



**TOWN OF CICERO**  
**TOWN COUNCIL MEETING MINUTES**  
**October 16, 2012**  
**At 7:00 PM**

**Call To Order:** President Brett Foster called the meeting to order and 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  
Kay Hartley  
Eric Hayden  
Dennis Schrupf

**Absent:**

Declared a quorum present.

**Others Present:** Jan Unger, Clerk Treasurer  
Pat Comer, Street & Utilities Director  
Dave Hildebrand, Police Chief  
Paul Munoz, Cicero/Jackson Township Plan Commission Director  
John Culp, Town Attorney  
Keith Bryant, Town Engineer  
Tom Warner, EDC  
Paul Utterback, President Storm Water Management Board

**Approval of Prior Minutes:**

**Town Council Meeting Minutes, October 2, 2012, 7:00 PM** – Mr. Cook made a motion to approve the minutes of the October 2, 2012 at 7:00 pm. Ms. Hartley seconded, motion passed.

**Approval of Agenda:**

Mr. Foster added a discussion of the Jackson Township Fire Protection Territory under president's report and a discussion of ADA under Mr. Bryant's Report. Mr. Hayden then made a motion to approve the agenda as amended. Mr. Cook seconded, motion passed.

**Approval of Claims:**

Mr. Cook made a motion to approve the claims as presented. Ms. Hartley seconded, motion passed.

**Petitions by Citizens:**

There were none.

**President's Report:**

President Foster re-appointed Brett Morrow and Mike McConnell to the Cicero Economic Development Committee for two years. These appointments are retroactive to May of 2012 ending in May of 2014.

President Foster asked the Council if they had reviewed the proposed letter from Barnes & Thornburg, LLC to the attorney for the Jackson Township Fire Protection Territory for ALS service and they had. President Foster stated that the corrections relating to fire had

been made. President Foster asked for a motion to approve sending the letter. Mr. Hayden made a motion to approve sending the letter to the attorney for the Jackson Township Fire Protection Territory. Mr. Schrumpf seconded, motion passed. President Foster stated that if anyone wished to review the letter that it would be available in the Clerk's Office.

**Council Committee Reports:**

1. Cicero Economic Development Committee (EDC)– Mr. Tom Warner addressed the Council stating that the EDC would like to update the Council on what they were working on. Mr. Warner stated that the EDC was working on a lot of smaller issues or basically everything that came to them. They are now wanting to focus on some larger projects. Those projects being: 1. The Waterfront property; 2. Drainage on SR 19; 3. The NRG Building; and 4. The general business climate in the Town and the friendliness of the community to business. Mr. Warner said that they would like to focus on places that had employees. Mr. Hayden inquired if the EDC has looked at the Town's processes and procedures. Mr. Warner stated that they had. Mr. Warner said that he would like to meet with the department heads and talk with them about the process and procedures. There was a discussion about the projects Mr. Warner highlighted and that it might be a good idea to have better communications on why things were done the way they were. It was suggested that the EDC contact Kent Ward at the surveyors office regarding the drainage as there has been a study completed on the drainage and that the cost was prohibitive to moving on with the project. Other properties that are privately owned are outside the Town's control unless they have violations which can be addressed. Mr. Warner will meet with the department heads and the EDC is on the agenda for the November 15<sup>th</sup> meeting.

**Legal Counsel Report-John Culp:**

Mr. Culp had nothing.

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

Mr. Munoz stated that Speedway was working on some improvements. CVS is working on their permit, hoping to start this fall.

Mr. Munoz stated that the next meeting for the Comprehensive Plan would be October 29, 2012 at 7:00 pm at Red Bridge Community Building.

