



**TOWN OF CICERO**  
**TOWN COUNCIL MEETING MINUTES**  
**Tuesday, March 21, 2017**  
**At 7:00 PM**

**Call To Order:** President Chad Amos called the meeting to order and led the Pledge of Allegiance. Adam Coulter gave the prayer. President Amos called for the roll call and the members of the Town Council were present or absent as follows:

<b>Present:</b>	Chad Amos	<b>Absent:</b>
	Brett Foster	
	Chris Lutz	
	Rusty Miller	
	Craig Penwell	

President Amos 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, Fire Chief  
Dan Strong, Interim Cicero/Jackson Township Plan Commission Director  
Aaron Culp, Town Attorney  
Keith Bryant, Town Engineer  
Paul Utterback, Storm Water Management Board President

**Approval of Agenda:**

Mr. Amos added under President an EDC item. Mr. Penwell added under Miscellaneous a discussion on the RFPs for the Municipal Building Study. Mr. Penwell made a motion to approve the agenda as amended. Mr. Foster seconded, motion passed.

**Discussion On Nickel Plate Railroad. Brenda Myers With Hamilton County Tourism, Inc. And Glen Schwartz Have A Presentation.**

**Ms. Brenda Myers** addressed the Council and introduced Glen Schwartz with the Railroad. Ms. Myers presented the Council with a plan the Nickel Plate Heritage Railroad “team”, which consists of Hamilton County Tourism, Inc., Stephen Nelson owner of Mr. Muffin’s Trains in Atlanta, and Thomas Hoback former owner and president of the Indiana Railroad, has developed to keep the train in operation in the northern part of Hamilton County. Ms. Myers stated that most people like a short excursion on the train and this northern track would provide that. At this point, Cicero is not included but it is open for discussion. She would like to include Cicero because of all of the restaurants the town has. Besides the excursions there is a possibility for light freight. There are grants that the Railroad could apply for and by adding light freight it would open up more available grants. Mr. Amos inquired as to how often it would run and Ms. Myers stated that probably three days a week. Mr. Amos inquired about the light freight and Ms. Myers stated that it would probably only run 1-2 days a week. Ms.

Myers stated that they have a draft pro forma outlining all possible options for the track and would be happy to discuss further if the Council was interested.

**Glen Schwartz** addressed the Council and reviewed the report prepared by Jannotti Rail Consulting, Inc. out of Pennsylvania. Mr. Schwartz stated that the costs of repairs in the report were based on east coast prices which were higher than the midwest. Mr.

Schwartz stated that the RR could be ready to run to the Fair Ground on a Class 1, which is 10 MPH. It would \$55,000, four weeks of work and a qualified engineer. To upgrade to a Class 2, which runs at 30 MPH, it would take \$2,000,000 to \$2,500,000. Classified at a Class 2 the train could run from Indianapolis to Tipton. Ms. Myers stated that with ½ million the Tipton to Arcadia portion could be in pristine shape. Mr. Miller inquired about the Rail/Trail work. Mr. Schwartz stated to do the trail there would need to be bridges build, landscaping, drainage, trees cut and they would need to be careful of the slope of the railroad banks. It could be done but it would be expensive and have to be approved. Mr. Amos thanked Ms. Myers and Mr. Schwartz for their information.

**Council To Open Bids For Two Paving Projects.**

The Council received seven bids and they were opened as follows:

	<u>Company Name</u>	<u>Project A</u>	<u>Project B</u>	<u>Opened by</u>
1	Globe Asphalt Paving	\$178,600.00	\$129,400.00	Craig Penwell
2	Harding Group	\$176,437.00	\$118,649.00	Brett Foster
3	Midwest Paving LLC	\$158,895.00	\$102,461.00	Rusty Miller
4	Milestone	\$233,800.00	\$185,300.00	Chris Lutz
5	Grady Brothers Inc	\$199,971.00	\$137,928.00	Craig Penwell
6	Ace Paving LLC	\$205,000.00	\$142,361.00	Chad Amos
7	Baumgartner & Company	\$154,299.00	\$107,748.00	Chad Amos

Mr. Amos asked for a motion to approve for the projects this evening. Mr. Penwell made a motion to approve Baumgartner & Company for Project A and Midwest Paving, LLC for Project B contingent on all documents being present. Mr. Miller seconded, motion passed.

