



**TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, August 16, 2016
At 7:00 PM**

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

Present:	Brett Foster	Absent:
	Craig Penwell	
	Chad Amos	
	Chris Lutz	
	Rusty Miller	

Mr. Foster declared a quorum present.

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

Approval of Agenda:

Mr. Amos added a report from the EDC under Committee Reports. Mr. Amos made a motion to approve the agenda as amended. Mr. Lutz seconded, motion passed.

PUBLIC HEARING On Additional Appropriation For Fire Department.

Mr. Amos made a motion to open the Public Hearing on the Additional Appropriation for the Fire Department. Mr. Miller seconded, motion passed. Ms. Unger reviewed the additional stating that is was for \$30,000, \$15,000 for Fire Fill-in Help and \$15,000 Overtime. Mr. Foster inquired if there were any questions of the public. There were none. Mr. Amos made a motion to close the Public Hearing. Mr. Lutz seconded, motion passed.

Approval of Prior Minutes:

**Town Council Meeting Minutes, July 28, 2016, 6:00 PM,
Town Council Executive Session, July 28, 2016, 6:30 PM,
Town Council Meeting Minutes, August 2, 2016, 7:00 PM:**

Mr. Amos made a motion to approve all of the Town Council Meeting Minutes of July 28th and August 2nd and the Executive Session Memorandum for July 28th. Mr. Lutz seconded, motion passed.

Approval of Claims:

Mr. Lutz inquired about the Claim for HWC which is for the Downtown Revitalization OCRA Grant project. Ms. Unger stated that the money has been received from OCRA this week and therefore the bill was being paid. The total project was \$40,000 of which \$39,000 came from OCRA and \$1,000 from the Town. Mr. Amos made a motion to approve the Claims as presented. Mr. Penwell seconded, motion passed.

Petitions by Citizens:

There were none.

President's Report:

President Foster stated that he had nothing this evening except that the State of the Town is good.

Council Committee Reports:

1. Cicero Economic Development Committee (EDC) – Bob Gordon presented to the Council copies of ideas his son Rob Gordon, a licensed architect, gave to him of his vision of Cicero. Mr. Rob Gordon was raised in Cicero and currently lives out of state but would like to move back to the area. Mr. Bob Gordon reviewed the five goals his son stated in the presentation.
 - a. Goal #1 – Build up to the street with parking behind the businesses.
 - b. Goal #2 – Let one building set off the street. Perhaps the Town Hall to create an urban edge and offer space for activities.
 - c. Goal #3 – Create a clear entrance to downtown.
 - d. Goal #4 – Build up to the waterfront with shops and kiosks. Add luxury townhomes.
 - e. Goal #5 – Create a memorable moment. A lighthouse and an event building; perhaps an area you could see through the event building to the lighthouse. Provide parking, housing such as town homes, trails and a community plaza.

Mr. Gordon's hand out provided depictions of his son's ideas.

Mr. Foster thanked Mr. Gordon and the EDC for the work they were doing. Mr. Foster stated that some of the ideas have been discussed previously but some have not. It is good to have other ideas.

Legal Counsel Report- Aaron Culp:

1. Mr. Culp had nothing at this time.

Cicero/Jackson Township Plan Commission Report-Mr. Strong

1. Mr. Strong addressed the Council and presented information they had requested about DeLullo's expansion. The Council thanked him and had no further questions.
2. Mr. Munoz informed the Council that in 2012 the Town worked with Keith Bryant and Aaron Culp to prepare the Town's ADA, Title 6 Transition Plan. Evidently INDOT has been looking at municipal websites to see the Transition Plan was on the website and if it complied with their requirements. The Town's plan was on the website but INDOT did not find it and sent a letter of compliance that needed to be returned to INDOT by August 17, 2016. Mr. Munoz informed the Council that Ms. Kmicikewycz, Mr. Culp and he were working on this letter. The bulk of the issues are just that the information we have is in a different format that INDOT wants it to fit their "cookie cutter" format. Mr. Culp stated that the document will not need a signature and Mr. Munoz received the request as he was appointed by the previous Council as the ADA Coordinator.

