



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

PETITIONERS:

None

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MINUTES
11/12/14**

President Dan Strong called the November Session of the Cicero/Jackson Township Plan Commission meeting to order at 7:02 pm.

The members of the C/JT Plan Commission were present or absent as follows:

PRESENT: Dan Strong - President
Eric Hayden
Christopher Lutz
Stephen Zell
John Culp - Legal Counsel
Paul Munoz - C/JT Plan Director
Sally Mangas - Recorder

ABSENT: Paul Vondersaar - Secretary
Tim Fonderoli
Dennis Schruppf
Mark Thomas

1. DECLARATION OF QUORUM:

President Dan Strong declared that there was not a quorum with only 4 of 8 members present; because of this they would not be able to conduct any business this evening. He further stated that there were members of the public present so they could have an open discussion if anyone would like but as far as conducting any official business they will not be able to.

2. APPROVAL OF MINUTES:

None

3. OLD BUSINESS:

Interlocal Agreement

Mr. Zell remarked that since there has been a lot of work going into the Interlocal Agreement there are probably some updates or changes that they could be informed about; this could keep the momentum going. Mr. Munoz stated that there have been a lot of conversations about the Interlocal Agreement in the last couple of weeks and Mrs. Miller and he have spoken on a regular basis along with Mr. Culp



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about what they feel is the best way to do the Interlocal Agreement; what will be the most beneficial to those involved. There was a lot of discussion about what they can do in accordance with IC Code and what they cannot. Mr. Culp and Mr. Munoz have spoken a lot about that and know where they stand. Mr. Munoz stated that he and Mr. Culp had met with Mrs. Miller today to talk about her concerns, our concerns and how we can make this work for everybody. Mr. Munoz went on to remark that the body of this agreement is almost exactly like what has been seen before; there were a couple of words changed here and there with Jackson Township and Cicero in referencing the 2 organizations. The main part of the body that they had looked to change was Section 5 which addresses how the fees are going to be paid. Previously it had been based on a deficit in the overall budget and that was figured up according to how many permits were issued to the Township and the Town and the deficit was divided up according to that percentage. Mr. Munoz continued stating that this had come to light because he comes nowhere near spending his entire budget; he is anywhere from \$20,000 to \$40,000 below his allotted amount because he does not take the Town's insurance and he is very diligent in making sure he is very frugal with the money. The concern became that if for whatever reason Mr. Munoz was to leave and someone new was to come into the office and took the Town insurance which is anywhere from \$10,000 to \$20,000 and felt the need to spend the majority of what is in the budget the deficit could expand substantially. So in order for Chris Miller and her board to plan accordingly, it makes it very difficult especially when things are fluctuating in our department on a yearly basis anywhere from \$4,500 to \$14,000 depending on the year and types of permits and developments going on, we thought that maybe a fixed dollar amount was easier for us to plan and know what we would be getting in and for her to plan accordingly and know what she needs to budget for. Mr. Munoz explained that what they did was look at the last 4 or 5 years and average that out which came to about \$11,500...1 year was about \$14,900 and then it went down to \$12,000 almost \$13,000 then it went down to \$4,500 and then back up to almost \$13,000 so we agreed upon \$12,000. Mr. Munoz further remarked that this would be an annual amount with biannual payments of \$6,000; we did get that into the agreement and that way Mrs. Miller can budget accordingly; this agreement can also be negotiated on a yearly basis if necessary. Mr. Munoz continued stating that if we were to get hammered year after year and this was not enough we can come back and negotiate or if it goes the opposite way and we are bringing in a substantial amount of development we could look at lowering that amount. Mr. Munoz stated that we are not stuck at this amount but they feel that right now this is very fair for both parties involved looking at a yearly basis and what has been paid out over the last 5 years. Mr. Culp remarked that he concurs with Mr. Munoz in that they have reviewed this document and rewritten it and they believe that based on Mr. Munoz's figures that \$12,000 is a good starting point for next year. Mr. Culp went on to state that they wanted to simplify things a bit and make it easier for record keeping purposes for Mr. Munoz's office to share with the Town and the Township. President Strong remarked that he could definitely see where it would be a lot easier to put a fixed number into a budget then to try and figure out a breakdown of fees. Mr. Culp remarked that they thought that a proper review would be the Year End Review with Mr. Munoz to determine what to charge for the next year. Mr. Lutz remarked that that does not fit their budgeting cycle to which Mrs. Miller remarked that they had worked on this this afternoon so there were a couple of things...they had discussed getting her a report at the end of the year that would show how many permits and how much revenue had been brought in from the Township...Mr. Schwartz remarked quarterly...Mrs. Miller