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

Mr. Bryant discussed the following:

1. Mr. Bryant reviewed the discussion at the Special Meeting that began at 6:00 PM this evening concerning the Jackson Street Pedestrian Walkway. Those minutes can be reviewed in the Clerk Treasurer's Office.
2. Stringtown Pike Walkway – Mr. Bryant stated that the trail has been cut and that the under coat of paving had been completed. At this point the project is approximately 75% complete. Mr. Comer added that the Baseball park trail is cut and the stone has been laid. Mr. Comer said that portion of the project is under budget. There was a discussion about motor vehicles, such as golf carts, being used on the path. The path is not intended for motor vehicles and they may have to add some posts and or signage.
3. ADA Requirements – Mr. Bryant stated that the Federal Government requires any entity with more than 50 employees to comply with ADA and Title 6 requirements. Mr. Bryant stated that in order to receive grant money from the Federal Government entities would have to do the following: Complete the Local Planning Agency Annual

Pre-Award Certification & Assurance questionnaire; complete the self evaluation & Inventory; appoint an ADA Coordinator; and prepare a Transition Plan. Mr. Bryant stated that the Town should complete this before 12-31-2012 since they have federal funding for the Jackson Street Pedestrian Walkway. The Local Planning Agency Annual Pre-Award Certification & Assurance questionnaire deals mostly with Title 6 and perhaps Mr. Culp could help with this portion. Mr. Culp stated that he would review Title 6 and help with section. Regarding the ADA requirements of Self Evaluation and Inventory the field work could be completed by the town employees and United could help with the protocol. Mr. Comer said he could do the sidewalks and Mr. Munoz could do the buildings. Mr. Bryant stated that United could assist or complete the Transition Plan. Mr. Bryant handed out a proposed Task Order for assisting the Town with ADA & Section 504 Compliance. The cost is not to exceed \$12,500. Mr. Hayden made a motion to approve the proposed Task Order for ADA & Section 504 Compliance Assistance. Mr. Cook seconded, motion passed. Ms. Unger stated that the money would come out of the Town Council's budget. Mr. Hayden then made a motion to appoint Mr. Munoz the ADA Coordinator for the Town. Ms. Hartley seconded, motion passed.

### **Old Business:**

#### **Council To Consider Additional Expense With Fire Station Repair.**

Fire Chief Peachey explained to the Council the issue with the plywood under the façade. Chief Peachey stated that the old plywood was in bad condition and cannot be left on the building. The cost to replace the plywood is \$4,100. Ms. Hartley stated that the Town should pay for the repair. Mr. Hayden stated that thought the Fire Department should pay for the additional. Ms. Hartley stated that she thought the Fire Department needed to have money back for emergencies if necessary and possible furnace repair. Mr. Hayden stated if that was the case then no money should be transferred out of those lines for overtime. Ms. Hartley made a motion for the Town to pay the \$4,100 for the additional repair. Mr. Cook seconded, motion passed.

### **New Business:**

#### **Town Council To Consider Resolution 10-16-2012-1 To Transfer Funds For Fire, Police, And Plan Commission**

There was a discussion on the transfers regarding the money being transfer in the Fire Department for Overtime and Fill-in Help. Ms. Hartley made a motion to approve Resolution 10-16-2012-1 To Transfer Funds For Fire, Police, And Plan Commission. Mr. Hayden seconded. Motion failed 2-3 with Mr. Cook, Mr. Hayden, and Mr. Schrupf voting nay. Ms. Unger stated that he would like to get these transfer completed for the end of the month. Ms. Unger recommended that the Council removed the items they are against and approve the remaining items. Mr. Hayden made a motion to approve Resolution 10-16-2012-1 To Transfer Funds For Fire, Police, And Plan Commission removing the transfer of items to the Fire Overtime and Fill-in Help. Mr. Cook seconded, motion passed 4-1 with Mr. Hayden voting nay.

**Miscellaneous**

There was nothing.

**Comments By Citizens**

There were none.

**Signatures on Official Documents!**

**Motion To Adjourn:**

Ms. Hartley made a motion to adjourn. Mr. Cook 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. Schrupf

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

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