3. Mr. Munoz reviewed the Comprehensive Site Redevelopment Program (CSRP). The purpose of the CSRP is to provide one-on-one technical and financial assistance to communities through all stages of the redevelopment process. It is a joint program between the Indiana Office of Community and Rural Affairs and the Indiana Brownfields Program.
 - a. The Town will be submitting the completed Letter of Interest for the program this week specifically looking at the NRG site. It does not commit the Town to anything besides being provided technical assistance from both state agencies.
 - b. Below is a summary of the program from OCRA's website:

Summary: The objective of the Comprehensive Site Redevelopment Program (CSRP) is to provide communities access to resources to address blighted properties within their communities, including those with environmental concerns, in an effort to enhance community economic development and sustain long-term growth. This CSRP initiative is a collaborative effort between the Indiana Office of Community and Rural Affairs (OCRA) and the Indiana Brownfields Program (IBP), an environmental program of the Indiana Finance Authority (IFA). The OCRA and IFA partnership will provide access to technical and financial assistance to help increase the capacity of local units of government to identify, plan, assess, and redevelop blighted properties. This program is not an emergency response program and does reimburse or assist retroactively with community initiatives. The CSRP will guide communities through the following redevelopment process: Pre-Development, Development, and Implementation

Town Engineer Report- Mr. Keith Bryant-

Mr. Bryant was not available but submitted the following report:

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Engineer's Report

1. **SR 19 Sidewalk Project:** The contractor, Dorsey, has completed the work. On August 16, we contacted them with the need to properly repair the ADA ramp built at the alley between Jackson and Buckeye (north of the Water Treatment Plant) where settlement has occurred. Dorsey was sent the final change orders a couple of weeks ago. Upon receipt of the signed change orders and invoice, the Town will need to submit information for reimbursement following completion in accordance with the agreement.
2. **IDEM Notice of Violation / Agreed Order:** We are still awaiting formal approval of the Town's I & I Investigation Plan. In the meantime, we continue to evaluate the lift station basin data, the Town has ordered flow monitor equipment, the Town continues property inspections and sewer video work is to be scheduled with wet weather periods. All of this will help assemble the final Compliance Plan.

As always, feel free to contact our office to discuss any project or other needs.

Thank you.

Keith Bryant, PE

Old Business:

Council To Approve And Sign Closing Documents For The Downtown Revitalization Plan Grant From OCRA.

Colleen Freeman with Mendenhall and Associates informed the Council that the Town has received all of the OCRA Grant funds and it is ready for closing. Mendenhall and Associates will proceed with the closing documents and make copies of all of the paperwork for the Clerk Treasurer's office for audit purposes. Ms. Freeman stated that there were three documents that need Mr. Foster's signature. Mr. Penwell made a motion to allow Mr. Foster to sign all documents. Mr. Amos seconded, motion passed.

Council To Consider Lease/Purchase For SCBA Equipment.

Chief Overholser introduced Shane Maple with Hoosier Fire Equipment Inc. and Stephanie Kovaleski with Republic First National leasing company. Mr. Foster stated that the Council had gone over everything at the staff meeting and was comfortable moving forward but was still waiting on some information. Mr. Foster inquired if the Council had any questions and they didn't. Mr. Foster then asked if Ms. Kovaleski or Mr. Maple would like to say anything. Mr. Maple stated that the equipment they were offering was the newest addition and approved by NFPA Firefighter's standards. Ms. Kovaleski stated that they specialize in Municipal leases and more directly fire equipment. Mr. Maple stated that in the past fire departments didn't purchase equipment unless they could pay for it. Now the equipment is expensive and alternative means of purchasing are being used such as a lease/purchase. When asked, Ms. Kovaleski stated that there was not penalty for early payoff but they like to wait until the second year. There was a discussion on the warranty as the Council is most interested in the 15 year warranty. Chief Overholser stated that they were looking at two different programs. Mr. Amos made a motion to table. Mr. Lutz seconded, motion passed.

Council To Consider Ordinance 08-16-2016-1 Additional Appropriation.

