



CICERO/JACKSON TOWNSHIP PLAN COMMISSION

PETITIONERS:

Brent & Kelly Moon

Tom & Donna Barker

**CICERO/JACKSON TOWNSHIP PLAN COMMISSION
MINUTES
10/08/14**

Secretary Paul Vondersaar called the October Session of the Cicero/Jackson Township Plan Commission meeting to order at 7:14 pm.

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

PRESENT: Paul Vondersaar - Secretary
Tim Fonderoli
Eric Hayden
Christopher Lutz
Stephen Zell
John Culp - Legal Counsel
Paul Munoz - C/JT Plan Director
Sally Mangas - Recorder

ABSENT: Dan Strong - President
Dennis Schrupf
Mark Thomas

1. DECLARATION OF QUORUM:

Secretary Paul Vondersaar declared a quorum with 5 of 8 members. Stating that all 5 would have to vote affirmative to pass any of the items on the docket this evening.

2. APPROVAL OF MINUTES:

Tim Fonderoli made the motion to approve the 8/13/14 minutes as submitted and Stephen Zell seconded the motion. All members present were in favor.



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3. OLD BUSINESS:

Interlocal Agreement

Stephen Zell made a motion to untable the Interlocal Agreement from August 13, 2014 and Tim Fonderoli seconded the motion. All members present were in favor.

Secretary Vondersaar asked the board if they had any comments to which Mr. Culp stated that he could give a brief history. In 1974 based on the minutes he has seen from the Plan Commission meetings, Jackson Township made inquiries about contracting with Cicero to provide zoning services for the township. In 1975 there was a statute and that particular statute is still effective today; that says if a township wanted zoning and was not part of the municipality that township would be required to get a minimum of 50 freeholders to sign a petition when that petition was signed then it would be put on a referendum for the voters of the township to vote in the fall election. That took place and Jackson Township voted to enter into a Joinder Agreement and that particular Joinder Agreement and the results are recorded in the Court House. When that happened then the Trustee and the Advisory Board from Jackson Township assumable negotiated an agreement with the Town Council from the Town of Cicero to provide zoning services and that has been in place for a lot of years. Mr. Culp went on to state that his understanding is that over the years the reimbursement from the Township gradually increased...he asked Mrs. Miller if she knew to which she stated she did not. Mr. Munoz remarked that the way he understood it was that it held throughout the years at about the same until the County took over the Plan Commission, which would have been the 90's to which Mr. Culp stated 1993. Mr. Culp further stated that in 1993 Cicero entered into an Interlocal Agreement with the Hamilton County Commissioners and that was when Chuck Gephardt had come up to Cicero. The Commissioners signed the Interlocal Agreement...Town of Cicero, we got a new Building Commissioner with Chuck Gephardt coming up and also he had staff that could assist him. Mr. Munoz stated that in 2008 the Town decided that it was in the best interest of them to take it back and to take over control. Mr. Hayden stated that no it was Hamilton County that was done and they forced us; we were pushed. There was a brief discussion on who remembered what from when this happened. Mr. Culp remarked that the Hamilton County Commissioners said that they did not want to renew; he talked about the statute with the Interlocal Agreement and how they run from year to year and you can either renew it, renegotiate it, or just terminate it. Mrs. Miller asked if she could ask a question to which she was told she could. She stated that she had attended Council meetings and she asked if they had just chosen Cicero because they still do it for White River to which Mr. Culp stated that that is a different situation. Mr. Culp stated that Cicero has its own zoning, they provide zoning to Jackson Township, state statute says that in those areas where there is not a Joinder Agreement or a municipality within a 2 mile jurisdictional area to provide zoning then the County has their Planning Commission and the County has 2 Board of Zoning Appeals, North and South, and they provide zoning in the unincorporated areas that are not covered by a Joinder Agreement in a Township or a municipality. Mrs. Miller stated that there was a Joinder Agreement in place and this Township has municipalities that it could get the services from...Mr. Culp replied, exactly...exempted them from the case that White River is in which has no municipalities. Mr. Culp responded that by law they fall under the County zoning. Mr. Hayden stated that he was going by memory but that the County had wanted to do that several years before



