

**CITY OF BEECH GROVE, INDIANA
BOARD OF PUBLIC WORKS AND SAFETY
MEETING MINUTES
MONDAY, JUNE 2nd, 2014**

Mayor Dennis Buckley called the meeting to order at 6:10 p. m.

ROLL CALL: Board of Works Members, Ed Bell, Sandy Seward and Mayor Dennis Buckley were present. Also in attendance, were Clerk Treasurer Dan McMillan and City Attorney Craig Wiley.

MEETING MINUTES: The meeting minutes from the May 19th, 2014 meeting were presented to the Board. Ed Bell moved to approve the minutes as presented; Sandy Seward seconded the Motion; which was approved by unanimous voice vote.

APPROVAL OF CLAIMS:

- **Corporate Claims** – claims in the amount of **\$676,485.84** were presented to the Board for approval. Sandy Seward asked about the three entries from Borgmann Enterprises. Clerk Treasurer McMillan stated that this company does the weeding on the roundabout and the pocket park, and are fixing the flowers in the business district. Ed Bell asked about an invoice from Fitzgerald & Fitzgerald. Clerk Treasurer McMillan said that this is the monthly charge for serving as the Building Inspector. Mayor Buckley pointed out that the United Consulting 2014 Road Signs Grant invoice for \$68,150, is part of the sign inventory and replacement program. Clerk Treasurer McMillan commented that in the beginning, we were only going to replace 1,000 signs, then it went to 1,500 and now it is 2,000. He also stated that we only budgeted \$60,000.00 or \$61,000.00 for the City portion of the grant, and as Mayor Buckley stated we have spent \$68,150.00, so we will have to request permission to transfer money into the grant fund. This should complete the City's 10% match required for this grant. The United Consulting Street and Alley Improvement invoice for \$19,446.80 is for paving.

Sandy Seward moved to accept the claims as presented; Ed Bell seconded the Motion; which was approved by unanimous voice vote.

OLD BUSINESS:

None.

NEW BUSINESS:

Permission for the July 3rd Fireworks—Fire Chief Cheshire received a letter from Circle City Pyrotechnics requesting to do the fireworks display on July 3rd at the park. Also included with the letter was their application to be signed, check, map and a copy of their insurance.

Chief Cheshire is asking for approval to sign off on this so it can be submitted to the state for their permit. This is the same company that does the fireworks show every year. Mayor Buckley stated that this company will need to come in and get a local permit from the City of Beech Grove. The company's insurance lists the City of Beech Grove as the additional insured. Ed Bell moved to approve the application for a fireworks display on July 3rd. Sandy Seward seconded the Motion; which was approved by unanimous voice vote. Mayor Buckley added that he spoke to the compliance officers about making sure that for the various fireworks booths that pop up, all should have a permit.

Recommendation for Part Time Employment, DPW – Clerk Treasurer McMillan read a recommendation letter from DPW department head Brad Meriwether to hire Roy Edwards III for part-time employment. He would earn no more than \$12 per hour and work no more than 29 hours per week. There is money available in the sanitation budget to fund this position. Mayor Buckley stated that Mr. Edwards has worked part-time for the DPW and parks system in the past and is familiar with the operations; he recommends hiring this individual as well. Sandy Seward moved to approve the recommendation to hire Roy Edwards III for part-time DPW employment. Ed Bell seconded the Motion; which was approved by unanimous voice vote.

Moose Lodge Street Closure – Clerk Treasurer McMillan read into the record a request from the Moose Lodge and Moose Riders to close Bellefontaine Street from Emerson Avenue to 2nd Avenue including the alley on June 21st and July 26th in order to host charity events and ensure the safety of everyone during the events. We do not know what type of events these are or the hours that the street would be shut down. Police Chief Swartz does not oppose a street closure for specific hours, but all day might be a problem. Mayor Buckley suggested granting closure from 8 a.m. until 5 p.m., and Chief Swartz agreed that would be better than saying all day. Sandy Seward moved to approve the request to close Bellefontaine Street on June 21st from 8 a.m. to 5 p.m.; Ed Bell seconded the Motion; which was approved by unanimous voice vote. Sandy Seward moved to approve the request to close Bellefontaine Street on July 26th from 8 a.m. to 5 p.m.; Ed Bell seconded the Motion; which was approved by unanimous voice vote.