Mr. Amos made a motion to approve Ordinance 08-16-2016-1 Additional Appropriation for the Fire Department. Mr. Penwell seconded, motion passed.

Council To Consider Comprehensive Site Redevelopment Program.

Discussed under Plan Commission.

Council To Discuss Noise Ordinance.

Mr. Lutz stated that he had received a complaint regarding the noise/music at the Lazy Frogg. He stated that he went over the weekend with Mr. Foster and checked the decibel levels. The ordinance stated 90 decibels. The highest reading the got was from 75-80 decibels. Mr. Lutz did not find this offensive and neither did Mr. Foster. Per Mr. Foster the road noise registered in the high 70's. Chief Hildebrand stated that he has received no complaints on the Thursday night music until it was brought up and that he has notified the owner and operator of the Lazy Frogg of the ordinance which states no Thursday night bands.

New Business

Council To Consider Resolution 08-16-2016-2 Transfer Of Funds.

Mr. Lutz inquired about the difference between an Ordinance and a Resolution. Ms. Unger stated that an Ordinance was like a law and that a Resolution could be easily changed. Mr. Culp stated that a Resolution did not change the character or nature of anything. Mr. Amos made a motion to approve Resolution 08-16-2016-2 Transfer funds for the Town Council, Plan Commission, Police Department and the Parks Department. Mr. Lutz seconded, motion passed.

Council To Consider Ordinance 08-16-2016-3 Salary Ordinance For 2017.

Mr. Lutz stated that he did not agree with the portions of the ordinance which included the Town Council increase. Mr. Penwell made a motion to approve Ordinance 08-16-2016-3 Salary Ordinance for the Year 2017. Mr. Miller seconded, motion passed 3-2 with Mr. Lutz and Mr. Amos voting nay.

Miscellaneous

1. Ms. Unger stated that she would be submitting the 2017 Town of Cicero budget through Gateway in the next week. This is no longer required to be published in the newspaper. If anyone would like to know how to find it, they can contact her.
2. Mr. Cambre informed the Council that they had the first meeting for the Impact Study Plan. At the first meeting there were representatives from the real estate, Dan Strong president of the plan commission and Rusty Miller for the Council. They will probably have two or three more meetings. There will also be some public input meetings. The next meeting is October 8th, 2016 from 4-7 pm at the Community Building.

Comments By Citizens

1. EDC – Linda Wilgas inquired if the Council has finalized their priority list. Ms. Wilgas stated that Mike McConnell with the EDC has offered to help with any negotiations regarding the brownfield property. Ms. Wilgas stated that the EDC would like to see this project move along. Mr. Culp stated that the property owner has been sent a letter of enforcement for the unsafe building. He has also been in contact with attorney that represented the property owner and has found that he is not in fact the owner's attorney. Mr. Culp stated that the property owner has now given authority to Mark Reynolds who lives in the area and he will be speaking to Mr. Reynolds regarding the enforcement. Mr. Culp stated that they are still looking into a valid insurance claim for possible cleanup. There needs to be further testing for contamination to be sure it does not include ground water and there is the question of what is under the foundation. Could there be a possible underground tank that has been forgotten? Mr. Culp is concerned what the cost and liability will be for cleanup. Mr. Culp would not want the Town to be responsible for anything prior to acquisition if it came to that. Mr. Culp has spoken with Mr. McConnell and will talk to Mr. Reynolds. Ms. Wilgas stated that the EDC is willing to help if needed. Mr. Foster stated that the Town has someone to work with now.
2. Linda Wilgas stated that she was appointed to the Plan Commission by Mr. Foster and that she has not been able to make the meetings due to other commitments. She stated

that she is willing to resign from the Plan Commission if the Council so desired. Mr. Foster asked Mr. Strong to talk with Ms. Wilgas and get back with a recommendation.

Motion To Adjourn:

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

Signatures on Official Documents!

Brett S. Foster, President

Chad B. Amos, Vice-president

Christopher J. Lutz

Robert J. Miller

Craig S. Penwell

Attested: _____
Jan Unger, Clerk Treasurer

The next Cicero Town Council Meeting will be on September 6, 2016, at 7:00 PM at the Cicero Town Hall.