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stated that if Mr. Schwartz wanted it quarterly they could add it; but that way they would know the amount and the other thing was that if there was going to be a change they needed it before the budgeting process and if there were any special projects...Mr. Munoz stated that they were very diligent in making sure that any special projects that were above and beyond, which really in the grand scheme of things would only be an update to the Comprehensive Plan in 4 or 5 years. Mr. Hayden asked about Ordinance Updates and Mr. Munoz agreed; those as well. Mr. Munoz continued stating that they would know about those ahead of time and plan accordingly, knowing that by the beginning of June there would be a conversation with Mrs. Miller letting her know that there is this project coming up next year and that we feel that this is something that we need to budget for accordingly because this benefits you as much as it does us and we can make those types of changes. Mr. Munoz stated that likewise with this agreement it would be one of those that if say next year we just get absolutely hammered and it was a lot more than we expected we would know that before June of that following year that we would need have a discussion saying that for 2017 we need to either upgrade this and add a little bit of money to it or vice versa if things go well for us and we feel that \$12,000 is more than enough and we need to lower it. Mr. Munoz reiterated that they are very aware of the budget cycle...Mr. Zell remarked that this answers 2 concerns that he had in the last meeting and that this looks good as he sees it; predictability and flexibility. Mr. Zell further explained that you have predictability in terms of budgeting for both parties as well as flexibility with an annual review that is fair to both parties with any adjustments that need to be made. Mr. Zell continued stating that he likes the progress that has been made so far; remarking that he knows that they are not conducting business tonight but from what he sees they have made some great strides. Mrs. Miller stated that they do need to add quarterly reports too. She further remarked that she does not think it is the Townships place to get involved in Cicero's budget and tell what can and cannot be spent but at the same time she feels it is their responsibility to be held responsible when they are not involved in Cicero's budget. President Strong stated that he feels that is a fair statement because as a board they represent the Township as well as Cicero so there is no reason for Mrs. Miller to not have the information she desires; he feels it is only fair for her position and to see where she spends the money. Mrs. Miller agreed further stating that for good record keeping she needs to be able to show a tax payer if they come in; be transparent. (Inaudible talking amongst those present) Mr. Culp stated that it is conceivable that this \$12,000 will apply for next year and the following year because Mr. Munoz will not have the numbers until the end of next year and then we have to worry about the budget cycle for the Township and they will not get into that until maybe May or June of 2016. Mr. Hayden remarked that for their planning purposes there will not be real numbers until the last report of the year and that is 6 months to late for their planning cycle. President Strong asked for clarification on the reports that Mrs. Miller would like, was she wanting to know how many permits were issued and the revenue on a quarterly basis to which Mrs. Miller stated that it would be good to know how much revenue the Township is bringing in and how much revenue the Town is bringing in...if you were to get a fence in Cicero and Beck's adds on a big addition there is going to be a big difference in the fees for those permits. Mr. Munoz remarked that Mrs. Miller had brought that up before and one of the things that is part of that is trying to show that although a fence permit is not as expensive in comparisons that is 1 inspection and if you are looking at Becks or a house that is 5, 6 or 7 inspections; so the time kind of justifies the money that comes in but we can try to find some way to...Mrs. Miller asked for just some