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they did but they had afforded us extra time to get our ducks in a row; Mr. Culp agreed. Mr. Munoz remarked that when it was brought back here the funding mechanism changed from what the Joinder currently stated which was that they had a responsibility to pay a portion of the salary of the Plan Director based upon the permit numbers. Mr. Munoz further stated that when it came back it was overall budget according to permit numbers not just salary. Mr. Munoz continued by stating that he, along with others, have been searching for the last 5 years for documentation that shows where an agreement was signed between the Township and the Town on the new funding mechanism and nothing can be found. He further remarked that for Jan Unger to not be able to locate anything is astonishing because she has records of everything. Mrs. Miller remarked that she had look everywhere too; she added that Jeff Roberts, a fireman, had been on the board and she wished he was at the meeting this evening so that he could bring some history to it as well. Mrs. Miller stated that she had asked Mr. Roberts if he had signed anything and he had said that he could not imagine that they did not. Mr. Munoz remarked that he cannot find anything to which Mr. Culp stated that he cannot find anything either. Mr. Munoz stated that that is why they are there today because they are looking at pretty much taking what is happening now and putting an agreement in place stating that. Mr. Culp stated that in his conversations with Mr. Munoz and others it was his understanding that the Interlocal Agreement, which he put together, was to reflect how things are now working between the Township and the Cicero. Mr. Culp went on to state that he did have questions asked about why it even goes in front of the Plan Commission; his response was that under state statute for example the Plan Commission is the one who proposes a budget to the Town Council, the Plan Commission is the one who entertains initially Joinders with other areas, they serve as an advisor to the Town Council, they make recommendations to the Town Council. Mr. Culp continued stating that if a Plan Commission says yes or no it's a recommendation to the Town Council; the Council will either accept it, reject it, or modify it. Mr. Culp explained that by the same token the Township Trustee and the Advisory Board can either accept it, reject it, or modify it because the actual negotiations will be between the Town Council and Jackson Township Trustee and Advisory Board. Mrs. Miller thanked Mr. Culp for his explanation and stated that she does now get it; Mrs. Miller further remarked that when she had sent her email she did not understand. Mr. Hayden stated that the President of the Plan Commission is actually the Supervisor of the Plan Director, Mr. Munoz. Mr. Culp explained that when Mr. Munoz was hired and his predecessors, even Chuck Gephardt, it was the Plan Commission who conducts the interviews and then when the Plan Commission made a decision they just forward that recommendation to the Town Council. Mr. Culp continued stating that it is the Plan Commission who puts the budget together and forwards it the Town Council who has the final say on budgetary matters. Mrs. Miller asked Secretary Vondersaar if she could ask one more question to which he granted. Mrs. Miller stated that she understood that the budget is put together by the Plan Commission or whomever and it is then sent on to the Town Council but then the end result, if she is reading it correctly, of that budget is if it falls short then the Township is asked to pay a portion to make it whole. Mr. Culp asked Mr. Munoz if he would explain the formula since he had asked Mr. Munoz to draft the formula to show what is happening. Mr. Munoz stated that he would give an example...say there are 180 permits that came in, based upon how they were entered into the system we look and see how many were in Jackson Township and how many of them were in the City, then whatever that percentage is we take the deficit in our revenue to our overall expenses and break it out according to



