

MINUTES CICERO TOWN COUNCIL MEETING

January 8, 2013, Town Hall 7:00 PM

Cicero Town Hall, 70 N. Byron Street

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

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

President Hayden 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
John Culp, Town Attorney
Dan Strong, Cicero/Jackson Township Plan Commission President
Paul Utterback, SWU President

President Foster stated that the first order of business would be to elect new officers and make appointments of department heads.

Election of Officers

President of the Council – Mr. Foster called for nominations for Council President. Ms. Hartley nominated Mr. Jerry Cook for president. Mr. Hayden seconded. There were no other nominations. Mr. Foster called for a vote, the nomination passed unanimously. Mr. Foster thanked the Council for the confidence and support of him over the last year. Ms. Hartley thanked Mr. Foster for his work.

Vice-president of Council – Mr. Cook took over as president. Mr. Cook then called for nominations for vice-president. Mr. Foster nominated Mr. Dennis Schrumpf for vice-president. Ms. Hartley seconded. Mr. Cook asked if there were any other nominations and there were none. Mr. Cook called for a vote, motion passed.

Council To Appoint 2013 Department Heads

Mr. Foster made a motion to retain Steve Peachey as Fire Chief, Dave Hildebrand as Police Chief, Pat Comer as Street and Utilities Director, Paul Munoz as Plan Commission Director, and Charlie Cambre as Park Superintendent. Ms. Hartley seconded, motion passed.

Other Appointments

Council To Make Appointments To The Cicero/Jackson Township Plan Commission.

Ms. Hartley made a motion to appoint Mr. Schrupf and Mr. Hayden to Cicero/Jackson Plan Commission from the Cicero Town Council. Mr. Foster seconded, motion passed.

Council To Make Appointment To The Cicero Metropolitan Police Commission.

Mr. John Hinds appointment is expired and he is willing to serve again if the Council agrees. Mr. Schrupf made a motion to appoint Mr. Hinds to the Cicero Metropolitan Police Commission. Mr. Foster seconded, motion passed.

Council President To Make Appointment To Storm Water Management Board.

Mr. Mike Murphy appointment is expired and he is willing to serve again if the Council agrees. Mr. Cook appointed Mr. Murphy to serve another three years on the Storm Water Management Board.

Council To Make Appointment To Hamilton County Emergency Management Advisory Council.

Ms. Hartley made a motion to appoint Fire Chief Peachey to the Hamilton County Emergency Management Advisory Council. Mr. Foster seconded, motion passed.

Approval of Prior Minutes:

Town Council Meeting Minutes of December 18, 2012 –Ms. Hartley made a motion to approve the December 18, 2012 Minutes. Mr. Schrupf seconded, motion passed.

Approval of Agenda

Mr. Hayden added to the Agenda under Old Business a discussion of Department Head evaluations. Mr. Foster made a motion to approve the agenda as amended. Mr. Hayden 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 made appointments for Department Liaisons.

Police: Jerry Cook

Fire: Eric Hayden

Parks: Kay Hartley

Street & Utilities: Brett Foster

Plan Commission: Dennis Schrupf

Council Committee Reports

Mr. Schrupf distributed a thank you card from staff for the gift cards.

Legal Counsel Report- Aaron Culp:

Mr. Culp stated that he has prepared the Ordinance Establishing A Procedure For Granting Users Of The Municipal Utilities System Of The Town Of Cicero, Indiana, Certain Appeal Rights As To Disconnect Notices. Mr. Culp stated that Ms. Unger has some questions and would prefer to table this until they have had time to review further. Ms. Unger stated that is was not on the agenda and she would put in on the next Council Meeting if it was ready.

Cicero/Jackson Township Plan Commission Report

Mr. Strong informed the Council that the Plan Commission was still working on the Comprehensive Plan. Several focus meetings are scheduled for January 15th running from 8:30 am to 5:15 pm. Topics include Government Services & Amenities; Parks and Recreation; Culture & Tourism; Community Character; Public Works & Transportation; and Economic. Mr. Foster stated that if some of the Council could attend the Government Services & Amenities or the Economic Development meeting he thought it would be helpful.

Mr. Strong stated that the yearend report was not quite ready yet. They were still waiting on some numbers.

Mr. Strong thanked the Council on behalf of the Cicero Jackson Township Plan Commission and BZA for their support and confidence in their work.

