



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

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

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

Absent:

President Amos declared a quorum with all five members present.

Others Present: Jan Unger, Clerk Treasurer
Charlie Cambre, Park Superintendent
Dave Hildebrand, Police Chief
Lance Overholser, Fire Chief
Dan Strong, Interim Cicero/Jackson Township Plan Commission Director
Keith Bryant, Town Engineer Report
Aaron Culp, Town Attorney
Paul Utterback, Storm Water Management Board President

Approval of Agenda:

Mr. Amos added item to Misc. section for Charlie Cambre from Parks Department. Hearing no other items for agenda asked for motion. Mr. Foster made motion to accept the agenda for March 7, 2017 as amended. Mr. Lutz seconded, motion passed.

Approval of Prior Minutes:

Town Council Executive Session Memorandum, February 16, 2017, 6:00 PM -

Town Council Meeting Minutes, February 21, 2017, 7:00 PM -

Town Council Executive Session Memorandum, February 23, 2017 6:00 PM -

Mr. Penwell made motion to approve all three. Mr. Lutz second, motion passed.

Approval of Claims:

Mr. Lutz made motion to approve claims as presented. Mr. Foster second, motion passed.

Petitions by Citizens:

Mr. Troy Ferguson stated that he was here as a private citizen to express concerns about Town leadership. Mr. Ferguson continued to read a letter he had written expressing his concerns with OTC and leadership. When Mr. Ferguson continued to discuss happenings in another town, Mr. Amos stopped him to state issues in Kokomo were not a part of the Town's concerns. Mr. Ferguson stated he was being denied his right to speak. Mr. Culp

explained he felt Mr. Ferguson was asking for something the Council did not have authority over. OTC is a 501C3 and as such the Council does not control their money or membership. So what is he asking for from the Council? Mr. Ferguson kept referring to his letter he wanted to read in public. Mr. Penwell stated it seemed his purpose was to disparage a Town citizen in public, he didn't see another way it was going and what was happening in another town didn't pertain. Mr. Ferguson asked to continue with letter on different topic. Mr. Penwell granted that right. Mr. Ferguson continued asking that Public Meeting on March 14th regarding the OCRA Façade Grant be postponed, citing distribution of funds to be stopped. Mr. Ferguson expressed his concerns regarding this project. Mr. Ferguson continued with his concerns referring to a list of ten questions. Mr. Ferguson left documents with Ms. Unger of projects of which he referred. Mr. Ferguson continued with the rest of his letter, thanking many members of the community including Mr. Foster and Mr. Lutz. Mr. Lutz asked him to leave his copies of the questions. Mr. Ferguson stated he was frustrated with progress and only wants to believe in Cicero.

Emily Pearson asked if discussing/voting on the Rails/Trails projects should be discussed now or would there be a time later. Mr. Amos stated there would not be a vote however, they would be discussing in light of happenings in Noblesville and Fishers. Ms. Pearson stated she had several questions and she would be allowed to ask at the time of discussion, she would wait until then. Council thanked her for waiting.

Kathie Bowman for Lights over Morse Lake presented the brochure from last year, and stated last year's rain barrel focus on page 7. She asked if the Town would get back with her regarding its ad for this year's brochure. Mrs. Bowman asked for a commitment from Town to cover printing costs for an amount up to \$2000 and \$500 for design of program. Ms. Unger stated this funding came from festival fund in past and that there was money to cover these items this year. Also discussed, was the past donation for promotion of Town for \$500 which is budgeted in promotion fund. Mr. Amos stated he would entertain a motion for all three portions at this meeting, funds coming from two different budget funds. Mr. Foster made motion to support Lights over Morse Lake with \$2500 from Festival Fund for the brochure and \$500 from Promotion Fund for the donation. Mr. Penwell seconded, motion passed. Mrs. Bowman thanked everyone for support. Dates for this year are July 1-4th, starting with carnival on Friday June 30th. Deadline for submission for advertising and articles is May 15, 2017. The contact is Kathie Bowman. Mr. Foster did a special thank you for Greg and Kathy for their work on the LOML.