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that percentage. He further stated that in most instances you're talking a 58% to 42%, a couple of years ago it was a 72% to 28% but for the most part it stays about even. That final number is what the Township is invoiced for. Secretary Vondersaar asked if that is based off of permit numbers or values of permits to which Mr. Munoz stated it was based on permit numbers. Mr. Hayden remarked that Mr. Munoz has a total budget, all of the revenues come in, that sets the level and that difference is then split by the permit numbers...Mr. Munoz agreed. Mr. Munoz remarked that when you figure the overall revenue there are also all of the BZA/PC dockets which are included. Mr. Munoz continued stating that in the last 2 years any settlement money from violations has also been considered revenue. All of that is included into that overall dollar amount, it would be a little difficult to then split out PC/BZA dockets and where that violation came from so that is why the dollar figure of what was brought in is not what it is figured off of but the permits are because it justifies where most of the time is being spent. Secretary Vondersaar asked if we have 100 permits and it's 50 Cicero 50 Jackson Township and the deficit is \$20,000 then Jackson Township pays \$10,000 and Cicero pays \$10,000...Mr. Munoz agreed. Mr. Zell asked if that was figured out at the end of the year...Mr. Munoz agreed. Mr. Zell asked how would Mrs. Miller budget for that in the coming year, is there enough history for budgeting for the coming year...Mr. Munoz remarked that they had kind of run into an issue this year because one of the things they are trying to deal with is that things have been going in the right direction for the last several years, until last year, we had homes being built and things were going positive and now we are built out and there is not much happening. Mr. Munoz continued by stating that in 2012 there were 36 new homes coming in, good permits coming in and things were moving along pretty well; overall deficit not including the Comprehensive Plan was split to where Jackson Township would have been paying about \$3000 and Cicero paid about \$7000, last year because of the fact that we only had 9 total homes and permit numbers were down by almost 30% or better and including what Jackson Township had for their portion of the Comprehensive Plan they are looking at paying almost \$20,000. Mr. Munoz stated that it is a little hard for us to justify and not knowing what is going to happen in the next 2 years if we don't have some positive construction and growth coming in we're going to be budgeting for a little bit larger amount but we are constantly trying to look for ways to cut that and not spend what we are allotted; we've actually been spending roughly about 30% less on our budget then what we're actually approved for. Mrs. Miller stated that the budget for the Planning Commission is \$134,000 and for the most part you've been coming in between...you were at \$95,000 last year so part of this agreement says that if there is a large project that happens that not only does the Town Council but also the Jackson Township Board can say...Mrs. Miller gave an example of going out to buy a Mercedes for the Plan Director to drive that rather than just the Town Council being involved this says that the Jackson Township should say hold on because based on the amount of money that is coming in we are not going to be able to pay for that, that is one thing. Mrs. Miller went on stating that if the Plan Commissioner works within their budget of \$134,000 and I'm thinking that they are going to stay around \$80,000-\$90,000 but you do in fact use \$130,000 which is within the parameters of the budget but it still means that the amount of money for the Township is probably going to go up. Mr. Munoz remarked that he thinks what Mrs. Miller is trying to say is that the language in there should also include any large projects even if it is within the budget. Mrs. Miller stated that she understands the budget but when we have not been using the full budget and then something is going to go above and beyond what we are used to using it's going to make a difference



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with the bottom line and the money she puts in the budget for the next year will be way off. Mr. Fonderoli remarked that the Town takes the same chance; they have a budget set aside for the Building Commission and if it is not met that comes out of theirs. He stated that it's the same thing; you cannot plan for failure, it's not going to happen but you've got to find a way to plan. Mr. Hayden remarked that insurance is the same thing, you have no idea going into the budget terms what actually insurance is going to be and it can be all over the place. Mrs. Miller stated that she thinks she has learned or she knows she has learned that the actual budget line items are a lot different in the Town because the Town has more flexibility to grab money here or there then the Township does; the Township is much more restricted and you cannot just go grab money. Secretary Vondersaar asked if the Township had a rainy day fund; are they aloud to take money that is not spent in a given year and either keep it in that category or put it in a rainy day fund to which Mrs. Miller stated that she would have to appropriate it or go back and ask for it. Mr. Culp stated that the Town does too. Mrs. Miller continued stating that she really likes the clause and that she has others too but she is not going to go through them but the "Special Project" if it's going to stay kind of where we're used to but if it's going to throw her out of wack she would at least like the opportunity to say hey we're going to do this because you do that to the Town...Mr. Munoz acknowledged. Mrs. Miller remarked that it does kind of say that in there...any special projects that are above and beyond the scope of the established budget...but if the established budget has not been used and is down by \$30,000-\$40,000 the expenditure of \$30,000-\$40,000 can make a real big difference to the bottom line at the end. Mr. Zell remarked that Mrs. Miller is looking for some predictability...Mrs. Miller agreed...Mr. Zell asked Mr. Culp to jump in but he believed that sometimes there is a clause of do not exceed a set number, that would give you some predictability but he did not know if that was something that should discuss in the meeting tonight or not but you are looking for some boundaries that won't surprise you. Mr. Munoz remarked that rather than a do not exceed maybe just parameters as far as projects and communication with the Township. Mr. Munoz continued stating that he and Mrs. Miller have had some extensive conversations yesterday and today in coming up with ways for us to provide better notification to the Township on what is going on with the Planning Commission/budgets/some of those types of things. Mr. Munoz further stated that he and Mrs. Mangas will be making some changes on our minutes/notifications/contractor's reports/along with some other things. Mr. Hayden asked Mrs. Miller if she gets the budget for the year once the planning is done...Mr. Culp stated that she would be entitled to it. Mr. Lutz remarked that she gets the budget and she knows or sees that he's going to beat the budget so she is therefore putting what she anticipating into her allowance...Mr. Hayden asked if Mrs. Miller has seen the budget to which she replied that she has one now...Mr. Hayden remarked that he thinks that is a downfall and she should be provided that. Mrs. Miller stated that at the same time she has to be responsible too; Mr. Munoz and Mr. Strong both go to Town Council meetings and give an update, I mean I'm learning but I know in reading this that I should know more of this and it is my job. Mrs. Miller continued by stating how she has appointed people to the Commission who have done a fine job and she's heard wonderful things but she needs more information and this budget...she commends Mr. Munoz because he comes in under budget but basically because Mr. Munoz has been frugal she has it in her brain that maybe \$12,000, before the budget had \$20,000 in it and historically I'm doing less than that well this year I thought well I'm going to take some from there and put it where I need it, somewhere else, it's what we all do but if he stays