Town Engineer Report

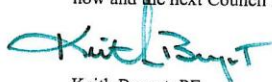
Mr. Bryant was not available and submitted following written report:

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Engineer's Report

1. **S. Stringtown Pike Ballpark Walkway:** The construction of this project is Substantially Complete. Some final grading, re-seeding, etc. will be completed in the spring when weather allows. The walk is being used by the public.
2. **Jackson Street Pedestrian Path Project** –We continue to coordinate with Duke Energy and with INDOT to allow the project to rebid in the spring of 2013.
3. **Cicero – I & I Investigation:** The final report is nearly complete and will be reviewed with Mr. Comer and Town personnel soon for any additional input. We will then present the findings and recommendations to the Council in the near future (likely January or February).
4. **ADA Compliance:** The Transition Plan was completed along with the Construction Standards and have been sent to Town personnel. The Standards should be replaced on the Town's web site and the Transition Plan should be made available upon request. Additional Title 6 and other activities by the Town should progress as needed

As always, feel free to contact me via phone or email should any questions arise between now and the next Council Meeting.



Keith Bryant, PE
United Consulting

United Consulting

Old Business

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

Mr. Schrupf made a motion to untable. Mr. Foster seconded, motion passed.

Mr. Foster made a motion to approve the Settlement Agreement and Release of All Claims between Jackson Township and Town of Cicero. Mr. Schrupf seconded, motion passed 4-1 with Mr. Hayden voting nay. Mr. Schrupf made a motion to give President Cook permission to sign said document. Mr. Foster seconded, motion passed 4-0 with Mr. Hayden abstaining.

Council To Consider Offer From Crown Castle On Cell Tower Lease.

Crown Castle made the following offer (“we” refers to Crown Castle for the purpose of this proposal.)

- We would like to add (6) additional terms of (5) years each with automatic renewals for a final expiration date of 2050. However, we would like to give the Town the flexibility to terminate the agreement with two year’s written notice after the 4th additional term in 2040.
- We are in the favorable position where we are able to maximize the Town’s financial outcome with an agreement that ensures the continued success of the site. Therefore, we can currently offer to increase the Town’s monthly base rent payments from \$760.42 per month to \$1,000.00 per month, a 24% increase in base rent. We can also offer a \$10,000.00 consideration payment upon execution of a extension agreement.
- If the Town prefers, we can change the rent increase from 15% per term, to 3% annual. We can also change our rent payments from monthly to annual, if that would make it easier for the Town administratively.
- We can offer pre-paid rent for up to 10 years. If we pre-pay the next 10 years up front, we can give the Town \$87,000.00, and then after the 10 years we will continue to make the monthly (or annual rent payments) at the same amount as if all of the scheduled rent escalations had occurred.
- We can also purchase a perpetual easement for \$500,000.00. We will pay the Town \$50,000.00 up front and then \$1,250.00 per month for the next 30 years.

The Council discussed the terms of their proposal. Mr. Culp explained the offer of a perpetual easement, stating that if this was given by the Town, Crown Castle would have that easement forever or as long as they wanted it. Mr. Culp also stated that he had several other companies making offers on this lease. The Council stated that they would like to see written offers prior to meeting with other companies. There was further discussion. The Council made no decision and will wait to see what Mr. Culp hears from the other companies.

Council To Discuss Department Head Evaluations.

Mr. Hayden stated that the Council discussed in 2012 completing evaluations for Department Heads. Mr. Hayden discussed setting goals quarterly for departments. Ms. Unger stated that she has a standard evaluation form supplied by the Town’s HR vendor. Ms. Unger was directed to send the Council a copy of the evaluation form along with the Department Head job descriptions.

Council To Discuss The A Retreat.

The Retreat was decided and Council decided they probably didn’t need one. Will discuss at Department Head meeting.

New Business

Council To Consider Contract For John Culp For Town Attorney.

There was a lengthy discuss regarding the changes to Mr. Culp's contract which included an increase in the hourly rate from \$150.00 to \$175.00 and the addition of the paragraph stating "In the event that I or a member of my law firm encounters a conflict of interest which will require the town to employ another attorney, I shall not be responsible to pay any part of the other attorney's compensation for representing the Town of Cicero." Additionally, the contract stated that the insurance contribution would be 12% and needed to be changed to 15% effective 2013. Mr. Foster made a motion to approve Mr. Culp's contract and allow Mr. Cook to sign. Mr. Schrupf seconded, motion passed.

Miscellaneous Business

There was none.

Comments from the Public

There was 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, January 15, 2013 @ 7:00 PM at the Cicero Town Hall.