payment; which was \$104,668.75 and the Fire & Police Vehicles auto deduct lease payments; which were \$27,011.55.

We have been busy working on the budget and I have emailed Councilors and Department Heads my recommendation. As I stated in my email to the Council, City Department Heads can appropriate within their budgets, monies where they see fit, however salaries, insurance, taxes, PERF, personal services, utilities, and bond or lease payments cannot be modified from the amounts I have appropriated. The total amount of each budget cannot be increased, but you are welcome to cut, the exception being MVH; which after review will increase to \$834,767.00 from approx.. \$829,000.00. Revenue projections support the increase, but Mayor Buckley has suggested keeping it at \$829,000.00, so I will wait for he and Brad's revised budget of MVH.

I also emailed to Councilors a letter which Mayor Buckley and I received in June from Jeff Peters, Financial Advisor for the City of Beech Grove. Jeff cautioned us in that letter and also at a June Budget Meeting that the proposed 2015 Budget exhaust the majority of revenue forecasts for 2015. In attendance in that June Budget Meeting were, Mayor Buckley, Councilor Bell, Department Heads, Jeff Peters and myself. I have had several people ask me "if the city is in great financial shape, why can't we spend all the money?" The answer is simple "we want to keep the city in good financial shape and we cannot budget to spend more than the revenues will support." It is against State Statute, the law, and when the DLGF reviews the budget, they would not approve a budget that has more expenditures than revenue. If that were to happen, we would have to revert to the previous year's budget.

The budget needs to be advertised in 2 to 3 weeks and I will submit the non-binding review to the City County Council by August 26th, so please Council & Department Heads have your budgets to me by August 15th.

Council Members, I have emailed you several times, without any return reply, regarding invoices you have due, but you do not have enough money remaining in the appropriations to fund. In the 2014 Budget, there was an appropriation for Professional Services/Attorney Fees of \$10,000.00; which was split between the two. Out of your budget, you pay American Legal Publishing Company, to publish, on-line, your ordinances; which amounts to several thousand dollars each year. Then at a previous Council Meeting, this body, voted and approved to pay Professor Frank Nierzwicki approx.. \$1,700.00 for your portion of his services. Year-to-date we have not appropriated any attorney invoices to your budget for City Attorney Craig Wiley, as we just received his invoice in July for services rendered from December 2013 through May 2014. You also have approx.. \$10,000.00 in attorney fees from Ogletree for the investigation of the Clerk Treasurer's Office. I spoke to Charlie Pride, DLGF Representative and he suggested that an Additional Appropriation would be the answer for the Council Budget. I will estimate the amount needed for the remainder of the year and facilitate the preparation of the documentation if you are all in agreement of this. Also, if you anticipate additional unusual expenditures for this year, please provide a dollar amount to be included in the Additional Appropriation. I will not do this until I am instructed to do so at a Council Meeting. Keep in mind; I will not present APV's to the BOW for approval of payment of any of these invoices until Council has approved an Additional Appropriation that will fund their budget.

I also wish to let the Citizens of Beech Grove know this dirty political nonsense has in no way affected the Office of the Clerk Treasurer when it comes to performing its duties and fulfilling the city's obligations. Kudos to the women who work in the office. The City is in good financial shape and the office hasn't skipped a beat in performing the duties set before it and completing the tasks at hand. We will continue to work in the best interest of the City of Beech Grove, the Citizens and Business owners.

The City website continues to be a success and is provided at no cost to the taxpayers. We continue to have wonderful volunteers that assist with updating and posting. 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 online at www.beechgrove.com.

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

Bank Account Name	Bank Account Balance
City Corporation	\$2,553,586.04
City Utilities/Sewage/Wastewater	\$1,380,364.89
Main Street Redevelopment/Main Street Loans	\$255,880.60
City Court	\$82,226.98
Criminal Investigations (CIF)	\$182,066.28
Redevelopment Commission (RDC) General	\$876,278.15
Redevelopment Commission (RDC) Debt Service	\$584,842.97
BNY – Mellon 2004 SRF Balance	\$136,178.37

As always, my door is open if you have any questions. Thank you.