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within his budget and does use the entire \$134,000 then that could be a really big surprise for me; Mr. Munoz would be doing what is right because he is within his budget but historically he's been way below his budget. Mrs. Miller went on stating that she just needs better communication and the ability for the Township to say no we cannot afford that. Mrs. Miller remarked again that she just wants better communication and that she has other points too but she doesn't want to take all evening. Mr. Hayden asked if she would be working with Mr. Culp on her points to which she responded that she has already gathered a lot of information from Mr. Culp this evening; there is a Township Board Meeting on the 21st and she is going to talk to her Board Members to see if maybe they could have a Special Meeting where they could sit down and look at this and ask Mr. Munoz to come up and they could give some input; Mrs. Miller went on to state that she thinks it is very doable. Mr. Culp stated that the conversations he and Mrs. Miller had about getting information, he had told her that the Town budget is a public document, all of our documents are public documents and she has a right to those. Mr. Culp went on to speak about the topic of Special Projects and what he envisions is when they redo the Comprehensive Plan which covers not only Cicero but Jackson Township, that is a Special Project, and when that comes up Mr. Munoz has to go to the Town Council and say I have a Special Project, Comprehensive Plan; there is a lot of notice, a lot of discussion, there would be public meetings with the residents of Cicero and Jackson Township and things like that before we would start spending money on it. Mrs. Miller stated that Mr. Munoz had come up and spoken to the Township Board about wanting to do a Comprehensive Plan and we all talked about it but shame on us because we should have written it down. Mr. Munoz stated that although it was within the parameters of the budget we are looking at doing Ordinance Updates and that was one of those that is going to adversely affect Jackson Township and I probably did not give as much notice to them as I should have in that we were looking to try and accomplish that. Mr. Munoz further stated that he knows it was brought in front of the Plan Commission and the Town Council for discussion before we ever moved forward with it to get the approval to spend the money but that is something that he does not believe he had taken to Jackson Township. Mr. Culp stated that updating the ordinances is something that is required by statute in our code of ordinances to keep them updated so that when a resident comes in from Cicero or Jackson Township they can look at that book and know exactly...Mrs. Miller stated that she remembers a Town Council meeting talking about a software that was going to do that...again just better communication. Mrs. Miller stated that since they are going to be crafting this for future generations we owe it to those generations to really take a look and make it a good sound document. Mr. Culp reminded Mrs. Miller that this document runs from year to year so it can be changed by the parties at any time and it can be terminated so there are brakes within the document in case things get to crazy you can say no we are not going to renew it. Secretary Vondersaar asked Mrs. Miller if she receives copies of the agenda every month to which Mrs. Miller responded that she does along with a copy of the minutes. Mrs. Miller went on saying that the 1 meeting that she had come to we were just talking about it and she was like whoa but she has been really busy working on fire issues and things like that that are now done and her goal is to now jump in and learn about this. Mr. Zell stated that he wanted to commend everyone for working together to try and make this a win win situation. Mr. Zell also stated that given that there is going to be a pending meeting with Mr. Munoz, Mr. Culp, Mrs. Miller and her board that they will need to table this again until after the meeting and then they can pursue this again. There was discussion amongst the board about tabling...Mr. Zell stated that it is



