



**TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
October 6, 2015
At 7:00 PM**

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

Present: Kay Hartley
Chad Amos
Eric Hayden
Dennis Schrupf

Absent: Brett Foster

President Hartley declared a quorum present.

Others Present: Jan Unger, Clerk Treasurer
Charlie Cambre, Park Superintendent
Pat Comer, Street & Utilities Director
Dave Hildebrand, Police Chief
Lance Overholser, Assistant Fire Chief
Paul Munoz, Cicero/Jackson Township Plan Commission Director
Aaron Culp, Town Attorney
Paul Utterback, Storm Water Management Board President

Approval of Agenda:

Ms. Hartley added the quote from ERSI for the GPS maintenance contract for the next year. Mr. Amos made a motion to approve the agenda as amended. Mr. Hayden seconded, motion passed.

Council To Open Proposals For 2015 Main Street Paving Project

The Council received one proposal for the Main Street Paving project. Mr. Hayden opened the proposal from Midwest Paving. The amount of the bid was \$93,420; 4” Thermo Pavement Marking as necessary would be an additional \$1.75 per LF. Mr. Comer stated that they were going to try to do Brinton Street, Main Street and the necessary streets in Hidden Bay where water lines were replaced all at the same time. Mr. Hayden made a motion to approve the proposal from Midwest Paving. Mr. Amos seconded, motion passed. Ms. Unger inquired about the e-verify documents. Mr. Culp stated that each project needed e-verify and the documents should be submitted with the contract. Mr. Hayden made a motion to approve Ms. Hartley signing the contract. Mr. Amos seconded, motion passed.

Adoption of the Town of Cicero 2016 Budget

Ms. Hartley stated that the Council spent a lot of time working on the 2016 Budget. She stated that last week the Council held the Public Hearing on the budget. She asked the

Council if they had any further comments. Mr. Amos made a motion to approve the 2016 Budget for the Town of Cicero. Mr. Schrupf seconded, motion passed.

Approval of Prior Minutes:

Town Council/Department Head Meeting Minutes, September 10, 2015, 7:00 PM – Mr. Hayden made a motion to approve the Town Council/ Department Head Meeting Minutes, September 10, 2015. Mr. Amos seconded, motion passed.

Town Council Special Meeting Minutes, September 9, 2015, 6:30 PM – Mr. Schrupf made a motion to approve the Town Council Special Meeting Minutes, September 15, 2015, 7:00 PM - Mr. Amos seconded, motion passed.

Approval of Claims:

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

Petitions by Citizens:

Brett Morrow addressed the Council regarding Our Town Cicero an Indiana Main Street Community. Mr. Morrow distributed copies of their first newspaper. He explained that this was an introduction to “Our Town Cicero” and that the paper would be coming out quarterly. Mr. Morrow stated that they raised \$4,500 from advertisements sold for the paper. Our Town Cicero also has three projects in the works: 1. Dine on the Causeway; Mr. Morrow showed a photograph of what this would look like. Mr. Morrow stated that this would be done in the style of “Farm to Table” events and should happen sometime next September; 2. They are bringing back the Balloon Splash next summer; and 3. They are sponsoring the “Wicked Walk” at Community Park on October 31, 2015. Events include a Golf Cart Decorating Contest; Wicked Walk 5K Run/Walk; 2.5K Fun Run and 2.5K Youth Race; Pet Parade and Costume Contest; and Kids Costume Contest and Parade. To register for the events visit hartlandendurance.com/event/wicked-walk. These events will be over in time for the kids to head over to the Cicero Christian Church for Trunk or Treat and then trick or treating. Mr. Morrow stated that the organization will meet at the 10 West banquet room on the second Tuesday opposite the Town Council Meetings at 5:00 pm.

Gregg Boyd addressed the Council concerning modification of the existing noise ordinance. Mr. Boyd stated that he has lost \$30,000 in business since the music has stopped. He stated that he had a lot invested in the Town and the complaints didn’t start until after July 4th and they were from only a few individuals. Mr. Boyd stated that he had bands on contract and it was problematic if they could not play outside. He stated that the complaints were from the Condos and that the ordinance should benefit the majority not just a few. Mr. Boyd stated that he has tried to have the music outside without a violation but it was impossible under the current ordinance. He stated that he has met with the Board of the Condos and most are in favor of the music. Mr. Boyd compared this problem with living next to a RR or an Airport; if you live next to a music establishment you should expect to hear the music. Mr. Boyd asked the Council to revisit the ordinance. He stated that they could not survive without outdoor music.

Ms. Hartley stated that the Council was discussing the ordinance. Mr. Amos and Mr. Hayden stated that everyone wants the Lazy Frogg to succeed. Mr. Hayden stated that Chief Hildebrand is working on rewriting the ordinance and they want to get it right. They have to have an ordinance that works for all establishments in Cicero not just the

Lazy Frogg. Mr. Schrupf inquired if they were planning to have outdoor music during the winter and Mr. Boyd stated no, but the summer would hold them over through the winter.