Respectfully Submitted,
 Dan McMillan, Clerk Treasurer
 City of Beech Grove

Councilor Mobley asked about the \$10,000.00 in attorney fees that the appropriation does not cover, what exactly those fees are for. Clerk Treasurer McMillan answered that those fees are for the investigation of the Clerk-Treasurer’s office. Councilor Mobley asked who authorized spending this \$10,000.00 that they didn’t have? City Attorney Wiley and Mayor Buckley commented that the Council voted on it. Clerk Treasurer McMillan stated that he doesn’t know who authorized it, and he doesn’t know that \$10,000.00 will be the final amount; the \$10,000.00 is the amount of the invoices received by the Clerk Treasurer’s office to date. There is no choice but to pay the fees.

Compliance Division – Derek Blice from the Compliance Division reported that for the month of July, 138 addresses were inspected with violations found; 27 of these addresses had multiple violations. 50 addresses with violations have corrected all violations found. 64 addresses with violations are awaiting their first reinspection and 21 addresses with violations are awaiting their second reinspection. 2 addresses were issued a court summons (for a total of 2 summons issued). A total of 238 inspections were conducted; note that the above numbers do not equal 238 due to some reinspections being from violations originating in June. There has been a slight increase in the percentage of addresses requiring 2nd inspections, and a decrease in the number of court summons issued. No addresses were reported to the Marion County Board of Health. 12 signs were removed from the city right-of-way; this is a substantial reduction, as very few commercial signs are now being placed around the city possibly due to persistent removal of these signs. 24 cars were reported to the police for being abandoned, inoperative, or lacking plates on public roads. Councilor Jennings asked what a person should do to contact the Compliance Department concerning a compliance issue. Mr. Blice advised to contact the Compliance Department by phone at 803-9099 or by email at compliance@beechgrove.com, or to go to the Mayor’s Action Center at www.beechgrove.com. Mayor Buckley asked about the worst violation for the month of July, and Derek replied that there is one address where there is a salvage yard established behind a residence.

OLD BUSINESS:

[General Ordinance #3, 2014 - 3rd Reading](#)

... amends Beech Grove City Code Chapter 90 pursuant to Animals

Councilor Jennings 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. 3, 2014 into the record.

Councilor Jennings moved to approve the ordinance. Councilor Davidson seconded the Motion; which was approved by unanimous voice vote. General Ordinance #3, 2014 passed on 3rd and final reading.

[General Ordinance #8, 2014 - 3rd Reading](#)

... Fair Housing ordinance

Councilor Davidson moved to waive the rules to read by title only. Councilor Jennings seconded the Motion; which was approved by unanimous voice vote. Clerk Treasurer McMillan read General Ordinance No. 8, 2014 into the record.

Councilor Jennings moved to approve the ordinance. Councilor Mobley seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 8, 2014 passed on 3rd and final reading.

[General Ordinance #9, 2014 - 3rd Reading](#)

... amends Chapter 35 pursuant to the Parks Department

Clerk Treasurer McMillan read General Ordinance #9, 2014 in its entirety into the record.

Councilor Jennings moved to approve the ordinance. Councilor Mobley seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 9, 2014 passed on 3rd and final reading.

General Ordinance #10, 2014 - 2nd Reading

... amends Chapter 35 pursuant to Board of Zoning Appeals Fees

Clerk Treasurer McMillan read General Ordinance No. 10, 2014 in its entirety into the record. Councilor Jennings moved to approve the ordinance on 2nd reading only, provided that all the incorrect information is removed. Councilor Davidson seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 10, 2014 will be heard on 3rd and final reading at the September 2nd meeting.