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moving forward, relationships are building and getting stronger. Mr. Zell further stated that we have to have agreement between the Town of Cicero and the unincorporated areas of Jackson Township if we are going to do business; we need a solid agreement and we are getting there we just need some more time. Mrs. Miller agreed remarking that by no means is she saying no, she thinks it is a great idea let's just do a really good job.

Stephen Zell made a motion to table the Interlocal Agreement pending further discussions with the Advisory Board of Jackson Township and Mr. Munoz and the Town Attorney John Culp; Eric Hayden seconded the motion. All member present were in favor.

Mr. Culp asked Mrs. Miller if her attorney was involved so that he could communicate with him to which Mrs. Miller stated yes but that they would talk about that later. Mr. Culp stated that he wanted to make sure that her attorney was aware to which Mrs. Miller stated that he was.

4. NEW BUSINESS:

Docket #: PC-0914-007-AG

Petitioner: Brent & Kelly Moon

**Property Address: 0 E 256th Street (also known as: 03-02-30-00-00-006.001)
Arcadia, IN 46030**

Minor Subdivision Application: To allow for the split of 10.01 acres into 2 - 4.40 acre lots. (1.20 acres R.O.W.)

Secretary Vondersaar asked the petitioners to come forward and state their names. Nathan Althouse with Miller Surveying responded stating that the business is located at 948 Conner Street Noblesville Indiana and that he was there to represent Mr. Moon and his 2 lot residential plat. The property is located at 256th Street, south side of the road, about 1000 feet west of Anthony Road. It is 10.01 acres and basically we just want to cut it into 2 equal halves and have 2 custom home lots. Currently it is still a wooded 10 acre lot, it does have some pretty good elevation with a couple of high points in the woods that are actually higher than the surrounding land. We've had soil tests and the Health Department has been out there and it does have good soil for septic. We do have a regulated drain that runs along the south side of the property, over on the east side of the property if we need a perimeter drain to go into the regulated drain...daylight perimeter drain. We've been through TAC, no real comments there. It does meet subdivision...ordinances...rectangle. That's it basically just 2 lot re-plat.

Mr. Munoz stated that the only question or concern that he has is that on the 2' non access easement...Mr. Althouse stated that that did come up in TAC and that they want to put a 2' non access easement along the front of the property so what they are going to do is have 1 entrance and then it will split out to 2 drives. So there will be a 2' non access easement in the front except for the access easement in the middle. Mr. Hayden asked if there were restrictions in the county about length and



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width...Mr. Munoz remarked that yes in AG zoning you are only allowed 2.5 times the length to the width and they are within those parameters.

Eric Hayden made a motion to open the docket for public comment; Christopher Lutz seconded the motion.

Secretary Vondersaar asked if there was any public comment; there was not.

Eric Hayden made a motion to close the public comment; Christopher Lutz seconded the motion.

Secretary Vondersaar asked if there were any board comments. Mr. Zell stated that he had looked it over and he did not see any hitches and he felt they should move forward with the proposal. Mr. Lutz asked if they needed to include the 2' access easement in the proposal to which Mr. Munoz responded that it is not on the plat but it is in there; he further commented that they could add it as a condition in there to make sure it is noted. Mr. Lutz asked if it was in Mr. Munoz's notes to which he stated it is included in the staff report. Mr. Lutz commented that the notes do not stipulate that it has to occur to which Secretary Vondersaar stated that he felt they should just add it as a condition.

