

**BEECH GROVE CITY COUNCIL
MEETING MINUTES
MONDAY, JULY 7TH, 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, Mary Stewart, and Kathy Coates. Also present were Mayor, Dennis Buckley, Clerk Treasurer, Dan McMillan, and City Attorney, Craig Wiley.

All joined in the Pledge of Allegiance to our flag. There was also a moment of silence in remembrance of slain IMPD Officer Perry Renn.

SPECIAL PRESENTATIONS:

BG High School Baseball Team – The BGHS varsity baseball team won the Danville sectional. Councilor Jennings read a plaque that congratulated the team on their outstanding season and sectional championship. The baseball coach also introduced each team member in attendance.

Sierra Club Presentation – The Sierra Club gave a brief presentation concerning how the environment affects diseases such as asthma. In this area, the environment is negatively affected by the IPL Harding Street coal plant. According to the EPA, this plant is responsible for 88% of the industrial toxic releases in Marion County. Pollution from this plant is a leading cause of bad air in our city. Water pollution is also a big issue with these types of plants. Indianapolis is the only major Midwestern city with a coal plant within city limits. The Sierra Club members hope that Mayor Buckley will be a voice for the citizens of Beech Grove in this matter. IPL is required to submit a 20-year plan to the state later this year. Along with other organizations, The Sierra Club has a community resolution that calls on IPL, as a part of its 20-year plan, to stop burning coal in Marion County by the year 2020. The Sierra Club wishes for the Council to adopt this resolution on behalf of the citizens of Beech Grove.

APPROVAL OF MINUTES: Clerk Treasurer McMillan presented the June 2, 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:

Joe Wolfla, Beech Grove – Mr. Wolfla thanked the BG Police Department and BG Fire Department for their handling of a recent situation at the WalMart store. Both departments really stepped up to handle the situation and did a great job. Everyone should be proud of our public safety officers.

Amy McGuire, Beech Grove – Ms. McGuire and her family have lived in Beech Grove for one year and they raise chickens. They are very fond of their chickens, and their children have used them for science fairs and school projects in addition to learning about the cycle of life. She does not understand why other areas (Irvington, Broad Ripple, etc.) allow chickens, but Beech Grove does not. The McGuires live at 232 N. 13th Avenue and currently have three chickens.

Christine Vuskalns, Beech Grove – Ms. Vuskalns also spoke about being allowed to have poultry within the city limits of Beech Grove. She believes that it is a best practice not to prohibit poultry ownership, but to look at the issue in terms of space available and humane treatment of the animals. It is not her experience that having poultry is unhealthy or a nuisance, nor has it been an issue with her neighbors. She feels that there are reasonable limits, but that total prohibition of poultry is not a reasonable approach. While she requests that the Council considers this positively, that they also consider setting up a test period so that citizens who want poultry can demonstrate responsible poultry ownership. Ms. Vuskalns and her family own 20-30 laying hens on their 5-acre property. They donate their excess eggs to a local food pantry.

COMMITTEE REPORTS

Youth Council – none.

Greenscape Commission – Tim Latimer reported that the Greenscape Commission has been inspecting trees that were determined to be hazardous or potentially hazardous. We basically want to update our inventory and inform/remind the DPW of potentially dangerous trees. I have found that many of these trees were indeed removed as suggested by the Davey Report. We still have a few more trees to inspect. We will send a report to Brad Merriweather when we are finished. Dave Miller and I have both inspected trees on private properties (requested by homeowners) for Emerald Ash Borer. Although these ash trees appear to be suffering and indeed dying, we still don't think they are being affected by the EAB. They are being affected by a disease. Tree trimmers need to be careful not to automatically conclude that these trees are infested with EAB (as one trimmer already stated). A new warning has been issued by the IUFC about a disease affecting walnut trees. Residents in Park South contacted us about overgrowth and deteriorating conditions in the creek (McFarland Creek I think) between their little community (Dangerfield Drive) and Woodcrest Apartments. I went out there, and it is pretty bad. Lots of overgrowth encroaching on Woodcrest property, trees falling in due to erosion etc. They are hoping the city can do something about this in the near future.

