



**TOWN OF CICERO**  
**TOWN COUNCIL MEETING MINUTES**  
**December 18, 2012**  
**At 7:00 PM**

**Call To Order:** Vice-president Jerry Cook called the meeting to order and Dennis Schrupf gave the prayer. Vice-president Cook called for the roll call and the members of the Town Council were present or absent as follows:

**Present:** Jerry Cook  
Kay Hartley  
Eric Hayden  
Dennis Schrupf

**Absent:** Brett Foster

Vice-president Cook declared a quorum present.

**Others Present:** Jan Unger, Clerk Treasurer  
Charlie Cambre, Park Superintendent  
Pat Comer, Street & Utilities Director  
Dave Hildebrand, Police Chief  
Steve Peachey, Fire Chief  
Paul Munoz, Cicero/Jackson Township Plan Commission Director  
Aaron Culp, Town Attorney  
Keith Bryant, Town Engineer  
Paul Utterback, Storm Water Management Board President

**Approval of Prior Minutes:**

**Town Council Meeting Minutes, December 4, 2012, 7:00 PM** – Ms. Hartley made a motion to approve the Town Council Meeting minutes for December 4, 2012. Mr. Schrupf seconded, motion passed.

**Approval of Agenda:**

Mr. Hayden made a motion to approve the agenda as presented. Mr. Schrupf seconded, motion passed.

**Approval of Claims:**

Ms. Unger asked the Council to approve the claim from Myers Construction Management, Inc. for the repair on the Fire Station in the amount of \$85,832 which comes out of the Rainy Day Fund. After a couple of other clarifications Ms. Hartley made a motion to approve the claims as presented including Myers Construction. Mr. Hayden seconded. Motion passed.

**Petitions by Citizens:**

There were none.

**President's Report:**

Was not available

**Council Committee Reports:**

Nothing

### **Legal Counsel Report- Aaron Culp:**

1. Mr. Culp informed the Council that he has been contacted by Crown Castle regarding the lease they have with the Town for the Cell Tower on Buckeye Street. Mr. Culp stated that they are looking to extend the lease and have offered an increase with the Town approving six terms of five years each with a 15% increase with each term. Mr. Culp stated that this is an initial offer and asked if the Town Council would like for him to begin discussions with Crown Castle regarding extending the lease. The Council has a discussion and then agreed that it was okay for Mr. Culp to discuss the lease with Crown Castle.

### **Cicero/Jackson Township Plan Commission Report-Mr. Munoz**

Mr. Munoz informed the Council that he has had a discussion with Mr. Andy Conover at the Hamilton County Surveyors office and he agrees that there should be a meeting with all parties involved regarding the Ingerman Drain. He suggested that after the first of the year he would get one scheduled.

### **Town Engineer Report-Mr. Keith Bryant-Mr. Bryant**

1. ADA Transition Plan – Mr. Bryant distributed copies of the 2012 Self-Evaluation and ADA Transition Plan. Mr. Bryant reviewed a few points in the plan. First he stated that the delay in the plan is due to the Town spending over \$700,000 in local funds for the Jackson Street Causeway Path Project. This project will be compliant with ADA standards. Mr. Bryant stated that the Town’s constructions standards have needed to be updated to comply with ADA standards. Mr. Bryant stated that Paul is the ADA Coordinator and will have the Transition Plan available in the office. There will be a paper copy and a CD. The Town will need to be able to give at the request a brail or audio version of the plan. Mr. Bryant addressed the parking on Jackson Street. There needs to be some handicap parking spaces marked. After a discussion it was decided to mark four spaces along Jackson Street. Mr. Schrupf made a motion to approve the 2012 Self-Evaluation and ADA Transition Plan for the Town of Cicero. Ms. Hartley seconded, motion passed.
  - a. Mr. Culp stated that the precertification for INDOT has been submitted. Mr. Culp stated that in January they will be submitting some language changes to the Towns contracts making them compliant with the ADA regulations. Also, the Website will need to have an audio component. Mr. Munoz stated that he is working on that. Mr. Bryant stated that the precertification was primarily for Title 6. Mr. Bryant stated that Ms. Unger needed to go into the INDOT Pre-Award Certification & Assurance and mark that the Town now has a Transition Plan.
2. Jackson Street Pedestrian Walkway – Mr. Bryant informed the Council that Mr. Foster, Mr. Hayden, United, INDOT, and Duke met on December 17<sup>th</sup> and discussed the moving of the Duke power lines. The meeting was productive and all parties were very receptive to moving this project along, being aware that further delays would continue to increase cost estimates. Mr. Bryant stated that the actual amount to move the lines is estimated by Duke to be \$246,000; this is the amount for reimbursement from the Town. Mr. Bryant stated that the Town will need to sign Duke’s agreement or they will not move. Mr. Bryant stated that they were able to reduce some of the other risks to the Contractors in case Duke would slow them down. Duke has agreed to give some interim milestone dates. Mr. Bryant stated that the meeting accomplished the goals they wanted. United with get the bid documents