Stephen Zell made a motion to approve docket PC-0914-007-AG, petitioners Brent and Kelly Moon, at 0 East 256th Street in Arcadia. Their petition is for a minor subdivision application to allow for the split of 10.01 acres into 2-4.40 acre lots. The motion is to allow for that and to take into consideration the 2' easement is incorporated into the overall plan; Tim Fonderoli seconded the motion. All members present were in favor.

Docket #: PC-0914-008-R3

Petitioner: Tom & Donna Barker

**Property Address: 0 Lanyard Court & 906 Lanyard Court
Cicero, IN 46034**

Major Subdivision Re-Plat Application: To allow for a 2 lot re-plat of lots 138 & 139 located in Morse Landing Section 3.

Nathan Althouse with Miller Surveying introduced himself. Secretary Vondersaar asked him if he was comfortable with only 5 members present this evening knowing that all 5 would have to vote yes in order to approve the docket. Mr. Althouse stated that he was.

Mr. Munoz stated that he did have one thing to discuss with Mr. Culp. Proper notification was given in both the paper and through the mail. All residents living within Section 3 of Morse Landing have been notified about this, however the only thing that did not take place is the sign being placed in the yard exactly 10 days prior, it was in 8 days prior. With all public notice being made in the other 2 in the affirmative is the sign issue something we can wave since all of them have been notified? Mr. Culp responded that he would recommend that the Plan Commission consider a motion waiving their rule



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that applies to that sign and 10 days because that is by Procedural Rules. They could wave that rule for that sign to 8 days from 10 days but all other public notices by state statute have been met. So it is up to the Planning Commission; Mr. Culp stated that he does know that Hamilton County and their BZA Board makes those types of rules too. Mr. Hayden asked if that would open them up...Mr. Culp responded that no not with the sign itself but when it comes to the newspaper and certified mail that would because those are required by statute. Mr. Culp reiterated that the 10 days is by Procedural Rule and the people that are required to be notified have been and if they objected they should be here. Mr. Munoz stated that now they just need a motion from the board to waive the Procedural Rule regarding the 10 day notification for the yard sign.

Tim Fonderoli made a motion to waive the sign requirement from 10 days to 8 days for approval to move forward tonight; Stephen Zell seconded the motion. All members present were in favor.

Mr. Althouse stated that he was there to represent Tom Barker on his 2 lot residential re-plat. Mr. Althouse stated that Mr. Barker owns 2 lots, 138 & 139 in Morse Landing Section 3 and that he has a house on lot 139 and a vacant lot on 138. Mr. Barker has lived there for 20 years and has some improvements that go over the original lot line, a shed, maybe some pavers, and landscaping. What Mr. Barker wants to do is move an interior lot line so that the shed is on his house property. Mr. Althouse stated that there are 2 properties and we just want to move an interior line to keep 2 lots, they both have lake frontage already so they are not adding any parcel that does not have lake frontage they are just moving a line.

Mr. Munoz stated that he had spoken with Morse Marina Ltd Partnership when it comes to this and since there was no additional lake frontage added and no additional access issues they had no problem with the movement of the lot line. Mr. Zell asked Mr. Munoz who had spoken to and Mr. Munoz stated again the Morse Marina Ltd Partnership who handles the dock access.

Mr. Althouse stated that if you look at the original plat of this section he believes there are 4 lots that have similar shape, they have a 10' or 15' strip going down to the lake where they have left a 18' strip down to the lake on lot 138. Mr. Munoz stated that he believes there was an aerial presented with the docket.

Secretary Vondersaar stated that his question was that the survey shows that the dock is there what is that to which Mr. Althouse stated that those are stairs that need to be replaced or removed...Mr. Barker remarked that the stairs were built 20-25 years ago by the property owner before him. Mr. Barker continued stating that he has been maintaining the stairs and they are probably okay, there is a little wood deck on top and the line goes through the deck so it needs to be torn out and squared up.