**BF&S to address Council regarding Park 5-year Master Plan.**

Mr. Cambre stated that Jason Griffin and Tamera Doty-Davis were here this evening to finalize the Parks Department 5-year Master Plan. Mr. Griffin with BS&F stated that at the Staff Meeting on March 16<sup>th</sup> his team reviewed the plan they have been working on for the last 9 months and thanked the Council for the opportunity to work with the Town. Mr. Griffin stated that they have had open houses, input from the Friends of the Park, the public, input from the steering committee and the Council and staff. Ms. Doty-Davis is a professional playground safety consultant and has reviewed Cicero’s ADA Transition and has identified deficiency we have and a plan of action. Mr. Griffin inquired if there were any questions from the Council, there were none. Mr. Foster made a motion to approve the Resolution to accept the Park and Recreation Master Plan for the next five years and the Assurance of Accessibility Compliance with Architectural Barriers Act of 1968 (as

amended); Section 504 of the Rehabilitation Act of 1973 (as amended); and Title II of the Americans with Disabilities Act of 1990 (as amended.) Mr. Lutz seconded, motion passed.

Mr. Comer informed the Council that the bid from Midwest Paving did not include the e-verify documents. There was a discussion as to whether or not they had to be with the bid or executed by the bidder if approved. Mr. Culp will look at the specs.

**Approval of Prior Minutes:**

**Town Council/Department Head Meeting Memorandum, February 16, 2017 -**

**Town Council Meeting Minutes, March 7, 2017, 7:00 PM –**

**Town Council/Department Head Meeting Memorandum, March 16, 2017 -**

Mr. Lutz made a motion to approve the February 16, 2017 Town Council/Department Head Meeting Memorandum, and the March 7, 2017 Town Council Meeting Minutes and Town Council/Department Head Meeting Memorandum, March 16, 2017. Mr. Miller seconded, motion passed.

**Approval of Claims:**

Mr. Foster made a motion to approve the claims as presented. Mr. Lutz seconded, motion passed.

**Petitions by Citizens:**

**Steve Zell** stated that he was here as a citizen of Cicero, not representing the Plan Commission or BZA of which he is a member. He would like to address the Train verses the Trail. Mr. Zell stated that he thought the train fit well into our economic growth as discussed in the Town's comp plan. He has listened to the debates. Noblesville and Fishers' position is to remove tracks. He is concerned about the impact it would have to the north. Mr. Zell stated that Fishers was having a public meeting tonight to discuss. Mr. Zell stated that Cicero does not have a dog in the fight but what will happen to the track to the north if the tracks are abandon. Mr. Zell stated that once the tracks are gone we will never be able to get them back. He hopes that we keep the tracks.

**Adam Coulter**, minister at the Cicero Christian Church, addressed the Council and explained their desire to have an Easter egg drop from a helicopter. They would like to partner with the Town. There was a discussion regarding insurance. Mr. Foster made a motion to donate \$250 to the Church to be included in their advertising and that the Town would be named on both the Church and the Helicopter's insurance policy as an additional insured. Mr. Lutz seconded, motion passed.

**President's Report:**

President Amos reported the he and Linda Wilgus had conducted interviews with a few interested in the EDC position opening left by Mr. Al Wilson's resignation. Mr. Amos stated that Joe Cox has been selected to fill the vacant position and asked Mr. Cox to say a few things about himself. Mr. Cox thanked the committee for his selection. Stated that he has lived here 2 years and is looking forward to working on this committee.

**Council Committee Reports:**

1. OTC Report – Mr. Miller informed the Council of the following:
  - a. The OTC has held their public hearing. The matching funds from the business owners are due on April 3<sup>rd</sup>. They will then submit an application for the grant.
  - b. April 27<sup>th</sup> is the Murder Mystery night and tickets are now available.
  - c. The 3<sup>rd</sup> Thursday's events are going well.
2. EDC Report –

- a. Mr. Foster and Mr. Lutz stated they had nothing this evening.

**Legal Counsel Report- Aaron Culp:**

1. Mr. Culp requested an Executive Session to discuss the lease on the cell tower. The Council stated that they would get back with him on a date.
2. Mr. Culp stated that NRG has Moon still working on the sites clean up. Mr. Culp stated that Gasho has requested to do the demolition in May so it can be completed in conjunction with the demolition of the Town's property. There was a discussion regarding this extension. Mr. Amos asked Mr. Culp to see if the property owner will put the funds in escrow for the demolition and confirm a date on the demolition.