Mr. Culp stated that he has been working with Chief Hildebrand on the ordinance. Mr. Culp stated with regard to the RR or Airport comment by Mr. Boyd that the Condos were there first and then the music came. Mr. Culp stated that five years ago when Mr. Boyd first addressed the BZA that he was asked about music. Mr. Boyd stated that it would only be mood music with acoustic guitars and non amplified music. Mr. Boyd stated that he did not remember that and that he had tried to comply with the ordinance. Mr. Boyd stated that he was a good business for Cicero. Mr. Culp stated that they are looking at surrounding communities' noise ordinances but it could take some time as they wanted to get it right. Mr. Munoz stated that in 2010 at the BZA meeting where Mr. Boyd was applying for several variances including an outdoor patio, members of the audience are recorded as saying they were concerned about noise. Mr. Boyd stated that it would not be large scale, only mood music, such as guitars for ambiance. BZA did not want bands. This variance was not approved. In 2013 at the BZA meeting Mr. Boyd again asked for a patio for music, not big wild bands just a guitar or brass drums, again just mood music.

Chief Hildebrand stated that the Town is working to revise the noise ordinance. They want to make sure it is right and includes all businesses. Chief Hildebrand stated that they have to look at all situations and it is not that easy. Chief Hildebrand stated that we have tried to mitigate and it has got to this point now. Mr. Hayden stated that we have tried days, hours and noise and the town has tried to come to a peaceful resolution but it hasn't worked. Chief Hildebrand stated that the ordinance stated "plainly audible 50 feet beyond boundaries." Chief Hildebrand stated that the musician would start out with an acoustic guitar and then go to an amplified guitar and the police would be called back out. Attendees stated that they wanted to keep the business open and you could not please everyone.

Kathy Jansen on Lighthouse Point said they could hear the music at their place and they had longed for a place like this.

Steve Wagner in Morse Landing agreed with Ms. Jansen that we needed a place like this. He wants to keep it running and stated that you can't please all the people all of the time.

Greg Jansen stated that music was practical to the waterfront. Mr. Jansen stated that it brought people to Cicero from all over and is glad the ordinance is being addressed. He stated that it brought new business and new homes. Ms. Hartley thought if the music was inside there would not be a problem.

Brett Ravenscroft was glad they were working on the ordinance and thought it should contain decibel levels. He stated that the music at Wolfies is what brought them here. He thought the decibels should be between 7.5 and 9. Mr. Ravenscroft stated that the music brings people here from all over and that the Town should be fair to the majority not the minority.

Mr. Amos inquired about a temporary outside permit for non-amplified music. Mr. Culp stated that might be possible as long as noise levels were maintained under the guidelines of the ordinance. Chief Hildebrand stated that they have tried this without

much success. There was an inquiry about boat noise and it was stated that the Town had no control over the lake since they have no legal jurisdiction on the water.

President's Report:

1. President Hartley informed the Council that Terri Strong has resigned from the ECD and she is replacing her with Bruce Knott.
2. President Hartley also informed the Council that she represented our Town on September 17th at the Hamilton County Leadership Academy and at the Noblesville Chamber's 80th anniversary.

Council Committee Reports:

1. Veterans' Plaque for the Cicero Veterans Memorial Walkway – Mr. Schrupf distributed two examples of what could be placed on a rock that the Parks Department had available. One was an engraving on the rock; the other was a bronze plaque on the rock. Mr. Cambre and Mr. Comer's staff would move the rock in place and then Hartley Monument would either have it engraved or apply the plaque. Mr. Culp stated that Ms. Hartley should recuse herself from the vote. Mr. Hayden made a motion to approve the bronze plaque. Mr. Amos seconded, motion passed 3-0 with Ms. Hartley recusing herself.

Legal Counsel Report-Aaron Culp

Mr. Culp stated that he had nothing right now.

Cicero/Jackson Township Plan Commission Report:

Mr. Munoz stated that the Town of Cicero received the 2015 IACT Green Community award for their efforts in promoting a green environment.

Town Engineer Report-Mr. Keith Bryant:

Mr. Bryant reviewed the following:

1. UV Filter system at Wastewater Plant – Mr. Bryant stated that he had the contracts for Ms. Hartley to sign this evening. Mr. Bryant also stated that they would be having a preconstruction meeting on October 7th at Mr. Comer's office at 8 am. He stated that they plan to start at the end of the month.
2. SR 19/Brinton Street – Mr. Bryant stated that they had a walkthrough with INDOT on the SR 19 sidewalk project. There are several problem areas that need to be addressed before Dorsey Concrete comes in to install the Town's portion of sidewalks. Mr. Amos is going to address the issues with INDOT to see if they will correct.

Mr. Bryant stated that with regard to Midwest Paving, they were not sure when they would be here. Midwest is going to try to do Brinton Street, Main Street, and streets in Hidden Bay all at the same time.