ready to resubmit to INDOT. Bids should in April 2013. Duke also agreed to not collecting the 20% up front on their portion.

3. Stringtown Pike Walkway – Mr. Bryant informed the Council that they did a substantial completion walk through this evening. The Contract will be back in the spring to complete any issues.
  - a. Mr. Bryant stated that there needed to be a signature on the change order regarding the soil used along the walkway. Mr. Hayden made a motion to allow Mr. Cook to sign the change order. Mr. Schrupf seconded, motion passed.

### **Old Business:**

#### **Council To Consider Ordinance 12-04-2012-1 Election Districts – Decennial Redistricting.**

Mr. Schrupf made a motion to untable Ordinance 12-04-2012-1 Election Districts – Decennial Redistricting. Mr. Hayden seconded motion passed.

Ms. Hartley stated that she thought the second Whereas was confusing regarding who elects District councilpersons. There was a discussion and Mr. Culp stated that he could clarify the language. Mr. Hayden made a motion to approve Ordinance 12-04-2012-1 Election Districts – Decennial Redistricting with the language change in the second Whereas. Mr. Schrupf seconded, motion passed.

#### **Council To Consider Settlement Agreement and Release Of All Claims Between Jackson Township And Town Of Cicero And Give President Permission To Sign.**

A few of the Council stated that they had not seen or read the final agreement. Ms. Unger stated that Mr. Foster and she had sent the marked up copies to the Council for review and that Mr. Foster was asked for permission to sign when it was completed. Ms. Hartley stated that she wanted to read the final document first. Mr. Schrupf made a motion to approve the document and allow Mr. Foster to sign. There was not second. Ms. Unger stated that this would delay payment from the Township and their ability to encumber money if necessary. Mr. Schrupf made a motion to table. Ms. Hartley seconded, motion passed.

#### **Council To Consider Lease of Real Estate And Certain Person Property Between Town And HHASA.**

There was a brief discussion. Mr. Hayden made a motion to approve the lease and have Mr. Cook sign as Vice-President. Mr. Schrupf seconded, motion passed.

#### **Council To Approve Ordinance 12-18-2012-1 Amendment To 2012 Salary Ordinance.**

Ms. Hartley made a motion to approve Ordinance 12-18-2012-1 Amendment To 2012 Salary Ordinance. Mr. Hayden seconded, motion passed.

#### **Council To Approve Ordinance 12-18-2012-2 Amendment To 2013 Salary Ordinance.**

Mr. Hayden made a motion to approve Ordinance 12-18-2012-2 Amendment To 2013 Salary Ordinance. Ms. Hartley seconded, motion passed.

#### **Council To Consider Pledging Financial Support To Hamilton County Area Neighborhood Development.**

Mr. Munoz informed the Council that he and Mr. Schrupf attended the HAND county-wide Housing Needs Assessment workshop. The assessment will use the latest available

economic and housing data to help describe the challenges each community faces with regard to housing. Mr. Munoz stated that he thought the information would help the planning commission when talking to developers about working in our area. HAND is asking for some financial support for the project. They are asking Cicero for \$250. Mr. Munoz was asked if this was a onetime request or if it would be ongoing. Mr. Munoz stated that this would be one time. Mr. Schrupf stated that he agreed with Mr. Munoz in that this is a valuable tool that Cicero could use in development. Mr. Schrupf made a motion to give \$250 out of the Council Contingency line. Mr. Hayden seconded. Ms. Hartley stated that she did have some concerns regarding housing with property taxes. Mr. Munoz stated that this was only a study of needs. Motion passed.