RDC – none.

Public Safety – none.

ABC-none

Clerk Treasurer's Financial Report - Clerk Treasurer Dan McMillan

Dear Councilors,

The month of June has been a busy month in the Clerk Treasurer's Office as we are beginning preparation of the budget process. I am hoping the Council will decide tonight which Councilors will serve on the Budget Committee, as I would like us to conduct our first meeting next week. I would also like to include Judge Wells and the Department Heads in our meetings. I have passed out tonight to the Council the Fiscal Plan for 2015 that is tentative, and prepared by Jeff Peters. The plan did not include the increase of \$160,000 for contractual ambulance service, or an additional \$80,000.00 to \$100,000.00 for medical supplies. Peters' plan shows the 2015 budget at approximately seven million, seven hundred and twenty one thousand, and he cautions us against it. Add to it the additional \$240,000.00 to \$260,000.00 in ambulance expenses we will be at almost eight million dollars.

Of course, I have already spoken to the majority of Department Heads and all that I have spoken to say their budgets cannot be cut, so I am anxious for the Department Heads and Councilors to work together to make an approximate \$500,000.00 in cuts to achieve a responsible and balanced budget; which is required by State Law. It will be nice to have the Council involved this year. I hope we will all be able to agree not to cut the additional funding for the ambulance as it does provide a direct service to the Citizens and is a revenue source for the City.

The month of June our property tax revenue came in and I have included the Form 22 with the above information that I passed out this evening. The RDC did see an increase in revenues because St. Francis/Franciscan Alliance did pay \$343,140.45 in property taxes, but they are also appealing that and Jeff Peters cautioned us not to spend the money until we are certain all appeals have been exhausted, so that money will be held in escrow until we receive the results of the appeal process.

In the month of June we paid the following bond payments in addition to our regularly scheduled monthly SRF Loan Payment:

2005 Sewage Works Revenue Bond in the amount of \$39,648.90

2014 TAW partial payment in the amount of \$766,015.66 with a balance still owing of approximately \$1,392,480.00

The month of July will include the RDC 2005 & 2007 TIF Bond auto deduct payments; which combined will be approximately \$289,000.00, the 2012 Bond auto deduct payment; which will be \$104,668.75 and the police & fire vehicles auto deduct payments; which will be \$26,709.20.

In addition, this month our office went through the process of updating our retirees' files to insure that all retirees are covered on the \$10,000.00 life insurance policy that the City provides and to insure beneficiary information is correct. Many have called to thank us. Several of the retirees were not covered because their files had inadvertently been put with the employee files who had quit, or misplaced with other files. It has been a tedious process, but we now believe we have all the retirees insured, their information correct and up to date. The 1977 retirees received a raise of 1.4% as directed by INPRS.

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 June 30, 2014 are listed below.

Bank Account Name	Bank Account Balance
City Corporation	\$2,948,931.75
City Utilities/Sewage/Wastewater	\$1,261,192.96
Main Street Redevelopment/Main Street Loans	\$253,511.46
City Court	\$58,384.50
Criminal Investigations (CIF)	\$181,242.83
Redevelopment Commission (RDC) General	\$1,179,282.47
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

Compliance Division – The Compliance Division reported that 90 new addresses were inspected with violations found, while 21 of these addresses had multiple violations. 58 addresses have corrected all violations found. 29 addresses are awaiting their first reinspection, while 11 addresses are awaiting their second reinspection. 3 addresses were issued a court summons. The above numbers do not equal 90 since some of the initial inspections were in May. A total of 162 inspections were conducted. Compliance after initial warning is given is very high, and this is resulting in fewer overall inspections. 11 addresses were forwarded to the Marion County Board of Health, and action was taken on 8 of those by the BOH. 56 signs were removed from the city right-of-way, including 43 from the same company. 19 cars/trailers were reported to the police for being abandoned, inoperative, or lacking plates. 2 fireworks stores were inspected for permits—neither had permits on first inspection. Both had proper permits upon reinspection. One street tree was reported to the Greenscape Commission for being a hazard and has been removed.