Mr. Comer stated that the State should be out of the way on SR19 in a couple of weeks and then we could begin the sidewalk demolition. Mr. Comer said that the Town could do no work while paving is going on. Currently there are several problems with the ADA ramps installed by INDOT.

Mr. Bryant distributed task orders from United for Design and Bid Phase Additional Services and Construction Phase Services for both SR 19 and Brinton Street Widening Projects. There was a discussion on these two task orders. Mr. Schrupf made a motion to approve the Bid Phase Additional Services for SR 19 for \$4,000 and for both the Bid Phase Additional Services for \$1,500 and the Construction Phase Services for Brinton Street Widening Project for \$6,500. Mr.

Amos seconded, motion passed. Update on Hidden Bay – Mr. Bryant stated that the OCRA portion of the Hidden Bay waterline project was substantially complete and he would have Ms. Hartley sign the document. Water mains are installed and tested. Contractor is working on the service lines. Midwest will be in to pave as soon as the service lines are completed.

Old Business:

Council To Consider Agreement With Umbaugh For Bond Issue.

Mr. Hayden was concerned about moving forward with a 1.3 million dollar bond for 20 years. He thought that the tax rate was for a municipal building and now he is hearing that it is for a list of items yet to be determined and that the municipal building is being proposed to be funded by TIF revenue. He did not want to nickel and dime the tax money for no substantial asset. He felt that there could be other revenue sources for the list of items. Mr. Amos stated that no one wanted to decide what specific project the money would be used for until the new council came on in January. Mr. Hayden stated that he was not in favor of the 1.3 million dollar bond. There was a discussion of the projects listed. Ms. Hartley stated that she wanted the money used for something needed. Mr. Munoz stated that there are several things coming up that may need to have funding such as drainage. Mr. Amos agrees that it should be non-specific at this time and hopes the new council makes the right decision. Mr. Hayden stated that the Town should be fully leveraged. Ms. Hartley stated that we should not count on TIF. Mr. Semler stated that 1.3 million would probably not be the final number as we were trying to keep the current rate that goes off in January. Discussion continued. Mr. Schrupf stated that he was okay with the tax rate. Ms. Unger then informed the Council that the decision was made at the last Council Meeting to proceed with the new bond and if they decided not to move forward they would need to rescind the decision from the last meeting. Ms. Hartley called for a vote on the agreement with Umbaugh. Mr. Schrupf made a motion to approve the agreement with Umbaugh. Mr. Amos seconded, motion passed 3-1 with Mr. Hayden voting nay.

Council To Consider Engagement Letter With Barnes & Thornburg LLP For Proposed Bond Issue.

Mr. Schrupf made a motion to approve the engagement letter with Barnes & Thornburg LLP and approve Ms. Hartley to sign. Mr. Amos seconded, motion passed 3-1 with Mr. Hayden voting nay.

Council To Consider Resolution 10-06-2015-1 A Resolution Making A Preliminary Determination To Issue General Obligation Bonds Of The Town Of Cicero, Indiana.

Mr. Schrupf made a motion to approve Resolution 10-06-2015-1 A Resolution Making A Preliminary Determination To Issue General Obligation Bond and approve Ms. Hartley to sign. Mr. Amos seconded, motion passed 3-1 with Mr. Hayden voting nay.

Council To Consider Ordinance 10-06-2015-2 An Ordinance Of The Town Council Of The Town Of Cicero, Indiana, Authorizing The Issuance Of General Obligation Bonds For The Purpose Of Providing Funds To Pay For Certain Capital Projects And Incidental Expenses

In Connection Therewith And On Account Of The Issuance Of The Bonds; An Appropriating The Proceeds Thereof.

Mr. Schrumpf made a motion to approve Ordinance 10-06-2015-2 An Ordinance Of The Town Council Of The Town Of Cicero, Indiana, Authorizing The Issuance Of General Obligation Bonds For The Purpose Of Providing Funds To Pay For Certain Capital Projects And Incidental Expenses In Connection Therewith And On Account Of The Issuance Of The Bonds; An Appropriating The Proceeds Thereof and approve Ms. Hartley to sign. Mr. Amos seconded, motion passed 3-1 with Mr. Hayden voting nay.

New Business

Council To Consider Approval Of ESRI GPS Maintenance Contract.

Mr. Amos made a motion to approve the ESRI GPS Maintenance Contract and allow Ms. Hartley to sign. Mr. Hayden seconded, motion passed.

Comments By Citizens

1. Mr. Murphy thanked Chief Peachey and the fire department for their assistance in the Food Pantry Drive.

Signatures on Official Documents!

Motion To Adjourn:

Mr. Amos made a motion to adjourn. Mr. Hayden seconded, motion passed.

Signatures of Cicero Town Council:

Sylvia Kay Hartley - President

Brett S. Foster - Vice-President

Chad B. Amos

Eric C. Hayden

Dennis D. Schrumpf

Attested: _____
Jan Unger, Clerk Treasurer

The next Cicero Town Council Meeting will be on October 20, 2015, at 7:00 PM at the Cicero Town Hall.