Mr. Hayden stated that there are multiple boat...he travels through that channel quite a bit...Mr. Barker remarked that there are 3 docks with 2 boats right now. Mr. Hayden asked if that was an easement for someone behind or what was it to which Mr. Barker stated that he basically just uses it for friends, 1 of the neighbors a half block or so down uses 1 of them and a person from his church



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uses 1 of them...Mr. Barker continued stating that the neighbor has a lift adjacent to the dock and he uses it and the father of his grand-daughter's boyfriend is using 1. Mr. Hayden stated he had just wondered if there was an easement there because he figured it was some easement that people were parking...Mr. Munoz remarked that it was not a common area. Mr. Barker stated that they are currently walking down the steps and walk that exist now but he will probably have another set of steps built strictly on his property if he does decide to sell it.

Secretary Vondersaar asked about the 6'...with the shed...to which Mr. Althouse stated that he just made it even with the side yard being 5'. Mr. Zell asked if the shed currently exists to which Mr. Althouse stated that it does, he stated that it is not permanent but it's pretty permanent. Mr. Barker responded that it has been there probably 6 or 7 years. Mr. Barker continued but telling how he had some trees he had to take down because they were leaning and when he took those trees down he had to either fill or pull the dirt out and he elected to pull the dirt out and build a shed. Mr. Zell asked about the purpose of the pavers to which Mr. Barker responded that the pavers are at the top of the steps and wall...Mr. Zell asked about a grey area to which Mr. Althouse stated that it drops off.

Mr. Zell asked Mr. Barker if he was planning on selling lot 138; Mr. Barker stated that he really does not want to but he stated that he is at the point where he is having difficulty maintaining the property. Mr. Barker continued by stating that when he bought the property it had lots of ravines in it and he has filled those in so it's a fairly level lot and it is very much improved over what he purchased; there is grass planted and basically it's doing okay because he's had a service take care of it for 2-3 years but it's just getting to be too much for him to maintain personally and he is anticipating that there may be a day when he will not be able to physically do it. Mr. Barker stated that he has basically put a park out there with a gym set, there's a play fort etc. for the neighborhood kids to come use. Mr. Barker continued stating that the biggest reason he would not want to get rid of it is because he likes the kids playing there. Mr. Zell remarked that the reason he had asked the question was because if he was anticipating selling the lot would this proposal impact...Mr. Barker stated that he is not going to promise that he will but it's a good possibility that he will just because of his physical condition and it's too much to maintain.

Mr. Zell asked Mr. Munoz about his tech notes saying that there is not a permit on file for the shed, is that going to be or how is it handled...Mr. Barker remarked that he had called the office and asked if he needed one and they asked if it was permanent to which he told them that it was going to have 4 post in the ground so it does not shift but it has a skid floor so it could be moved...Mr. Zell stated that he was not suggesting moving it...Mr. Barker stated that he had been told he did not need a permit...Mr. Munoz stated that it was just going to be grand-fathered. Mr. Barker stated that he had asked the neighbor what color he would like him to paint the shed and the neighbor had asked "what shed".

Secretary Vondersaar stated that what they are wanting to do is take 1 lot and giving it less water frontage, we're not adding a lot or deleting a lot, we're refiguring a property line which if it makes it less valuable to sell with less water frontage that is not our issue.



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Christopher Lutz made a motion to approve PC-0914-008-R3; Stephen Zell seconded the motion. All members present were in favor.

5. PLAN DIRECTORS REPORT:

None

6. PRESIDENTS REPORT:

None

7. LEGAL COUNSEL REPORT:

Mr. Culp introduced Kelleigh Fagen with Church Church Hittle and Antrim. She is studying the Town of Cicero, PC and BZA so you will be seeing her.

8. PUBLIC COMMENT:

None

9. COMMENTS FROM COMMISSION MEMBERS:

Mr. Hayden asked when the Waterfront would be opening to which Mr. Munoz stated that if they cannot be open by the holidays they are talking about spring. Mr. Culp asked Mr. Munoz if they have all of the permits that they need from the State Fire Marshall all the way down to which Mr. Munoz stated that they do.

10. NEXT PLAN COMMISSION MEETING:

November 12th, 2014 @ 7:00 p.m.

11. ADJOURNMENT:

Christopher Lutz made a motion to adjourn and Tim Fonderoli seconded the motion. All members present were in favor and the meeting was adjourned at 8:07 pm.



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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