OLD BUSINESS:

General Ordinance No. 3, 2014 - 3rd Reading

Councilor Jennings moved to waive the rules to read by title only. Councilor Harrison 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 table this ordinance for 30 days until the August 4th meeting. Councilor Bell seconded the Motion; which was approved 6-1 with Councilor Davidson voting no. General Ordinance No. 3, 2014 was tabled until the August 4th meeting, at which time it will be heard on the 3rd and final reading.

General Ordinance No. 6, 2014 – 3rd Reading

...amends Employee Handbook Article XIV - Employee Behavior

Councilor Jennings moved to waive the rules to read by title only. Councilor Stewart seconded the Motion; which was approved by unanimous voice vote. Clerk Treasurer McMillan read General Ordinance No. 6, 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. 6, 2014 passed on 3rd and final reading.

General Ordinance No. 7, 2014 – 3rd 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 Jennings seconded the Motion; which was approved by unanimous voice vote. Clerk Treasurer McMillan read General Ordinance No. 7, 2014 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. 7, 2014 passed on 3rd and final reading.

General Ordinance #8, 2014 – 2nd Reading

... Fair Housing Ordinance

Councilor Stewart 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 on 2nd reading only. Councilor Davidson seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 8, 2014 will be heard on 3rd and final reading at the August 4th meeting.

General Ordinance #9, 2014 – 2nd Reading

... 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 moved to approve the ordinance on 2nd reading only. Councilor Jennings seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 9, 2014 will be heard on 3rd and final reading at the August 4th meeting.

Mayor Buckley stated that Councilor Davidson had previously suggested that this ordinance should take effect on January 1st rather than 60 days after approval of the ordinance, as stated in the ordinance. Clerk Treasurer McMillan stated that even though he agreed with this suggestion at first, he has since changed his mind. He would like it done before the end of the year so that it will be done before the books need to be closed out to avoid any issues of carrying over from one year to the next. Mayor Buckley agreed with Clerk Treasurer McMillan.

NEW BUSINESS:

Interlocal Agreement – City Court

This is an agreement between the Beech Grove City Court and the Town of Clermont. City Attorney Wiley explained the MOU. The Town of Clermont has requested to handle their ordinance violations through the BG City Court. If the Council approves this agreement, we could have them online by August 1st. We currently have similar agreements with the cities of Lawrence, Southport, and Speedway. Clerk Treasurer McMillan read the Interlocal Agreement into the record. Councilor Mobley moved to approve the agreement. Councilor Jennings seconded the Motion; which was approved by unanimous voice vote

General Ordinance #10, 2014 – 1st Reading

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

This ordinance states that the Common Council desires to adjust the fees charged by the Board of Zoning Appeals so that the BZA becomes self-sufficient. Mayor Buckley read the ordinance into the record. Mayor Buckley compared the current City of Indianapolis charges to the BZA charges recommended in this ordinance.

Councilor Stewart stated that she wants to make sure that the BZA is in favor of this ordinance.

Clerk Treasurer McMillan replied that as Secretary of the BZA, the members of that Board were unanimous in their support of this ordinance. He also stated that between advertising and legal fees, the current fees collected by the BZA sometimes don't cover the associated expenses.

Councilor Mobley moved to approve the ordinance on 1st reading only. Councilor Coates seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 10, 2014 will be heard on 2nd reading at the August 4th meeting.

General Ordinance #11, 2014 – 1st Reading

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

Clerk Treasurer McMillan read this ordinance into the record. Citizens are concerned about vehicles that speed on S. 7th from Bethel Avenue without stopping. Traffic currently stops at Cleveland but does not stop at S. 7th. The Council desires to put in a 3-way stop at the intersection of S. 7th and Cleveland. Police Chief Swartz stated that he agrees there is a safety issue in the area and that the proposed 3-way stop is the best answer. Councilor Stewart stated that this is a good idea, as she always slows down at this intersection because of the number of children usually present. Councilor Coates asked about the expense of the stop signs, and Chief Swartz did not know an exact amount but felt it would be worth the cost to keep the children safer. Councilor Coates does not necessarily believe that stop signs are always the answer. Councilor Bell is more concerned with traffic on Bethel that turns onto 7th, that those motorists are flying into the residential area.

