



**TOWN OF CICERO**  
**TOWN COUNCIL MEETING MINUTES**  
**Wednesday, May 4, 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  
Chad Amos  
Chris Lutz  
Rusty Miller  
Craig Penwell

**Absent:**

Mr. Foster declared a quorum present.

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

**Approval of Agenda:**

Mr. Amos made a motion to approve the agenda. Mr. Miller seconded, motion passed.

**Fire Chief Lance Overholser** introduced Jeremy Hinshaw, Firefighter/Paramedic, to the Council as the newest member of the Cicero Fire Department. Mr. Hinshaw was welcomed to the staff.

**Doug Walker To Discuss The Town's Liability Insurance With The Council.**

Mr. Walker addressed the Town Council and introduced the associates present that work with Walker and Associates to provide our liability and work comp insurance. Those associates included: Pat Downey, Craig Barnhart, Randy Sopp, and Tom Warner. Mr. Walker stated he was here to answer any questions the Council might have regarding their insurance coverage. Mr. Penwell stated that he did have some questions regarding the Baseball Park. Mr. Walker stated that he understood that the local baseball league was running the facility and that the Town was named as an additional insured.

1. Mr. Penwell stated that was correct and that the contract was vague and needed to be reworked. Mr. Penwell also wondered about the new batting cage since it was installed on Town property. Mr. Walker stated that all of these details should be addressed in the contract. The contract should address who is responsible for what, what belongs to the Town, Park, League, etc. If owned by the Town and it is covered

- under the Town's policy, who is responsible for the deductible. Mr. Walker stated that when the contract was complete he would be happy to look over it to see if there were any omission, or problems.
2. Mr. Penwell also inquired about how the policy was updated. Mr. Walker stated that Ms. Unger added new vehicles, equipment, etc and that she also removed the ones replaced. These were scheduled.
  3. Mr. Penwell inquired about OTC's (Our Town Cicero's) dining event on the causeway. Mr. Walker stated that it would be the Town's liability. Special events coverage may need to be added in certain circumstances. Mr. Walker stated that it was wise to let Walker and Associates know when there was a special event happening and to get the Town named as an additional insured on the event sponsor's insurance. Mr. Penwell did not think that OTC had an insurance policy. Mr. Walker also stated they should be notified when new elements with the 4<sup>th</sup> of July event were added.
  4. Chief Hildebrand stated that the event committee reviews all events and that they may need to add additional language for the Town being named as an additional insured. Mr. Walker stated that baseline was one million worth of coverage. The State allows \$750,000 per person and five million per event.
  5. Mr. Warner stated that the Town was asking all of the right questions. With regard to the Baseball Park they should have the Town Attorney look over the contract and then sent to Walker to review.
  6. Mr. Cambre inquired about the Rehabilitation Hospital event the Park allows to operate out of Red Bridge Park. Mr. Walker stated that Mr. Cambre should discuss this with him late.

**Approval of Prior Minutes:**

**Town Council Special Meeting, April 19, 2016, 7:00 PM** – Mr. Amos made a motion to approve the Town Council Meeting Minutes of April 19, 2016. Mr. Lutz seconded, motion passed.

**Approval of Claims:**

Mr. Amos made a motion to approve the Claims as presented. Mr. Miller seconded, motion passed.

**Petitions by Citizens:**

There were none.

**President's Report:**

1. President Foster stated that he had nothing this evening.

**Council Committee Reports:**

1. Events Committee – There was nothing.
2. LED Lighting – Per e-mail – Duke will be sending information.

**Legal Counsel Report- Aaron Culp:**

Mr. Culp was not available.

**Cicero/Jackson Township Plan Commission Report-Mr. Munoz:**

1. Mr. Munoz stated that the special meeting to address NRG was tabled.
2. Mr. Munoz stated that Tina Henderson with Mendenhall and Associates would like to discuss the Downtown Revitalization Plan and moving forward with a possible OCRA Grant. Ms. Henderson addressed the Council and stated that the Town could decide on two possible options for applying for an OCRA Grant this year. The grant could be up to

\$500,000 with a 20% match. One project could be the facades on the Downtown business. The business owners could pay the 20%. The second could be sidewalks and lighting on Jackson Street between SR 19 and Byron Street. .