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sort of a record further stating that both Cicero and the Township need good records and that the Township does not have any, just a bill from the end of the year. Mrs. Miller reiterated that they just need better communication. It was asked if the numbering sequence when a permit is issued would indicate the requested information such as Township or Town to which Mr. Munoz responded that it would not however when we go into the backend of the software we can see how a permit was entered and if it was a Township address we would have filled in the Township field, if the address was within the Town we would have left that space blank. Mr. Munoz further stated that at the end of the year he can go in and look at everything that was issued in say 2013 and he can count straight down everything that was in Jackson Township. Mr. Munoz continued stating that it is pretty easy on that end of it however the monetary side is more difficult, we have to go in and pull stats out and plug them into an Excel spreadsheet and do some other tabulations to make it work but it is not unfathomable to think that we could probably do it on a quarterly basis to be able to show the figures that we need. Mr. Hayden asked where we stood this year for payment to which Mr. Munoz asked Mrs. Mangas what the last permit number was that was entered to which Mrs. Mangas stated it was around 135...Mr. Hayden stated that he meant with the revenue, where do we stand to which Mr. Munoz stated in the same ballpark as last year. Mr. Hayden stated they will be...Mr. Munoz remarked 45-50...Mr. Hayden continued with \$11,000-\$12,000 to which Mr. Munoz agreed. Mrs. Miller stated that their bill for this year is \$11,045 she thinks...Mr. Hayden responded with this year being 2014 to which Mrs. Miller stated no because she doesn't know for 2014, the bill for...Mr. Hayden remarked that the bill that you paid in 2014 was \$219945 to which Mr. Culp remarked that that covered last year. Mr. Munoz stated that \$1145 is what would have been paid for the permits and the other part would have been her portion of the Comprehensive Plan which according to Township law you cannot pay for anything you do not already have so once we get that at the end of this year then she's going to reimburse us the \$8500 for that part of it. Mrs. Miller stated that they had signed that in June of 2012 for the Comprehensive Plan and it is November of 2014 and they do not have it yet. Mr. Munoz remarked that they have addressed those issues. President Strong remarked that they are still trying to work through that as well. Mrs. Miller reiterated that they are all in the same boat; it was signed in 2012 and it is 2014 and they still don't have it. President Strong asked if Mrs. Miller felt comfortable with the agreement at this point with what she has read with some minor adjustments as to the information that she would want to which Mrs. Miller stated that she wants that put in there and she is not making that decision, she asked no one is making decisions right to which President Strong stated that they are just talking, it's discussion...Mrs. Miller remarked that this feels a lot more comfortable to her now because she does not want to be involved in Cicero's budget because her budget is enough to do and it was scary to her because the actual budget was \$125,000 when last year Mr. Munoz only spent \$95,000 but if someone would somehow spend \$125,000 then it could be huge. Mrs. Miller continued stating that both the Town and the Township both need to look at it because right now if our bill is \$12,000 and the Town's is \$28,000 (she rounded it up) we're in the hole \$40,000 so if the \$125,000 budget was actually spent and we still have the same revenue coming in we'd both be in a hole. Mrs. Miller stated that this is not a personal thing she always tries to look at things in the worst case scenario so you will be excited if it is not and if they were to spend \$125,000 both the Town and the Township would have to make up a lot of money. President Strong questioned Mr. Culp about the budgeting process and the information that Mrs. Miller would need and if that would need to be

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spelled out in the agreement and when the 2 payments would be made and if that needs to be included in the agreement as well or is it okay to say they will just be biannual payments. Mr. Culp responded stating that he had thought about it and put in biannual; he stated that he could have put in July 1 and January 1 of each year but he thought that biannual would assist some people in their budgetary process...Mrs. Miller responded with shouldn't it be July 31 and December 31 because you get your property taxes in June...Mr. Culp stated that July 31 would be 7 months and then 5 months later...Mr. Munoz stated that it would have been July 1 and December 31. President Strong remarked that as long as all parties are in agreement and the Council agrees as well as the Township then biannual is fine. Mr. Culp responded stating that it was something that he thought about after meeting with Mr. Munoz and Mrs. Miller this afternoon and he thought he would just leave it biannually...Mr. Lutz stated to intentionally leave it flexible...Mr. Culp agreed for budgetary purposes and state review. Mrs. Miller stated that she is proactive, she had their budget process completed by August, the sooner the better, she doesn't want to have to worry about making a meeting or a hearing; if she can just have information early that would be great. Mr. Culp added that the Town Council feels the same way. Mr. Hayden stated that Mr. Munoz would have to have a very good long term plan in place for capital items, if you're going to need a vehicle, a computer, or a new building, or whatever it might be...Mr. Munoz responded stating that he is pretty diligent about that...Mr. Hayden responded saying that he knows but he's just saying that Jackson Township has to see that well in advance so they can account...Mr. Munoz stated that the budget cycles are the same which is good because he will be thinking about that at the same time that they are in discussion about next year's contract so if he's looking at his budget and planning well and a vehicle is something he has to think about at the same time he's got to be notifying Jackson Township as well. Mr. Hayden reiterated to have the conversations with the Township to which Mr. Munoz agreed. Mrs. Miller stated that she would hope that the capital expenditures...that the Town and Township need to understand that you have to bring in more money so we need more people building and we need more business so anything that we can do to make that happen is just going to make the bottom line better for the Town and Township. Mrs. Miller continued stating that neither of them have a deep well and at the last meeting she was asked if she had a rainy day fund to which she stated that yeah she has \$33,000 in a rainy day fund for the entire Township so if something has to be bought she does need to know, they all need to know. President Strong stated that 1 of the discussions had been about communication to the Township Board and he remembers when Jeff Roberts was here, he was a great person for the board, he had great insight and some of those visions but he always went back and communicated and I guess we never thought about it after Jeff left the board to ask the 2 members hey do you go back and talk to the Township Board. Mrs. Miller stated that the 2 members that are on for the Township are so good and have so much knowledge but that is probably a discussion that we need to have, we need someone coming back and saying...Mrs. Miller continued stating that she doesn't understand it all but she can learn and needs to attend the meetings too but they just need better communication. President Strong stated that he knows that we can make sure she gets the minutes to which Mrs. Miller stated that she already does get the minutes she's just been brain dead with Fire. President Strong went further stating that he is not trying to tell her what to do but maybe periodically meet with one of the members of the board or both and just have a discussion so they can keep her in the loop of what is going on, he thinks that would help some of that as well to which Mrs. Miller agreed.



