



TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
May 1, 2012
At 7:00 PM

Call To Order: President Brett Foster called the meeting to order and Mr. Schrupf gave the prayer. President Foster called for the roll call and the members of the Town Council were present or absent as follows:

Present: Brett Foster
Jerry Cook
Eric Hayden
Dennis Schrupf

Absent: Kay Hartley

Declared a quorum present.

Others Present: Jan Unger, Clerk Treasurer
Charlie Cambre, Park Superintendent
Pat Comer, Street & Utilities Director
Dave Hildebrand, Police Chief
Paul Munoz, Cicero/Jackson Township Plan Commission Director
Bruce Scherer, Assistant Fire Chief
John Culp, Town Attorney
Keith Bryant, Town Engineer
Dan Strong, Cicero/Jackson Township Plan Commission President

Council to open sealed proposals for Community Park Shelter.

The Town received three proposals for the Community Park Shelter.

Mr. Hayden opened the proposal from Hink Hinkle Construction, LLC of Tipton and the amount was \$25,780.

Mr. Cook opened the proposal from Pickett Homes & Remodeling LLC and the amount was \$26,195.

Mr. Schrupf opened the proposal from Vondersaar Homes of Cicero and the amount was \$25,953.25.

Mr. Hayden made a motion to take the proposals under advisement and review of the town attorney and Mr. Cambre. Mr. Cook seconded, motion passed.

Hamilton County Area Neighborhood Development, Inc. (HAND) plans to develop and own Lakeside Gardens of Cicero, an affordable apartment community for seniors in Cicero. They will present their development to the Town Council.

Stephanie Burdick, Executive Director, for HAND informed the Council that Hand was a nonprofit organization. Ms. Burdick stated that they have identified a potential project in Cicero at 301 N. Peru Street. They are proposing an eight unit project for seniors over 62. There would be one duplex and two triplex units. The exterior of the building will be brick and cement board siding. All units will have open style kitchens and easy handicap accessibility. They have two other projects in Hamilton County, one in Noblesville called Plum Tree Gardens and one in Sheridan called Spicewood Gardens. HAND develops the subdivision and is the owner for a minimum of twenty years. HAND is a Community based organization that serves the County. They obtain federal, state and private funding. They are here this evening to asked for a letter of support from Cicero.

Ms. Burdick stated that Cicero's comprehensive plan identifies a need for senior housing. They need the letter to help with funding. They plan to work on funding this year and start the project next year. They do not have any lease subsidy plans as they keep the rent around \$430 per month which is approximately \$200 below the fair market rent for the County.

Mr. Culp inquired if on the deed restrictions children were allowed. Ms. Burdick said no children were allowed. They can spend the night but cannot live there. There could possibly be an exception. Mr. Culp inquired if they were aware a zoning variance would be needed and Ms. Burdick said they were. They are working on a rezone and a use variance now. Ms. Burdick said that HAND was aware of the process.

Mr. Cook stated that he had some concerns and did not like exceptions. Mr. Cook said that he would like for this issue to go to the Cicero/Jackson Township Plan Commission first for their recommendation. Mr. Foster stated the plan commission has worked hard on the zoning and wants to make sure that the plan commission has an opportunity to review. Mr. Foster said that they will take this under advisement and let the plan commission send their recommendation to the Council.

Mr. Burdick thanked the Council for their time.

Approval of Prior Minutes:

Town Council Executive Meeting Memorandum, April 12, 2012, 6:30 PM – Mr. Hayden made a motion to approve the Town Council Executive Meeting Memorandum for April 12, 2012. Mr. Schrupf seconded, motion passed.

Town Council Meeting Minutes, April 17, 2012, 7:00 PM – Mr. Hayden made a motion to approve the Town Council Meeting Minutes for April 17, 2012. Mr. Cook seconded, motion passed.

Approval of Agenda:

Mr. Hayden made a motion to approve the Agenda as presented. Mr. Cook seconded, motion passed.

Approval of Claims:

Mr. Cook made a motion to approve the Claims as presented. Mr. Schrupf seconded, motion passed.

Petitions by Citizens:

Joe Katuin, chairperson for Lights Over Morse, distributed flyers for the 2012 Lights Over Morse Lake. Mr. Katuin informed the Council that David McGill was going to be the title sponsor again this year. Mr. McGill would like to do something special this year. He is thinking about a tent to have invited to at Red Bridge Park. Mr. Katuin stated this is the first time Mr. McGill has asked for something. The Council thought this was a good idea. Mr. Katuin informed the Council that the Hamilton North Chamber of Commerce was doing a fund raiser for Lights Over Morse, Taste On The Lake, on May 17th at Hidden Bay Club House. The Morse Lake Poker Run will be on June 9th, another fundraiser. Lights Over Morse Lake has contracted with Sky Magic for the fireworks this year which will be on July 1st. Mr. Katuin stated that the cost for the color pamphlets will be around \$2300 and asked if the Council would pay for these again this year. Ms. Unger stated that this money came out of the Festival Fund and that we paid for those last year in addition to the \$500 the Town donated out of Promotion of Town appropriation in the General Fund.