General Ordinance #11, 2014 - 2nd Reading

... amends Chapter 77 – pursuant to through streets and stop streets - 7th and Cleveland

Mayor Buckley read General Ordinance No. 11, 2014, in its entirety into the record. Councilor Jennings moved to approve the ordinance on 2nd reading only. Councilor Davidson seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 11, 2014 will be heard on 3rd and final reading at the September 2nd meeting.

General Ordinance #12, 2014 - 2nd Reading

... amends Chapter 77 – pursuant to through streets and stop streets - Ticen and Main Street

Mayor Buckley read General Ordinance No. 12, 2014, in its entirety into the record. Councilor Davidson reminded the Council about the petition with over 100 signatures in favor of this ordinance, and State Representative Cindy Kirchofer has had many citizens contact her office in support of this ordinance. Councilor Harrison moved to approve the ordinance on 2nd reading only. Councilor Davidson seconded the Motion; which was approved 3-2 with Councilors Jennings and Mobley voting no. General Ordinance No. 12, 2014 will be heard on 3rd and final reading at the September 2nd meeting.

NEW BUSINESS:

Resolution #6, 2014

... Clean Air

Clerk Treasurer McMillan read Resolution #6, 2014 in its entirety into the record. Councilor Jennings moved to approve the resolution. Councilor Mobley seconded the Motion; which was approved 4-1 with Councilor Davidson voting no. Resolution No. 6, 2014 was approved.

[Additional Appropriation – Police Department](#)

Clerk Treasurer McMillan read the Additional Appropriation request into the record. The amount is \$5,000.00. Police Chief Swartz stated that the appropriation request is for the Continuing Education fund. The fund pays for schools and training that the police officers attend. The current budget appropriation does not cover all of the ammunition used or training attended by the officers. Clerk Treasurer McMillan stated that it was planned to put \$30,000.00 into the appropriation for the 2015 budget, but that will now be \$25,000 since they want the additional \$5,000.00 appropriation now. There is approximately \$42,500.00 in the fund now, but they cannot spend it all since it was not budgeted.

Councilor Jennings moved to approve the Additional Appropriation on 1st reading only. Councilor Davidson seconded the Motion; which was approved by unanimous voice vote. The Additional Appropriation request will be heard on 2nd and 3rd reading at the September 2nd meeting.

[General Ordinance #13, 2014 - 1st Reading](#)

... pursuant to ambulance responses outside the corporate city limits of Beech Grove

Clerk Treasurer McMillan read this ordinance into the record.

Fire Chief Cheshire stated that this ordinance increases the rate for out-of-city responses to the county rate that IEMS charges throughout the county. According to the zip code breakdown, BG ambulances respond to 30% of their calls in the 46107 zip code. Many calls come from both the northwest side of Beech Grove and in Franklin Township. The majority of their calls do come from outside the City of Beech Grove. This will help increase revenue. Mayor Buckley confirmed with Chief Cheshire that the citizens of Beech Grove will not see an increase in ambulance rates as a result of this ordinance. If an Indianapolis ambulance comes into Beech Grove, the citizen will be charged the county rate.

Councilor Jennings moved to approve the ordinance on 1st reading only. Councilor Davidson seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 13, 2014 will be heard on 2nd reading at the September 2nd meeting.

[General Ordinance #14, 2014 - 1st Reading](#)

... amends Employee Personnel Manual Article XIV concerning employee behavior

Mayor Buckley read the ordinance into the record.

City Attorney Wiley stated that this is a precursor to updating the Employee Manual and this ordinance is a sound policy to have in the manual. We do not currently have anything on the books pursuant to this matter. There is no pending action with any City employee at this time. This policy is being added for the benefit of the City employees in the future.

Councilor Jennings moved to approve the ordinance on 1st reading only. Councilor Davidson seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 14, 2014 will be heard on 2nd reading at the September 2nd meeting.

General Ordinance #15, 2014 - 1st Reading

... amends Employee Personnel Manual Article XIV concerning Military Leave

Clerk Treasurer McMillan read the ordinance into the record.

