

MINUTES CICERO TOWN COUNCIL MEETING

**April 16, 2013, Town Hall 7:00 PM
Cicero Town Hall, 70 N. Byron Street**

Call To Order: President Jerry Cook called the meeting to order and led the Pledge of Allegiance. Mr. Dennis Schrumpf gave prayer. President Cook called for the roll call and the members of the Town Council were present or absent as follows:

Present:	Jerry Cook	Absent:
	Brett Foster	
	Kay Hartley	
	Eric Hayden	
	Dennis Schrumpf	

President Cook declared a quorum present.

Others Present: Jan Unger, Clerk Treasurer
Charlie Cambre, Park Superintendent
Pat Comer, Street & Utility 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

Town Council To Hold Public Hearing For Additional Appropriations For Police and Park.

Mr. Schrumpf made a motion to open the Public Hearing for Ordinance Number 04-16-2013-1 Additional Appropriations For Police And Park. Mr. Foster seconded motion passed. Ms. Unger read re appropriation by name and number and stated that the additional appropriation for Police is \$11,500 and for Park is \$18,057 for a total of \$29,557. Mr. Cook asked if there were any questions or comment from the public, there were none. Ms. Hartley made a motion to close the public hearing. Mr. Hayden seconded, motion passed.

Council To Consider Ordinance Number 04-16-2013-1 Additional Appropriations For Police And Park.

Mr. Foster made motion to approve Ordinance Number 04-16-2013-1 Additional Appropriations for Police and Park. Mr. Hayden seconded, motion passed.

Approval of Prior Minutes:

Town Council Meeting Minutes for April 2, 2013 – Ms. Hartley made a motion to approve the Minutes for April 2, 2013. Mr. Schrumpf seconded, motion passed.

Approval of Agenda

Mr. Cook added at the request of Chief Hildebrand a weed ordinance and discussion on a letter to the Plan Commission regarding Habitat for Humanity's to Plan Commission

Report. Mr. Hayden made a motion to approve the agenda as amended. Ms. Hartley seconded, motion passed.

Approval of Claims

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

Petitions by Citizens

There were none.

President's Report

President Cook had nothing.

Council Committee Reports

There were none.

Legal Counsel Report- John & Aaron Culp:

John Culp addressed the following:

1. Mr. Culp addressed a letter sent to Mr. Munoz regarding a dispute a resident has with the Town for allowing an easement on the adjoining property which allows a third party to have access to the water. The third party installed a dock that minimizes access to the water by person sending the letter to Mr. Munoz. In the letter the resident asks for access to certain files. Mr. Culp stated that the resident has the right to access to the public documents. Mr. Culp stated that the Town is under no obligation to create documents that do not exist currently. Mr. Culp stated that the issue appears to be a private matter between the property owners and Marine Unlimited. Mr. Culp recommended that Mr. Munoz send a letter to the resident to offer access to the documents requested.
2. Mr. Culp informed the Council that he and Aaron were both approached by another law firm that desires to join with their practice. Mr. Culp stated that he was thinking of retiring in another year to year and a half and that he and Aaron thought this would be a good move. Mr. Culp stated that by joining Church Church Hittle and Antrim they would be able to provide better service. Mr. Culp stated that he wanted all of his clients to be comfortable with the move. Mr. Aaron Culp stated that he and John would still be the attorneys for the Town and manage everything for the Town but there would have more access to criminal, litigation, zoning, and trial experience. Additionally, if he or John were not available to attend a meeting they would have someone else attend from the firm. Mr. Aaron Culp stated that Church Church Hittle and Antrim has about 30 attorneys several of which are younger and the plan was to have one of them attend the Council meetings with the Culp's to begin the process of learning municipal law and acclimate them to the community. There was a discussion regarding insurance for Mr. John Culp, which is currently provided and Mr. Culp said that it was his plan to stay on it until he retired. Mr. Culp stated that the transition would be complete in May to June. The Council agreed that this would be a good move and were okay with the merger.