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President Strong further remarked that Mrs. Miller can contact him as well and he will update her or Mr. Munoz will or whoever. Mrs. Miller stated that she can come to meetings too and she is not saying it is anyone's fault, she hasn't been at these meetings because she has been working on Fire but she thinks this is a wonderful first step. Mrs. Miller went on stating that she appreciates everything that this board does, everything that Mr. Munoz does; she appreciates everyone and thanks everyone as a citizen of Cicero and the Trustee of Jackson Township. President Strong responded stating that she does a good job as well and he hears nothing but good things. Mrs. Miller stated that they are all working hard. Mr. Culp stated that Jeff Roberts was a part of their meeting this afternoon and he was actively involved. President Strong stated that he knew when they changed from the County to doing this local that Mr. Roberts was a member of the board and helped design some of the things that they did so he is glad to hear that he was at the meeting earlier today. Mrs. Miller remarked that Mr. Roberts has said over and over that this is what they wanted and he cannot believe that it was not written down to which Mrs. Miller stated it was not written down so let's move forward. Mr. Hayden asked Mrs. Miller if she could live with the dollar figure to which she agreed. Mrs. Miller went on to state that she is going to pay the \$11,000 for this year, she hasn't written the check yet because she freaked when she realized there was not a contract, but she will write the check for the \$11,000 that they owe for this year, that is the bill that they have for this year, and then beginning January 1 it becomes \$12,000 and then when the Comprehensive Plan is completed and delivered then she will write the check for that. Mr. Culp asked if Mrs. Miller was saying that her next payment next year is conditioned upon the Comprehensive Plan being completed to which Mrs. Miller stated for the Comprehensive Plan, the additional \$9,000 for the Comprehensive Plan, it's a separate issue. President Strong stated that until it is finished they will hold those funds to make sure it gets completed which is logical. Mrs. Miller further stated that it is code that she is not allowed to pay for anything until she has it in hand. Mrs. Miller told of a Trustee that ordered a fire truck and paid for it and the fire truck company went bankrupt and she was personally held responsible for the cost of the fire truck. Mr. Culp stated that doing the research on this he got into Township law and it is different than law for Cities, Towns and Counties. President Strong stated that a lot of good things come out of a lot of things so if we are gaining some knowledge out of this it was good for all of us. Mrs. Miller stated that the bottom line is that they need to work together and this is such a good example of that because it takes all of us. Mrs. Miller continued by stating that it takes a lot of knowledge to put good things together and we live in a great place so she is glad they are all working together. President Strong asked if everyone understood what they still needed to do; that there is still some work ahead and adjustments to make. Mr. Zell stated that it was great progress. Mr. Culp stated that there is a safety valve for both parties being that it can be terminated upon proper notice through the other party and Mrs. Miller had asked this afternoon if there were any problems with paying the bill without a signed contract to which Mr. Culp had told her he does not represent that entity but based upon what he thinks he does not think she would be held liable because she was making payments based upon her past uses and practices, etc. so in his opinion Mrs. Miller does not need to worry about it. Mrs. Miller stated that at her next meeting she is going to state that they are rectifying it. Mr. Hayden asked if in the old clauses of the agreement isn't it stated that unless notified it carries over year after year to which Mrs. Miller stated it's the Joinder Agreement to which Mr. Culp stated it was 1975. Mr. Hayden remarked that it went year after year after year without calling on an exact date like this one to which



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Mr. Culp responded by stating that the Joinder Agreement was voted on by residents authorized the Town and Jackson Township to get together for zoning purposes, under other statutes it then states that the Town should put together a contract setting out the specifics, etc. to provide those services. Mrs. Miller stated that the more she learns and the more training she goes to and sees how sticky they are about not paying for things that are not in your hands, we're all in the same place it's just year 4 is a lot different than year 1...she wants to do it right. Mr. Culp stated that this document does not replace the Joinder Agreement; this sets out how they are going to do the Joinder Agreement.