City Attorney Wiley stated that this policy will prevent an employee from being paid by both the City and the military while they perform their military duty. This policy prevents discrimination by allowing the employee to keep their level of seniority and to continue receiving benefits during their deployment. This policy may not contradict any federal law.

Councilor Davidson pointed out the ordinance requires the employee is required to provide 30 days advance notice to their department head; sometimes you do not know about deployment that far in advance. City Attorney Wiley said that requirement can be changed to read "if foreseeable."

Councilor Davidson also is concerned about the requirement to submit military orders to the department head and requested that City Attorney Wiley also look at that requirement.

Councilor Jennings moved to approve the ordinance on 1st reading only. Councilor Harrison seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 15, 2014 will be heard on 2nd reading at the September 2nd meeting.

COUNCIL COMMENTS:

Councilor Dave Mobley – Councilor Mobley asked City Attorney Wiley some questions about a newspaper article. He asked about Wiley's statement that he will not bill for his time on the lawsuit against the Clerk Treasurer; that the actual charge should only be \$832. City Attorney Wiley stated that was correct, it was 3.2 hours. Councilor Mobley reiterated that Wiley said he wouldn't bill for that. City Attorney Wiley stated that Councilor Mobley is misreading the newspaper. Wiley stated again that he is not charging the city for his work on the lawsuit. City Attorney Wiley requested that Councilor Mobley read the article into the record. Councilor Mobley read the statement from the newspaper article into the record and asked what the \$832 is for. City Attorney Wiley replied that amount was a result of the outside law firm keeping him apprised of the status of the investigation.

Councilor John Jennings – Councilor Jennings apologized that the ordinance concerning the chickens did not get on the agenda for tonight's meeting. He hopes that the ordinance passes as amended, and that he will amend the ordinance. School has started, so be careful when you're driving and watch out for the children. As the fall sports will be starting soon, go support your local teenagers as they will make you proud. He wants to know more about events such as the Arbor Day program and the concerts in the park, as these are great events for the community.

Councilor Dave Harrison – Councilor Harrison agreed with Councilor Jennings on supporting the youth. He attended the Little League tournament in Seymour over the weekend and really enjoyed it. He appreciates how different groups in the city work together to make events happen. He thinks the July 3rd fireworks were the best he's seen and is looking forward to the Fall Festival.

Councilor Anthony Davidson – Councilor Davidson agreed with Councilor Harrison about the fireworks. The Beech Grove Little League team did well in the tournament but could not beat Greensburg. These 7-year-olds did really well, and much appreciation goes to the volunteers who were involved.

Councilor Ed Bell – Councilor Bell thanked everyone for coming to tonight’s meeting. He also thanked the different organizations who put on events that the community always appreciates. Special thanks went to Beautify Beech Grove for the flags they donated.

Clerk Treasurer McMillan – Clerk Treasurer McMillan announced that National Night Out in support of the police department will be August 5th, 2014, 6-9 p. m. at the Moose Lodge, 3320 S. Emerson Avenue. It’s a great night to get to know your neighbors and join over 37 million people in 16,124 communities worldwide to celebrate America’s National Night Out Against Crime. Clerk Treasurer McMillan also read a letter from the Indiana Department of Transportation announcing a public information meeting regarding the interchange modification and reconstruction project at I-65 and I-465 on the southeast side of Indianapolis, Marion County. This project is part of Operation Indy Commute. The Public Meeting and Open House will be on Thursday, August 14, 2014 at South Grove Intermediate School, 851 S. 9th Avenue in Beech Grove. The Informal Open House Session starts at 5:00 p. m. with the formal presentation beginning at 6:00 p. m.

ADJOURNMENT:

Councilor Jennings moved to adjourn. Councilor Mobley seconded the Motion. The meeting was adjourned at 8:16 p.m.

The next meeting will be September 2, 2014 at 7:00 pm in Council Chambers at City Hall.

Dennis Buckley, Mayor

Dan McMillan, Clerk–Treasurer

Minutes prepared by: Mary Duffer