Mr. Cook made a motion to approve a donation of \$500 to Lights Over Morse. Mr. Schrupf seconded, motion passed.

Mr. Schrupf made a motion to pay for the printing for the color pamphlets not to exceed \$2300.00 from the Festival Fund. Mr. Cook seconded, motion passed

Mr. Katuin stated that the committee has decided to dedicate the fireworks to Cliff Nicholson this year. Council thought this was a good idea.

President's Report:

President Foster stated that he wanted to thank the park's department, Barb Brockoff, the Girls Scouts and all the others for their efforts on the Earth Day cleanup. Mr. Foster said, "Good job."

Council Committee Reports:

Census Survey – In response to Ms. Hartley's inquiry at the last Council Meeting regarding a survey for the Census Bureau, Ms. Unger stated that she had contacted the Census Bureau and they directed her to the survey that needed to be completed. Ms. Unger stated that she has now completed that survey.

Legal Counsel Report-John Culp:

Mr. Culp stated that he would address the Causeway project under the Town Engineer. Mr. Culp stated that he has reviewed the proposals for the Park Shelter and all the legal documents are here for all of the proposals.

Cicero/Jackson Township Plan Commission Report-Mr. Strong.

Dan Strong addressed the following stating that things were picking up:

1. Mr. Strong informed the Council that Cicero Market was moving to the Wyatt's Gun Building. They were on the agenda their aesthetic overlay district. They will be removing the house in the next couple of weeks. Mr. Comer inquired if the new owner will be held to the same standards as the previous owners with respect to the drainage. Mr. Strong stated that the new owner was aware of the problems and planned to take care of it. Mr. Comer inquired if that included the stormwater drainage and Mr. Strong stated he was not sure but he would check into it.
2. Mr. Strong stated that Christine's Café, 400 W. Jackson Street was on the agenda for their sign package.
3. Mr. Strong stated that Speedway was also on the agenda for the aesthetic overlay district. Speedway has purchased Gas America.
4. Mr. Strong stated with regard to the HAND Inc. project, that he appreciated the Council's process of referring them back to the plan commission. Mr. Strong stated that they will have quite a few variances and some will have commitments. Mr. Strong stated that if it comes to the Council with a favorable recommendation and is approved he would like for the zoning to go back to R3 if the project does not get completed. Mr. Cook stated that Mr. Munoz had some key issues and hopes that the plan commission will seriously consider these. Mr. Strong stated that they would be discussing all of these issues at the plan commission.
5. Mr. Strong informed the Council that the plan commission would be interviewing companies for updating the comprehensive plan on Monday, May 7th at 4 & 5 o'clock. Funding has not been secured at this time but there are some possibilities. Right now they are just looking at firms.
6. Mr. Munoz informed the Council that Structure Point was reviewing some of the ordinances and this should be complete in the next few days.
7. Mr. Munoz also stated that Ball State may be able to help with the comprehensive plan funding. He will be discussing this further at the Staff Meeting.

Town Engineer Report-Mr. Keith Bryant –

Mr. Bryant updated the following:

1. **Jackson Street Pedestrian Walkway** – Mr. Bryant stated at the last meeting the Council had two key issues that needed to be resolved. One being the insurance and the other an acceptable contract with Citizen's Energy including the word negligent. Mr. Bryant stated that there has been no progress on either at this time. Mr. Culp

- stated that he has not had an answer back from the insurance company. They have been in communication but have not answered his specific questions. He has asked specifically about “contractual liability” and the cost for a rider. This liability is not covered under the Town’s current policy. Mr. Culp has tried to contact Mr. Allen with Citizens Energy and has left messages but received no call back. They may be waiting on a final document that the Council will sign. Mr. Culp informed the Council that he has tried all avenues on acquisition or easement but Citizens has an agreement with the previous owner of the reservoir to not give away any real estate. Mr. Culp said that he is researching another avenue and will report on it as soon as he gets an answer. Mr. Bryant said the next deadline for INDOT is May 24th.
2. Stringtown Pike Path – Mr. Bryant informed the Council that letters have been sent out to the utilities. Mr. Bryant said there was not a whole lot of conflict with the utilities. Mr. Bryant has talked with the DNR so they can comply with their process, United needs some additional documents. They may be able to start in thirty days. The project will be below the common wage requirements.
 3. I & I - Mr. Bryant said Mr. Taylor and the utilities staff have finished half of the testing on the sewer lines. Mr. Bryant said that eleven of twenty-seven have failed the test. When they have finished the testing they will consider what they need to do.