President Strong asked if there were any other comments or questions. He further stated that they cannot take any official action this evening however they can make some adjustments and try to take official action at the December meeting. Mrs. Miller asked if it has to go to the Planning Commission first or can they make the corrections and take it to the Board because they have a meeting on the 19th; does it have to hit here first and then the Township Board to which Mr. Munoz stated that the kind of language is staying the same, you're approving the same document that they're looking to address but I think it has to come through here first...Mr. Culp agreed stating that it has to come from the Planning Commission. Mrs. Miller stated that they had better have a quorum in December...Mr. Culp stated that or a Special Meeting...to which President Strong stated that they could do that too. President Strong further stated that they are only an advisory board to the Council so it would only be whether they would recommend moving this forward to the Council. Mrs. Miller stated that they are getting down to the wire with meetings for this year...Mr. Lutz asked how often the Town Council meets to which Mr. Hayden stated the 1st and 3rd Tuesdays of the month...Mr. Lutz stated it would have to be the 3rd...Mrs. Miller remarked she would have to have it immediately...Mr. Munoz stated that they can look to have a Special Meeting; it will be pretty much spelled out, you'll have a copy of it and it will just be a matter of coming and saying yes we agree formally, approve it, and go from there. President Strong stated that they have had a lot of conversation tonight so it should streamline the process...Mr. Culp stated that they will add the quarterly reports that Mrs. Miller is wanting along with the annual report. Mrs. Miller remarked that yes she would like quarterly and annual reports. Mr. Hayden stated to make sure he understood that any other special items like the Comprehensive Plan or whatever that would need to be discussed well in advance and then adjustments would be made to that final number. Mrs. Miller remarked that yes and they may have to say if you're going to do that we do not have the funds to do it. Mr. Hayden responded that you will have the opportunity to now say that to which Mrs. Miller agreed and further stated that she will have the ability to plan now. Mrs. Miller continued by stating the sooner the better on knowing about the special items; she further stated that if it is necessary she can look but she cannot just say oh yeah I have that. President Strong stated that he fully understands where she is coming from and as an example the Comprehensive Plan will probably need an update...Mr. Munoz stated in 5 years...President Strong continued stating that in 5 years they will need to review the Comprehensive Plan so Mrs. Miller would know 5 years in advance that that would be coming. Mrs. Miller responded stating that she can budget money by putting extra money in each year and then save that back and say okay I'm going to use that for the Comprehensive Plan but right now she has to pay her second half. Mr. Hayden remarked that he thinks that that is something that needs to be looked at if it has been \$20,000 in the past, so some percent of inflation needs to be factored in and then was the split 50-50 to which Mrs. Miller agreed it was...Mr. Hayden



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stated that for her budgeting she may want to start...Mrs. Miller asked if it would be an update or a whole...Mr. Munoz responded an update...Mrs. Miller continued stating that with an update it might not be that much...Mr. Munoz stated that he could get a rough idea of what that would be now and then they could add a little bit extra in to let everybody know a ballpark of what everyone would have to pay in 4-5 years. President Strong stated that he thinks that would be good; anything that anyone can think of like that to share the information so that they can start thinking about it in advance and what they need to do on their end and it's good for the Council to know that too because they need to start planning as well. Mr. Culp stated that the 2 appointments that Mrs. Miller's Board has, he would not be shy in asking them to report back to her after the Plan Commission meetings to which Mrs. Miller remarked that she thought she would and that she needs to do a better job at that...it is on her to do list. Mrs. Miller stated that she also wants to try and attend meetings; she needs to learn. Mr. Culp stated that one of the benefits of having 2 members in addition of representing the citizens in the Township is to keep Mrs. Miller informed. Mrs. Miller stated that they just have not done a good job at that but they will work on it. President Strong stated that it falls on them as well and it's just one of those things that you don't think about until something comes up and you think wow that could have been headed off had we thought about doing that. Mrs. Miller stated that Mr. Roberts said the same thing. President Strong thanked Mrs. Miller and Mr. Schwartz for coming tonight and asked Mr. Schwartz if he had any questions to which he asked if this was a rough draft and President Strong stated it was, Mr. Schwartz went on stating that he would not sign this contract the way it is written because there is no page numbering, like 1 of 6, this is a loose page...Mr. Culp questioned if it was the signature page to which Mr. Schwartz stated it was but it doesn't say for what to which Mr. Culp said he would fix that...Mrs. Miller stated to take Advisory off because they no longer call them the Advisory Board to which Mr. Culp remarked that that is what she had told him...Mrs. Miller also stated that she had given Mr. Culp the names of the people on the board to which Mr. Culp acknowledged.