Councilor Jennings moved to approve the ordinance on 1st reading only. Councilor Stewart seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 11, 2014 will be heard on 2nd reading at the August 4th meeting.

General Ordinance #12, 2014 – 1st Reading

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

Clerk Treasurer McMillan read the ordinance into the record. Citizens are concerned with traffic patterns near Ticen and Main Street. In the past 6 months, there has been a traffic accident resulting in the loss of life at this intersection. In the past year, there was another accident resulting in property damage. Over 90 citizens have signed a petition requesting the current 2-way stop be changed to a four-way stop at the intersection of Ticen and Main Street. Janet White, who spearheaded the petition drive for this request, spoke to the Council. She believes that this is a very dangerous intersection and stated that other motorists will not slow down enough so that she can back out of her driveway. She and her neighbors want something done to slow motorists down. Mayor Buckley stated that the Police Chief did a study in that area and that 3 households in the area do not agree with a 4-way stop. Police Chief Swartz stated that from June 24th to July 7th, officers monitored that area for 2-hour intervals. In reference to the fatality in that area, it has not been determined what his speed was at the time. Driver inattention was more likely the cause of that crash. During the study, 1,071 cars were counted and their speed measured. The average speed was 28.6 mph in a 25 mph zone. There were 9 tickets issued (8 for speeding and 1 for driving while suspended); that calculates to about .01% violations. People typically go 26-33 mph, but that is not enough in the police's opinion to issue tickets. The study was conducted using both marked and unmarked cars. Police Chief Swartz stated that he does not believe converting this to a 4-way stop would improve the safety at this intersection.

Mayor Buckley asked for a Motion to Table this ordinance. Councilor Coates asked why the Council would not vote on this ordinance when they already voted for the stop sign at 7th & Cleveland.

Mayor Buckley replied that the study showed no need for a change here; Councilor Coates pointed out there was no study done for the previous ordinance and it was voted on.

Councilor Coates moved to approve the ordinance on 1st reading only. Councilor Davidson seconded the Motion; which was approved by unanimous voice vote. General Ordinance No. 11, 2014 will be heard on 2nd reading at the August 4th meeting.

COUNCIL COMMENTS:

Councilor Dave Mobley – Councilor Mobley apologized to Clerk Treasurer McMillan for what the Council did on the investigation of the Clerk Treasurer’s office. He thinks it was a waste of the taxpayers’ dollars and he still does not know the final cost. Councilor Bell has been asked three times for the final cost and has never responded. Councilor Mobley personally apologized to Clerk Treasurer McMillan and to the citizens of Beech Grove for wasting the tax dollars.

Councilor John Jennings – Councilor Jennings thanked the Sierra Club members for their presentation. If those numbers are accurate, he will certainly support the resolution. He congratulated the varsity baseball team on their accomplishments this year. He encouraged BG citizens to go out and watch the school athletic events to see just how great our youth are.

Councilor Dave Harrison – Councilor Harrison commended BGHS senior Michael Jennings, who worked with 5-7 year olds during basketball season and gave his jerseys to them at the end of the season. Councilor Harrison was also impressed with Councilor Davidson’s son, who played with his grandson on a Little League baseball team. He is an outstanding baseball player for his age.

Councilor Anthony Davidson – Councilor Davidson thanked Councilor Harrison for his comments. The All Star team will be playing in Washington Township on Friday, Saturday and Sunday. If you’re in the area, please stop by to watch them. He also expressed his condolences to slain IMPD officer Perry Renn’s family. He commended the City Court for an outstanding job and the commitment to serving another town with tonight’s Interlocal Agreement with Clermont.