3. There was an inquiry regarding the Jackson Street and Main Street intersection. Mr. Munoz stated that the Council has the revised plan and it could be discussed at the Staff Meeting.
4. Mr. Penwell inquired about Delullo's and when they were going to open and Mr. Munoz stated that they might have a soft opening this weekend end if they could get everything done. Mr. Amos inquired about issuing a permit stating that he did not want it issued without everything being complete. He didn't want to go back and have issues later.
5. Mr. Amos inquired about the lighting at the Lazy Frogg. Mr. Munoz stated that he has not heard back from Duke or the Lazy Frogg. Mr. Lutz inquired as to who Mr. Munoz was working with at Duke. Mr. Munoz stated that he thought legal council should address the issue with the Lazy Frogg. Mr. Munoz sent a letter was sent to Duke on April 19<sup>th</sup>.
6. Mr. Lutz went back to the two projects that Ms. Henderson addressed: the facades and the sidewalks and lighting. He wondered how these fit into the Council's priorities. Mr. Lutz stated that he thought the facades were worth going after first. Ms. Henderson stated that the facades might be harder to get together by the deadline of October 14<sup>th</sup>. She stated the sidewalks and lighting may be easier to facilitate. Mr. Lutz inquired if the lighting could be done on SR 19. Ms. Henderson stated that the Downtown Revitalization Plan went from SR 19 to the Causeway. There was a discussion. Mr. Penwell thought the Council should look at their priority list. Ms. Henderson said they had a little bit of time but the Council should decide soon. This will be put on the Staff Meeting agenda. Ms. Henderson will be there around 8:00 pm to discuss with the Council.

#### **Town Engineer Report-Mr. Keith Bryant:**

Mr. Bryant reported on the following:

1. SR 19 Curbs and Ramps – Mr. Bryant stated that Dorsey was planning to start on this project the week of May 9<sup>th</sup>.
2. UV Filtering system is up and running. Still need to do grading and seeding. Mr. Bryant stated that there is a final change order he would like the Council to consider. He reviewed the items on the change order and the final amount to pay to Thieneman Construction, Inc. if approved would be \$2,038.54. Mr. Lutz made a motion to approve the change order and allow Mr. Foster to sign. Mr. Amos seconded, motion passed.
3. Mr. Bryant stated that IDEM has received the signed Agreed Order and the Town will begin the Mitigation Plan.
4. Mr. Bryant stated that they received another violation letter which covered the same things in the Agreed Order and United has prepared a response letter for the Council to approve. Mr. Amos made a motion to approve the response letter to IDEM and allow Mr. Foster to sign. Mr. Miller seconded, motion passed.

#### **Old Business:**

There was no old business this evening.

## **New Business**

### **Council To Consider Resolution 04-19-2016-1 A Resolution of the Town Council Of The Town of Cicero, Indiana Approving the Downtown Revitalization Study.**

Mr. Amos made a motion to approve Resolution 04-19-2016-1 A Resolution of the Town Council Of The Town of Cicero, Indiana Approving the Downtown Revitalization Study. Mr. Penwell seconded, motion passed.

### **Council To Consider Ordinance 04-19-2016-3 Noise Ordinance.**

Mr. Amos made a motion to untangle. Mr. Lutz seconded, motion passed. Mr. Amos stated that he thought the time on Sunday was extended to 7:00 pm. There was a brief discussion. Mr. Penwell made a motion to approve Ordinance 04-19-2016-3 Noise Ordinance with the amendment of changing the Sunday cutoff time to 7:00 pm. Mr. Amos seconded, motion passed.

### **Council To Consider Resolution 05-04-2016-1 Transfer Of Funds For Park.**

Mr. Amos made a motion to approve Resolution 05-04-2016-1 Transfer Of Funds For Park. Mr. Miller seconded, motion passed.

## **Miscellaneous**

1. Mr. Lutz inquired if we needed to discuss the Jackson/Main Street intersection. There was a discussion on this issue and if the Town needed to get a Feasibility Study completed. Mr. Hildebrand stated that he would be installing a camera at this intersection and that should give us some good data. Mr. Amos stated that we should look at this and see how it fits in the Ms. Henderson's proposal.
2. Mr. Miller suggested that we move forward with choosing a Financial Planner that way we could have a coordinated plan. This will be discussed at the Staff Meeting on May 12<sup>th</sup>.
3. Mr. Cambre informed the Council that the Tree of Hope planting happened on April 30<sup>th</sup> in spite of all of the rain. It turned out to be a very nice event. Representative Tony Cook and Senator Jim Buck were in attendance.

## **Comments By Citizens**

There were none.

## **Signatures on Official Documents!**

## **Motion To Adjourn:**

Mr. Penwell made a motion to adjourn. Mr. Lutz seconded, motion passed.

## ***Signatures of Cicero Town Council***

*(On page 5)*

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Brett S. Foster, President

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Chad B. Amos, Vice-president

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Christopher J. Lutz

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Robert J. Miller

\_\_\_\_\_  
Craig S. Penwell

Attested: \_\_\_\_\_  
Jan Unger, Clerk Treasurer

**The next Cicero Town Council Meeting will be on May 17, 2016, at 7:00 PM at the Cicero Town Hall.**