Mrs. Miller stated that if you have not been to the Jackson Township Trustee's Office, it is by the Arcadia Fire Department, you are always welcome.

4. NEW BUSINESS:

Ordinance Updates

President Strong stated that they would just briefly touch on the Zoning Ordinances. Mr. Munoz handed out a draft copy of the new Zoning Ordinances for review stating that there had been several Steering Committee meetings on this and that the format has changed somewhat. The process took the information from Page Maker which is a program that no longer exists and no one uses to Indesign which is a program we have on our computer system. Mr. Munoz stated that if there are any issues they want to correct or definitions they want to add he will be able to add them in; after approval of an ordinance change he can print them off and insert them into the new books without having to go through the entire process and have someone else do it for them. Mr. Munoz explained that the letter that came with the book is from Ratio and it outlines the things they have been talking about such as the Wind Turbine ordinance; changes have been made to that. Mr. Munoz continued stating that the Sign Ordinance is completely different; it took it down to where if you can meet these sign ordinances

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(it gives examples and new definitions explaining more in depth) however it limits the amount of space and amount of signs you can have, it takes it from a lot of the square footages to just 1 sign and certain square footages. Mr. Munoz mentioned that it will be a little bit more restrictive as to the signs but in the end this Sign Ordinance will allow someone to come in and apply for a sign and be able to receive a sign within 24 hours. If however they want something outside of this they will have to go for an Aesthetic Review; this does not eliminate new development having to come through planning for their sign packages or exteriors, landscaping or things along those lines. This just makes it a lot easier for the small businesses going in rather than having to do the \$200 outlay, it is a lot easier for them to come in and get what they need. Mr. Munoz stated that this has been one of the main complaints we have gotten in our office...Mr. Zell asked if this was a draft to which Mr. Munoz stated it was. Mr. Zell asked if Mr. Munoz was wanting feedback from them to which Mr. Munoz stated he wanted them to take a look at it, flip through it and let him know what they think. Mr. Munoz stated they had changed pole, monument, pods, storage units, accessory structures; the ones we have been having issues with. Mr. Munoz continued stating that one of the things they are thinking about possibly doing is pulling the Fee Schedule from the ordinance and just putting a reference to it in the ordinance; the reason is that you would normally have to go through and update the ordinances as a whole every time you wanted to make a change to the fee schedule but by pulling it out and referencing it and making it its own document we can do it with a simple ordinance to the Town Council to change them on an annual basis, change a couple of them here and there as we feel necessary as time goes on. This would make it a lot easier for adjustment of the ordinance. Mr. Culp asked about the Penalty section and how it has fines listed anywhere from \$10 to \$2500 does this vary by offenses or how would you know what you owed to which Mr. Munoz stated that it would depend on the court decision; Mr. Munoz continued stating that it is his understanding that it has happened in the past because there is no set schedule on that. Mr. Culp stated that the reason is was asking is because some of the ordinances have penalties of \$2500 but this gives a range anywhere from \$10 to \$2500 regardless of the violation to which Mr. Munoz stated that was his understanding. Mr. Munoz continued stating that the actual amount per day comes down from what the court deems is necessary depending on the penalties...that is the way he understands it and understands the way it has happened in the past. Mr. Munoz stated that this is something they can take a look at but it is original to the ordinances from 1998 when they were done. Mr. Culp asked if this also includes unsafe buildings to which Mr. Munoz stated it does not because unsafe buildings are under the Town Ordinances. President Strong asked if the fees are staying the same at the present time to which Mr. Munoz stated that yes they all stayed the same. Mr. Munoz continued stating that he will send it to everyone but the fee schedule for Commercial used to be substantially less than what we have for our Residential and there is some discussion regarding adjusting those and he has some new examples for that and the other one that was changed...Mr. Hayden asked why we would change that fee schedule from what is there today to which Mr. Munoz stated that the Commercial is substantially less then what you will find Commercial for anywhere else and there are quite a few more inspections required for Commercial then Residential. Mr. Hayden stated that he is just concerned that if you want to grow business here you don't do it by increasing fees; he doesn't care what other communities are doing you have to do what makes sense to your business but don't worry about what others are doing. Mr. Munoz stated that he thinks we would want to be in line with what other communities are doing across the state and we are