Councilor Davidson also read a letter from his constituent Chris Duffer, who could not attend tonight’s meeting:

“Dear Councilors,

I was unable to attend the Council Meeting this evening, but would like to ask once again, what you intend to do with Councilor Ed Bell. Recorder Julie Voorhies has stated the Indians tickets did not come from her office. An employee in the Clerk-Treasurer’s office accepted them for Ed Bell from a Crossroads Associate. As I have stated previously it is not about the tickets, but the lie. If you will lie about Indian Tickets I think you will lie about anything. Councilor Bell has portrayed the Council and the Board of Works in a bad light. It appears the administration does not condemn these actions and will not remove him from the Board of Works. When the Council elects him as President and then turns their heads at his lie, it does not set well with the citizens. Ed Bell should resign from the Board of Works.

Sincerely,
Chris Duffer”

Councilor Ed Bell – Councilor Bell stated they never have proved the tickets, who received them. He is sympathetic to the asthma problems as he has problems himself. On May 5th, 2014, he attended a baseball game on the invitation from Crossroads Engineering, which I did say I did. City employees’

handbook, which they keep on throwing up, states city employees but not elected officials (I believe I'm an elected official) may not accept gifts over \$5. However, put this matter at rest. I've given Crossroads a refund of the value of the tickets and the food provided by the company's sponsored event. This antiquated provision is another reason why our employee handbook should be updated. Presumably this provision has been violated in the past by others. Nonetheless, I accept this and definitely will abide by it and move forward. In the coming weeks, I will assemble a committee, though, of bipartisan members of the Council, the City Attorney, and some city employees to update the employee handbook and implement the anti-harassment policy and look into implementing a Code of Conduct for elected officials in the City of Beech Grove. I appreciate the input of the citizens and if you have comments about this process you can reach me at ed.bell@beechgrove.com. Moving on to another matter of importance, the internal investigation report of the Clerk Treasurer. The investigation is done. The Council, in executive session, has no other comments other than to let the report speak for itself. Anyone who would like a copy can request it by email or mail to City Hall at 806 Main Street, Beech Grove IN 46107, attention to Ed Bell President Pro Tempore. I would like to thank everyone in attendance tonight. It looks like the community resolution is very important, I believe. We'll look at that in the future.

Councilor Mary Stewart – Councilor Stewart thanked everyone for attending the meeting. We've covered many different topics this evening. Thank you to the Sierra Club members for bringing to our attention the asthma issue. Thank you to everyone who contributed to tonight's meeting.

Councilor Kathy Coates – Councilor Coates apologized for her outburst regarding stop signs. Thank you to all in attendance and for providing input that helps us to make decisions. In addition, we all appreciate our public safety officers in light of what has happened this past weekend.

Clerk Treasurer McMillan – Clerk Treasurer McMillan commented on the so-called investigation (he called it a witch hunt). He denied any and all accusations made in this report. It was all done anonymously. He was never asked to be interviewed until the investigation was completed. No complaints have been filed against me by the department heads or citizens. No city official or department head has ever asked to speak to me even though they say they were aware there was an issue. Complaints such as "this needs done now" are petty. Council has spent approximately \$6,000.00 on this investigation, and that money could have been better spent towards hiring a part-time person to answer non-emergency calls at the police station after 4 p. m. or to address many other needs in this city. My job is to safeguard the monies entrusted to my office and provide better customer service to the citizens of Beech Grove. I do not work for the Mayor, the Council, or the department heads. I work for the citizens of Beech Grove and I try to provide a budget each year that is responsible and in the best interest of the citizens. Consequently, when you tell people in government "no", you're not a popular person. The only budget that I have consistently cut for the past two years is that of the Clerk Treasurer's office.

American Legion—A representative from the American Legion presented Letters of Appreciation to the fire department, police department, and Mayor Dennis Buckley for their service to the community.

Mayor Buckley – Mayor Buckley announced that this Wednesday, July 9th at 10 a. m. will be the ribbon cutting ceremony for ADM Milling. ADM Milling is a worldwide company that has built an expanded facility here in Beech Grove worth approximately \$30 million.

ADJOURNMENT:

Councilor Jennings moved to adjourn. Councilor Mobley seconded the Motion. The meeting was adjourned at 8:28 p.m.

The next meeting will be August 4, 2014 at 7:00 pm in Council Chambers at City Hall.

Dennis Buckley, Mayor

Dan McMillan, Clerk-Treasurer

Minutes prepared by: Mary Duffer