Cicero/Jackson Township Plan Commission Report

Mr. Munoz informed the Council that he had received a letter from Habitat for Humanity's asking for waiver on the permit fees for a property they are doing a tear down and rebuild at 350 Washington Avenue. Mr. Munoz stated that Noblesville and Westfield do this for Habitat. Mr. Culp stated that the Town did have bond holders that they were responsible to. Mr. Munoz stated that the taps and availability were already there and that this would be for the building only in the amount of \$400-450. The

Council discussed the issue. Ms. Hartley inquired if the house would be built in the style that was currently in the area. Mr. Munoz stated that he believed it would be. There was a discussion on improvements that have been made in the management at Habitat. Mr. Schrupf made a motion to waive the Building Permit fees for the property at 350 Washington Avenue. Mr. Hayden seconded, motion passed.

Town Engineer Report

Mr. Bryant discussed the following report:

1. Task Order for I & I Project - Mr. Bryant submitted the Professional Services Agreement from United for the Downtown Sanitary Sewer Rehabilitation Project. Mr. Culp reviewed the contract while the Council discussed. The amount of the Agreement is \$227,500. Mr. Bryant stated that the Town would have to get a common laws wage determination. Mr. Culp stated that the agreement complete except for the addendum for the E-verify would need to be submitted. Mr. Schrupf made a motion to approve the Professional Services Agreement from United for the Downtown Sanitary Sewer Rehabilitation Project for \$227,500 contingent on the receiving the addendum for the E-verify. Mr. Hayden seconded, motion passed.
2. Council to consider the INDOT-LPA supplement contract for the Jackson Street Pedestrian Walkway project. Mr. Hayden made a motion to approve and sign the INCOT-LPA supplement contract for the Jackson Street Pedestrian Walkway project. Mr. Foster seconded, motion passed.
3. Contractor for the Stringtown Pike Path project would like to extend the warranty until May 15th, 2013 due to weather condition for the spring. The Council was okay with this.

Old Business

Council To Consider Intercept Service Agreement Between Jackson Township And The Town Of Cicero.

Mr. Foster made a motion to table. Ms. Hartley seconded, motion passed.

New Business

Council To Consider Ordinance 04-16-2013-2 An Ordinance Amending Section 33.01 of Chapter 33 of Title III of the Cicero Municipal Code Of Ordinances as it Related to Residence Requirements For Regular Members of the Cicero Police Department.

Police Chief Hildebrand explained to the Council that the State Law for residency for the police is the surrounding counties. The law also allows for cities and town to make the local law more restrictive. Currently the Town's Ordinance states that an officer must live within three miles. Chief Hildebrand would like to change that to 15 miles from the Town Hall in Cicero. Mr. Hayden made a motion to approve Ordinance 04-16-2013-2 An Ordinance Amending Section 33.01 of Chapter 33 of Title III of the Cicero Municipal Code Of Ordinances as it Related to Residence Requirements For Regular Members of the Cicero Police Department. Ms. Hartley seconded, motion passed.

Council To Consider Ordinance 04-16-2013-3 An Ordinance Amending Ordinance N. 09-16-2003 Regarding Weeds, Grass and Debris.

Police Chief Hildebrand informed the Council that this ordinance would bring the town's ordinance in line with the new state ordinance that allows for one notification per year on weed, grass, etc. instead of having to make notification with each violation. Mr. Schrupf made a motion to approve. Mr. Foster seconded, motion passed.

Miscellaneous Business

Mr. Cambre informed the Council that April 27th was going to be Earth Day and the Girl Scouts are going to do a town wide cleanup. Mr. Cook and Ms. Hartley are going to address the Girl Scouts at 11:00 am at Community Park.

Fire Chief Peachey reminded the Council of the Fire Auxiliary Pancake Breakfast on Saturday April 27th from 7-11am.

Comments from the Public

There were none.

Signatures on Official Documents!

Ms. Hartley made a motion to adjourn the Town Council Meeting. Mr. Foster seconded. Motion to adjourn passed.

Jerry G. Cook – President

Dennis D. Schrupf- Vice-President

Brett S. Foster

Eric C. Hayden

Sylvia Kay Hartley

Attested: _____
Jan Unger, Clerk Treasurer

Note: The Next Cicero Town Council Meeting will be on Tuesday, May 7, 2013 @ 7:00 PM at the Cicero Town Hall.