**Cicero/Jackson Township Plan Commission Report-Mr. Strong.**

1. Plan Commission Director – Mr. Strong informed the Council that the committee to select a plan commission director has concluded their interviews. Mr. Strong stated the committee consisted of Chad Amos, Craig Penwell, Steve Zell, Dave Martin, Tim Fonderoli and himself. They have selected C.J. Taylor as their recommendation to the Council for approval. Mr. Strong gave the Council copies of Mr. Taylor's application and credentials to review and discuss for the next Town Council Meeting. Mr. Taylor stated that he was excited to have the opportunity to expand his personal and professional experience and thanked the committee for his recommendation. Mr. Foster inquired how many were interviewed and Mr. Strong stated four.
2. MI Homes – Mr. Strong distributed a 1<sup>st</sup> draft of MI's PD Ordinance, a plat with the street lights designated and a list of changes the Plan Commission has requested. Mr. Foster inquired about the front setbacks and Mr. Strong stated that that it was 25 feet. Mr. Foster thought that Warehams Pond was 25 feet and Greystone was 30 feet. Mr. Foster would like to see 30 feet. Mr. Strong stated that he would check and let him know what those two developments were. Mr. Penwell inquired about the commercial section that was planned for the southeast corner of Tollgate and 236<sup>th</sup>. Mr. Strong stated that they are lowering that to a less impact business and removing the parking from the rear. Buffering will be added. Mr. Strong reviewed the street light plan. Mr. Lutz stated that the Town needed to address standard street lighting. Mr. Strong stated that there would be more buffering between Morse Landing West and Morse Landing.
3. ADA Compliant - Mr. Strong stated that he was following up on the Town's ADA plan and that it was required that the Town has a grievance procedure for both the Title VI and for ADA. The Town had the one for ADA and he has prepared one for Title VI that Mr. Culp is reviewing.

**Town Engineer Report-Mr. Keith Bryant –**

Mr. Bryant reported on the following:

1. **Mr. Bryant** stated that after several contacts in 2016 to Midwest, where there was still an outstanding bill that Midwest Paving said the Town owes regarding the water main project at Hidden Bay. The Town has reviewed their invoice and determined that the Town would pay \$3,500. There had been no response from Midwest. Mr. Bryant stated that last week, Doug Denney with Midwest contacted him to see if the Town was still willing to settle for the offered \$3500. Mr. Penwell made a motion to approve paying Midwest \$3,500 for additional work they did on the Hidden Bay Watermain project. Mr. Lutz seconded, motion passed 4-1 with Mr. Amos voting nay.
2. Mr. Bryant stated that with regard to the I & I project they have had some good rain data. The meters were moved today and this is their fourth position. Mr. Penwell inquired about the solids and Mr. Bryant stated they were studying the hydraulic and metabolic.

## **Old Business:**

### **Council To Consider Resolution 03-21-2017-1 For Applying For Community Development Block Grant (CDBG).**

Mr. Amos read the Resolution by title and number. Mr. Foster made a motion to approve Resolution 03-21-2017-1 for applying for Community Development Block Grant (CDBG). Mr. Miller seconded, motion passed.

### **Council To Consider Ordinance 03-21-2017-2 Establishing A New Fund For Receipts and Disbursements Of The Community Development Block Grant (CDBG) Funds.**

Mr. Amos read the Ordinance by title and number. Mr. Lutz made a motion to approve Ordinance 03-21-2017-2 Establishing a New Fund for Receipts and Disbursements of the Community Development Block Grant (CDBG) Funds. Mr. Penwell seconded, motion passed.

### **Council To Consider Ordinance 03-21-2017-3 Establishing A New Fund For The Purpose Of Implementing A Façade Improvement Program.**

Ms. Unger stated that this Ordinance setup the fund for the Town's Façade Improvement Program and that the Council should also transfer \$5,000 into this fund from another fund. Ms. Unger suggested the Rainy Day Fund. Mr. Miller made a motion to approve Ordinance 03-21-2017-3 Establishing a New Fund for the Purpose of Implementing a Façade Improvement Program and to transfer \$5,000 from the Town's Rainy Day Fund. Mr. Lutz seconded, motion passed.

### **Council To Discuss Baseball Park Contract.**

Mr. Miller stated that the Council had a copy of the proposed lease for the Town's baseball fields. Mr. Miller stated that there needed to be some changes made and asked the Council to review and let him know if there were any changes they would like to see. Mr. Amos suggested at #11 and #15 which include the Utilities Director and the Park Superintendent. Mr. Miller stated that the final agreement should be ready by the April 4<sup>th</sup> Town Council meeting.