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substantially less on the dollar amount. President Strong stated that he and Mr. Munoz had spoken about periodically in a Commercial situation you may have to bring in a structural engineer who may have to be paid additional to do that depending upon the Commercial type of building so maybe there is a way to spell that out a little differently but if someone needs to bolt something together and you don't think it's built right you might want a structural engineer to come in and say this is safe because the worst thing you could do is give someone a C of O and it not be safe. President Strong continued to state that maybe there is a way to spell that out a little bit differently and you would feel more comfortable with it to which Mr. Hayden stated yes however there are currently empty buildings downtown and by raising fees is that going to do anything to fill those. President Strong stated that Mr. Munoz is looking at new Commercial development to which Mr. Hayden stated that that is different. President Strong remarked that he does not think there is any intent to impose anything like that it's more about the time and energy it takes to do a Commercial something, whatever it might be; say if we got a Walgreens in Town that is completely different then a small business and it might need more engineering fees to which Mr. Hayden stated that he agrees with that. Mr. Munoz remarked that those are some things to consider as you're looking through. Mr. Munoz also stated that he would send the maps out in PDF form to the board members because there are a couple of areas they are thinking of rezoning for Commercial growth in the future; 236th Street and 276th Street interchanges with US 31. Mr. Munoz stated that Hamilton County has already gone in and TIFT a large portion of the 276th interchange and also a large portion all the way around Beck's Hybrids development. Mr. Munoz continued stating that in discussions with Beck's it came up that it would be in the best interest to zone those corners for Commercial Development. Mr. Munoz stated that he thinks that is why the county did TIFT that corner because those are going to be the only 2 interchanges onto US 31 in Hamilton County. Mr. Munoz continued stating that we already know of at least 1 building that will be going in up there off of 276th Street, the National Guard Armory who already owns land up there and there is the potential for at least 2 other Commercials that he has heard of for that corner that do Ag and Ag Research. It was asked if the entry's were going to be roundabouts to which Mr. Munoz stated that no they will only be interchanges onto US 31. Mr. Munoz stated that they are also looking at the corridor between 241st Street and just south of 236th Street, all on our side, trying to maybe zone that C1 because with that interchange Mr. Munoz believes you will find that type of development in the future. Mr. Munoz stated that in Town, a couple of areas along Stringtown Pike are R1 and they are wanting to bring them down to R3 because of the potential that that would be the future lot size and development size for those areas. Mr. Hayden asked where Mr. Munoz got that input from to which Mr. Munoz stated that if you look at the other developments along Stringtown Pike and what land is available in those areas or would be sold in those areas along Stringtown Pike inside between there and the railroad you're probably not going to find someone who is going to be putting in an acre to an acre and a half size lots, that is just not...Mr. Hayden asked if an R1 was an acre + to which Mr. Munoz stated it was. Mr. Munoz continued stating that you will find an acre, acre and a half once you get out to Cammack, Bear Slide, Vintage Woods, out in those kinds of areas are where you're going to find developers wanting to build on those sizes of lots; it's not economical for someone to build those inside of Town. Mr. Munoz remarked that he thinks that is the only other one they have thought about changing. Mr. Munoz reiterated that he will send out the maps and that they are color coded so everyone can see if there is anything that that really agree with or disagree with in the long term. Mr.