### **New Business:**

#### **Council To Hold 1st Reading of Ordinance 12-18-2012-3 An Ordinance To Establish An Equitable Impact Fee For The Purpose Of Planning And Financing Park And Recreational Infrastructure To Serve New Development In The Town Of Cicero.**

Mr. Cambre introduced Chuck Lehman with Lehman & Lehman who completed the update on the Town of Cicero Recreation Zone Improvement Plan 2012-2021. Mr. Lehman explained to the Council that the Plan needed to be updated every five years. Mr. Lehman reviewed the updated in the new document. Mr. Lehman stated that the main change was in the assessed Impact Fee for the Park. The current fee is \$920. The new fee will be \$843. Mr. Lehman reviewed the Recreation Impact Fee Study Process on page 11 of the document. Mr. Lehman also reviewed the Cicero Recreation Zone Improvement Plan Study which shows the number of lots available to build on in Cicero. He additionally reviewed the zone types and the expectations of population growth and residential building permit projections. Mr. Lehman stated that the existing infrastructure plan stated that there are 11 acres per 1,000 people and this document changes that to 10 acres per 1,000 people. Mr. Lehman reviewed the projected improvements in this plan which included Multi Purpose fields, Community recreation center, Sprayground/Splashpad, Nature Pathways, and open spaces. Mr. Lehman explained the process of recommending an Impact Fee based on the five needs listed above which is written out on page 36 of the Plan. Mr. Lehman stated that he reviewed the Plan with the Cicero/Jackson Township Plan Commission and they recommended that there be an inflation factor in the Plan for the Impact Fees and this was added to the Plan. Mr. Hayden inquired if the Plan included part of Jackson Township. Mr. Lehman stated that it did as demonstrated on page 16 of the plan. This is the same area as is covered in the Comprehensive Plan. Mr. Lehman stated that once the plan is approved it will be six months before the Town can collect any fees. Mr. Munoz stated that the Cicero/Jackson Township Plan Commission gave a favorable recommendation to the Council for the Plan. Mr. Hayden made a motion to suspend the rules to pass the ordinance this evening. Ms. Hartley seconded, motion passed unanimously. Mr. Hayden then made a motion to approve Ordinance 12-18-2012-3 An Ordinance To Establish An Equitable Impact Fee For The Purpose Of Planning And Financing Park And Recreational Infrastructure To Serve New Development In The Town Of Cicero. Mr. Schrupf seconded, motion passed unanimously.

**Council To Consider Resolution 12-18-2012-4 To Transfer Funds For Fire and Police.**

Mr. Schrumpf made a motion to approve Resolution 12-18-2012-4 To Transfer Funds For Fire and Police. Ms. Hartley seconded, motion passed.

**Council To Consider Ordinance 12-18-2012-5 An Ordinance To Amend Various Sections Of Chapter 33 Of The Cicero Town Code Concerning Water And Sewer.**

Mr. Culp informed the Council that this was the Red Flag Ordinance that was required to be past according to law. The Ordinance set out certain procedure to protect the personal information of utility users against identity theft. Mr. Culp stated that the wording was straight out of the law. Ms. Hartley made a motion to approve Ordinance 12-18-2012-5 An Ordinance To Amend Various Sections Of Chapter 33 Of The Cicero Town Code Concerning Water And Sewer. Mr. Schrumpf seconded, motion passed.

**Council To Approve Encumbrances for 2013.**

Ms. Unger informed the Council that she has the P.O.s for the three items on the encumbrance list. Ms. Unger asked the Council to approve for the record. Mr. Hayden made a motion to the proposed Encumbrances for from 2012 to 2013. Mr. Schrumpf seconded, motion passed.

**Miscellaneous**

Nothing.

**Comments By Citizens**

There was none.

**Signatures on Official Documents!**

**Motion To Adjourn:**

Ms. Hartley made a motion to adjourn. Mr. Schrumpf seconded, motion passed.

**Signatures on Official Documents!**

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Brett S. Foster – President

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Jerry G. Cook- Vice-President

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Sylvia Kay Hartley

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Eric C. Hayden

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Dennis D. Schrumpf

**Attested:** \_\_\_\_\_  
Jan Unger, Clerk Treasurer

**The Next Cicero Town Council Meeting will be on January 8th, 2013 at 7:00 PM at the Cicero Town Hall.**