### **Council To Consider Resolution 03-21-2017-4 A Resolution Of The Town Of Cicero In Support Of Utilizing The Nickel Plate Railroad Property For Walking Trails.**

Mr. Penwell stated that he has open ears and is willing to listen to options, train or trail. He was interested in the presentation this evening by Ms. Myers but it did not include Noblesville and Fishers.

Mr. Amos stated that he was not a history buff and thought the idea of the trail best. Mr. Amos stated that getting the Port Authority to repair the tracks has been an ongoing problem. If the south end of the tracks was shut down there is a possibility of working the northern train proposal. Mr. Amos stated that there seems to be some confusion on the costs. This is the early stage and Cicero will need to wait and see how it goes since we have no authority or voice in what happens.

Mr. Foster echoed Mr. Amos' position. Mr. Foster is more in favor of the trail but understands the other side. He believes that the trail will benefit more people. The tracks are problematic and doesn't want to see this deterioration continue. There is a lot to

digest and would like to take some time before deciding. Mr. Foster would like to have both track and trail but it seems like there are safety and financial issues.

Mr. Amos stated that he is for the train. Once it is gone it will be gone forever. He is not sure how much the trail would be used. He assumes that Noblesville will have no money to come north with the trail. The problem is that the Port Authority did not maintain the rails. ITM was supposed to maintain them and didn't. Mr. Miller stated that Chief Hildebrand had to pressure both the Port Authority and ITM to get some work done on the Town's crossings.

Mr. Miller stated that once the rails were gone they would be gone. Not sure what will happen to the rail from Forest Park to Cicero. Mr. Amos has talked with Bruce Kettler with Beck's Hybrids and Beck's is neither for nor against the train.

Mr. Lutz referenced that the Town should control the Council's vision. What does the Town want verses what we get? Mr. Lutz stated that the Resolution was written to promote discussion.

### **Council To Approve Agreement With Gasho And Give Permission For The President To Sign.**

It was noted that the clerk treasurer's name needed to be changed and there was a discussion on a timeline. Mr. Penwell made a motion to approve the agreement with the clerk treasurer's name change. Mr. Lutz seconded, motion passed.

### **New Business**

There was none.

### **Miscellaneous**

1. Mr. Penwell informed the Council that they have a copy of the contract with MKSK for the Main Street/Jackson Street intersection and for the Main Street Trail. Mr. Penwell would like the Council review and get back with him on any changes or additions.
2. Mr. Comer stated that Mr. Culp was okay with Midwest executing the e-verify after approval. The criteria for the e-verify was ambiguous as to when it needed to be executed.

### **Comments By Citizens**

1. Vic Orton, 610 N. Peru, addressed the Council with his concerns about the train verses trail discussion. He stated the following:
  - a. The trail in Kokomo was not used that often,
  - b. Probably only 10% of the population uses trails,
  - c. The Monon Trail in Westfield was not used that much,
  - d. The Stringtown Pike path may only have one person on it,
  - e. Concerned about the trail to Koteewi Park would probably not be used,
  - f. The Government was using tax payers money for a small percentage of the community,
  - g. The government should stop raising taxes and start giving back to the people,
  - h. Wanted to know who would install bathrooms, maintain the tracks, and provide rest stops,

- i. He stated that the trail from Lebanon to Frankfort was bankrupt and they were looking for someone to take it over.

Mr. Amos stated that the budget was looked at carefully by the Council and their intent was not to raise taxes.

Mr. Foster stated that the Town really has no control over what happens to the tracks.

Mr. Lutz inquired if Mr. Orton was for the train. Mr. Orton said he was and would like to see a commercial line.

2. Mr. Zell stated that he was not against the trail but against losing the train. The train needs a good operator. He stated there needed to be a management board that would make good decisions.

3. Mr. Penwell suggested that the EDC contact Mr. Myers to discuss further and get updated reports as to what was happening at the south end of the county and what the potential is for Cicero.

**Motion To Adjourn:**

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

**Signatures on Official Documents!**

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Chad B. Amos, President

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Robert J. Miller, Vice-president

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Christopher J. Lutz

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Brett S. Foster

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Craig S. Penwell

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

**The Next Cicero Town Council Meeting will be on April 4, 2017, at 7:00 PM at the Cicero Town Hall.**