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Munoz was asked what he was wanting to change between 241st and 236th to which Mr. Munoz stated it was pretty much all of those that line up along that...(looking at the map) it's pretty limited on what can be developed there because a lot of that is considered low lying flood plain but what you will find is south of 236th there are a couple of larger farms in that area and if something was going to come in it would probably be in those areas. Mr. Munoz stated that you can kind of see a property line split just behind...(Mr. Munoz is holding up a map to show)...so if you're looking this is 236th, this is 241st, that is Twilight Hills, this property line that runs right through here, this is where they are looking at putting in an access road that will actually turn up into the Twilight Hills Subdivision and go north along that set of property lines; south it is going to be a little bit further over, you're going to run down along the back of GW Pierce along those property lines - is what is currently proposed on the Hamilton County Highways and Maps for that interchange. Mr. Culp asked how far south we are annexed to which Mr. Munoz, referencing a map, stated that you follow that line straight up along Stringtown and over behind Wareham's Pond; so that whole corner there we don't have any of that, and then this side we are about half way down that row of houses. Mr. Culp asked if 236th Street was further south to which Mr. Munoz pointed out 236th to which Mr. Culp asked about separating Noblesville Township to which Mr. Munoz stated that Noblesville was 216th Street right along that line (referencing a map). Mr. Culp asked if we had heard anything from Noblesville or City of Westfield about annexation to which Mr. Munoz stated that we hadn't but he did know that they both have utilities up to 216th Street. Mr. Culp informed the board that Noblesville and Westfield had signed an agreement that they would not go north of 216th Street however the agreement has expired and Mr. Culp is trying to get it renewed but neither entity will sign. There was a discussion about the mutual agreement between Noblesville, Westfield and Cicero with Mr. Culp stating that he has contacted them numerous times and neither has any interest in signing a new agreement.

Mr. Munoz stated that he is going to get the remainder of the books out to the absent Planning Commission members and he will have copies for the BZA members to review as well. Mr. Munoz stated that there will probably be a Steering Committee meeting in December for both this and the Comprehensive Plan and look to try and get some type of adoption either by the end of December or early January. President Strong stated that the only thing he would ask is that Mr. Culp read the bottom of the process within this ordinance because he can see as we in the future may issue some C of O's that some of the projects may not be done and we need a means to ensure that those projects get done in the future. Mr. Culp acknowledged. President Strong continued stating that how we state that in there that we can go ahead and move forward with something rather than make them entirely finish the project but knowing that it has to be finished within a reasonable time frame, I can see that being a request at some point and how we would make sure that that got bonded that we could finish whatever...Mr. Culp responded stating that he thinks that is an excellent idea. Mr. Culp continued stating that it seemed like they had prepared a document several years ago that...President Strong stated that he thinks that there is something but he didn't know if it needed to be included in here. President Strong continued stating that he knows that our current ordinance talks a little bit about bond but it's not really specific. Mr. Zell stated that he remembers having a discussion on it but it has been so many years ago he does not know where it stands. President Strong stated that he is just thinking about it because he could see someone coming in and saying the weather is bad, we're not



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going to get this project done, it's going to be next summer before we get it finished, or whatever it might be and you let them go ahead and move into the building; typically you're not going to go back and through someone out of a building so how do you get the project done...Mr. Culp remarked that he will double check that but he thought they had amended that a number of years ago under the (unintelligible) section of our current code. President Strong stated that they may very well have it's just something that came to mind in talking...Mr. Culp stated that it is important...President Strong asked again for Mr. Culp to just review it and make sure it gets covered.

President Strong asked if there were any other comments or questions to which there were not. He stated that everyone should take the draft home, review it, mark it up and they can talk about it at the next meeting.

President Strong stated that since there is public here tonight and they are only have discussion, no official business, would anyone in the public like to speak. There was no discussion.

Mr. Munoz asked the board that if they have any questions or concerns to please try and get them to him as soon as possible so he can make sure to get them into the consultants hands to make reasonable recommendations to those questions and concerns. Mr. Zell asked if this is the company they had met with at Red Bridge several months ago to which Mr. Munoz stated it is.

President Strong asked if there was anything else anyone would like to discuss tonight. Mr. Culp spoke briefly about looking for the 1975 Joinder Agreement.

5. PLAN DIRECTORS REPORT:

None

6. PRESIDENTS REPORT:

None

7. LEGAL COUNSEL REPORT:

None

8. PUBLIC COMMENT:

None

9. COMMENTS FROM COMMISSION MEMBERS:

None

10. NEXT PLAN COMMISSION MEETING:

December 10th, 2014 @ 7:00 p.m.



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11. ADJOURNMENT:

Discussion ended at 8:06 p.m.

Signature on Official Documents!

Dan Strong, 2014 C/JT Plan Commission - President

Paul Vondersaar, 2014 C/JT Plan Commission - Secretary

Sally Mangas, C/JT Plan Commission - Recorder

Date: _____

Location:
Cicero Town Hall
70 N Byron Street
Cicero, IN 46034