COMMENTS FROM MEMBERS:

Ed Bell mentioned an email he'd received, concerning the new Farmer's Market in Beech Grove beginning June 8th that is posted on the city website. Mr. Bell read the email into the record:

“I saw on the City website that Beech Grove is starting a Farmer's Market on June 8th listed under Community Events. I was curious as to why it has not been brought to the attention of the Board of Works, considering the City is now sponsoring the event and advertising the event on the City-owned website. Was this approved by both the City and the Board of Works? Is the location approved by the health department and the City? Since the City now has a vested interest in a Farmer's Market by advertising for it, is there proof of insurance, holding the City not liable in case something happens? Has the Market applied for a Master Vendor's permit with the BOW just as Holy Name Church and the Promoter's Club are required to do? Has the Market obtained and received all required permits and supplied copies of said permits to be on file at City Hall? Has each vendor at the Market applied and been approved for an application for license as stated in Beech Grove City Ordinance 115-36 presented by Clerk Treasurer

McMillan on June 17th, 2013? According to the Board of Works minutes dated June 17th, 2013, Clerk Treasurer McMillan stated it is his responsibility to ensure ordinances are followed. Copies of the aforementioned Board of Works meeting can be obtained from the City website. Again, the Farmer's Market is a great thing for the City of Beech Grove and long overdue. Please confirm proper protocol is followed and enforced. Thank you for your time, KRG"

Mayor Buckley stated that the City is not sponsoring this event. He also stated that the reason that Holy Name, the Promoters, etc. are required to get Master Vendor's Licenses is that they are on public property. This event will not be on public property. Mayor Buckley doesn't think that it is this Board's (or anybody's) position to try to stop the Farmer's Market as one of the goals is to draw people into Main Street. We should work with whatever group is organizing the event to help them get what they need and be consistent in the application of the rules. Clerk Treasurer McMillan stated that no permits are needed for the Farmer's Market as it is being done on private property by a private business that is a food establishment. The Board of Health has inspected her, she has all the required Board of Health permits, and the City of Beech Grove has no liability with the Farmer's Market, because we have no affiliation with the business sponsoring it.

Clerk Treasurer McMillan went through the email and answered each question, because he believes the citizens need clarification:

- Q: "I was curious as to why it has not been brought to the attention of the Board of Works, considering the City is now sponsoring the event and advertising the event on the City-owned website."
- A: The City does not sponsor this event; it is just listed on the community web page. It is a page created for local events.
- Q: "Was this approved by both the City and the Board of Works?":
- A: This question is better posed to the City Attorney.
- Q: "Is the location approved by the health department and the City?":
- A: The health department approves it and we have three compliance officers that can address this.
- Q: "Since the City now has a vested interest in a Farmer's Market by advertising for it, is there proof of insurance, holding the City not liable in case something happens?":
- A: The City does not have a vested interest in advertising for it. It is a community event and you will not find it under the Mayor. The now Beautify Beech Grove committee was initially named the Decorating Committee and was listed as a committee under the Mayor. That's what the issue was previously with the Beautify Beech Grove.
- Q: "Has the Market applied for a Master Vendor's permit with the BOW just as Holy Name Church and the Promoter's Club are required to do?"
- A: If 16th Street for Holy Name would not be shut off, they would not have to get one permit through the City of Beech Grove. It would be handled 100% on their property. The only reason why they do is because 16th is closed off and it creates a liability for the City. The Market has not applied for a Master Vendor permit. They are a business and are not an itinerant food peddler since their location is fixed, and they are insured, so I am assuming they do not need one. But a definitive answer should come from the City Attorney and the compliance officers.

- Q: “Has the Market obtained and received all required permits and supplied copies of said permits to be on file at City Hall?”:
- A: We have nothing on file at City Hall and, in my opinion, we don’t need anything.
- Q: “Has each vendor at the Market applied and been approved for an application for license as stated in Beech Grove City Ordinance 115-36 presented by Clerk Treasurer McMillan on June 17th, 2013?”:
- A: I have no permits on file that were issued for the Farmer’s Market. Again, I really don’t think that there needs to be, but I’m not an attorney.
- Q: “According to the Board of Works minutes dated June 17th, 2013, Clerk Treasurer McMillan stated it is his responsibility to ensure ordinances are followed.”
- A: In regards to permits and trying to ensure the City would not be liable, in June of 2013, we had 0 compliance officers and we now have three. I also instructed Mrs. Middleton to contact the City Attorney. I also followed up with Mrs. Middleton, who told me the City Attorney said everything is okay.
- Q: “Copies of the aforementioned Board of Works meeting can be obtained from the City website. Please confirm proper protocol is followed and enforced. Thank you for your time, KRG”: That is where I stand on it.

Sandy Seward asked that it be noted that the Board of Works did not receive notification of this until 3:56 p. m. today.

ADJOURNMENT:

Ed Bell moved to adjourn. Sandy Seward seconded the Motion. The meeting was adjourned at 6:34 p. m.

The next Board of Works Meeting will be held on Monday, June 16, 2014, at 6:00 p.m. at City Hall Council Chambers.

Dennis Buckley, Mayor

Dan McMillan, Clerk Treasurer

Prepared by: Mary Duffer