Old Business:

Council To Give Final Approval On Washington Avenue Sidewalk Project Contractor.

Ms. Unger informed the Council that after discussion with the insurance company, town attorney, and the Town there seemed to be a consensus to hold the Contractor to the one million and two million insurance figures. Ms. Unger said that if this was the case the Council would need to take action to do this. Mr. Culp stated that it was up to the Council on these smaller projects to decide if they wanted to change the insurance amounts and not require the vendor to hold one million and five million insurance coverage. Ms. Unger informed the Council that she was still working with Prater & Sons to get all of the documents signed. Mr. Schrumpf made a motion to approve the acceptance of Prater and Sons proposal with the one million and five million limits on insurance coverage. Mr. Hayden seconded, motion passed.

Mr. Hayden then made a motion for Mr. Foster to sign the contract contingent on receiving all of the proper documents. Mr. Schrumpf seconded, motion passed.

Mr. Cambre asked for clarification on the insurance issue as far as when to ask for a reduced amount of coverage. Mr. Culp said on small project it would be up to the Council's digression and anything less than the maximum should be approved by the Council.

Council To Discuss Community Development Block Grant Process (CDBG).

Mr. Munoz reviewed the information he found out this week regarding the effect on other community projects if the Council opted out of the Community Development Block Grant. Mr. Munoz stated that Mark McConaghy with CDBG said that because of other entities that use this money service more than just Cicero it would not adversely affect them. He also spoke with OCRA and they cannot give advice. They did say that Cicero would not qualify as a whole but that certain portions of the Town might qualify due to low or moderate income. Mr. Munoz stated that Atlanta, Arcadia and Sheridan have all been successful in getting large grants by opting out of the CDBG program. Currently the Town cannot apply for certain funding or grants due to being in the CDBG program.

Mr. Munoz recommended that that the Town opt out of the CDBG program and apply for other grants and see how it goes. The Town can always opt back in. This year the Town will receive \$9,880.

Mr. Cook made a motion to opt out of the CDBG Entitlement program. Mr. Schrupf seconded, motion passed. Mr. Bryant suggested that he Council begin to talk with some grant administrators.

New Business:

Council To Consider Ordinance 05-01-2012 An Ordinance Amending Article 5 Of The Cicero/Jackson Township Zoning And Subdivision Control Ordinance For Parking Overlay District.

Mr. Munoz reviewed the ordinance. Mr. Munoz stated that there were problems with the current parking requirements downtown and the ordinance allows five parking spots for each business in the downtown area. This way a variance would not be required each time a new business came in to the downtown area. Mr. Munoz stated that they had a surveyor describe the area. Mr. Cook made a motion to approve Council To Consider Ordinance 05-01-2012 An Ordinance Amending Article 5 Of The Cicero/Jackson Township Zoning And Subdivision Control Ordinance For Parking Overlay District. Mr. Hayden seconded, motion passed.

Miscellaneous

1. Ms. Unger informed the Council that CDBG Funds for 2013 will still be available for next year. Ms. Unger inquired as to what the Council would like to use those funds for? There was a discussion about sidewalks on SR 19 starting at Flannagan to Cass and Buckeye from Pearl to Byron. Since we will only be receiving around \$9,000 the Council had a consensus to do the Buckeye Street Project because the cost for SR 19 would be considerable higher
2. Ms. Unger informed the Council that she had a request to bid on our property and liability insurance and wanted to know if they wanted to bid it out this year. Mr. Cook stated that he was not in favor of bidding it out. Mr. Schrupf stated that we were satisfied with the current carrier and was in favor of not changing. The consensus of the Council was to not bid the insurance this year.
3. Ms. Unger informed the Council that the Indiana Blood Drive association would like to establish a quarter draw in the Town of Cicero. Ms. Unger asked if the Council was interest in doing this on Town property. Ms. Unger said that she has contacted the insurance company and they did not have a problem with this as long as they had us listed and an additional insured. The Council thought this was a great idea.
4. Mr. Strong informed the Council that with regard to the alley Mr. Comer inquired about earlier he would be checking into this.

Comments By Citizens

Don Jellison with the Noblesville Times introduced himself stating that he thought the paper should cover more of the northern part of the County.

Signatures on Official Documents!

Motion To Adjourn:

Mr. Schrumpf made a motion to adjourn. Mr. Cook seconded, motion passed.

Signatures on Official Documents!

Brett S. Foster – President

Jerry G. Cook- Vice-President

Sylvia Kay Hartley

Eric C. Hayden

Dennis D. Schrumpf

Attested: _____
Jan Unger, Clerk Treasurer

The Next Cicero Town Council Meeting will be on May 15, 2012, at 7:00 PM at the Cicero Town Hall.