Brett Morrow stated for the record, the club Mr. Ferguson referred to closed January 31st. He just wanted to say after last 30 days he was thankful for family which are gone now and for friends that become family in community. The support is appreciated, never thought to be back here but support has been good. He asked Mr. Amos to tear up the original request to speak. Mr. Morrow also stated he felt Mr. Ferguson had good ideas for the Town of Cicero. And that the Town was a great Town and only getting better.

President's Report:

President Amos had one item to follow up on. The EDC is going to be lacking one member. Chairperson Linda Wilgus he have done some interviews. He expects the selection process will be completed soon and will likely name that individual at next Town Council meeting.

Council Committee Reports: No Reports

Legal Counsel Report: Mr. Culp had two updates.

1. Mr. Culp stated the revised license agreement document for Pier Project is completed and has been sent for signatures. Mr. Culp stated that they have an agreed contract with the construction company.
2. On Ramp Indiana discussions are ongoing. Mr. Culp has asked for them to attend a Town Council meeting.
3. Mr. Culp stated with regard to NRG that Mr. Reynolds has retained Gasho for the demolition of the building. The clean up contractor has been paid. Demolition including smokestack, will commence in the next few weeks. He will continue to follow up.
4. Mr. Penwell asked for update on contracts for Jackson/Main and Main Street pay study. Mr. Culp stated the contractor agreed on the changes. Mr. Culp stated pending his revisions it would be brought to the Council for approval. Mr. Culp to verify status and address at next Town Council meeting.
5. Ms. Unger stated that the Council has reviewed the License agreement as it was in their packets and are ready to approve this evening. Mr. Culp stated if the revised License Agreement has been reviewed by the Council then it could be voted on this evening since there individual signature pages. Mr. Penwell made motion to sign License Agreement for Pier Project. Mr. Miller seconded, motion passed.

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

Mr. Strong introduced Mr. Hatchel to discuss the Arbor Home project and plan change area to PD-R3 zoning. Mr. Hatchel expressed the passion displayed tonight is one of reasons for desire to build in area. The plan tonight is to show where they were and where they are now with all changes considered. Original plan was 511 home sites, changes were made to make it 485 with increased sizes to the home sites on the thoroughfare primarily. This reduction in home sites is a financial strain to the builder. District 5 is now a new district, empty nester product of ranch style only, in place of the park. Mr. Penwell asked if there was a requirement in the HOA to designate empty nester. Mr. Hatchel stated this would be an age targeted area, with a maintenance agreement thru the HOA that would be available to them. Mr. Hatchel continued with the comparisons regarding layout changes. District 4 is last phase, new PD states no vinyl allowed in this area. Continuing with the same front percentages in brick as other areas. The lots as described would be minimum widths. Mr. Strong asked for park changes to be discussed. Mr. Hatchel stated there is still green space but not a park area per say, this is in the wellhead area. Discussion of 3-4 acres would remain, with green space equaling the original amount.

Mr. Hatchel went on to discuss overall development requirements. A lift station is required for this development and would leave room for future development/improvements for the Town. Jackson Park would use approximately 58% of the capacity leaving 42% for Town improvements. Mr. Hatchel discussed benefits to water pressure with infrastructure being proposed for the development. Mr. Hatchel shared breakout of costs associated with the infrastructure costs from Britton Street extension to the oversized sewer to lift station exceeding \$5.6 million. Economic impact estimates were given by Arbor, including water/sewer/park impact fees and property tax. Impacts were given based on ten year build out time, at 50 houses per year, revenue for Town estimated at ten million dollars. An expected \$1.2 million as ongoing revenue after build out time. Presentation included

Water/Sewer/Park fees as cost share 45% with Town. Mr. Hatchel gave examples of partnering when infrastructure improvements exceeded need for development. This proposal was done as a life of project for Arbor to recoup costs of \$5.6 million. Numbers in presentation were with 45% deducted.

Mr. Foster expressed improvements to plan, concern of the setbacks, not enough driveway space. Mr. Miller asked for property tax definition. Discussion ensued. Ten year build out was used for numbers presented. Concern was with raising costs to taxpayers. There was a discussion around max levy and process.

Mr. Penwell asked for contribution costs. Mr. Hatchel answered just over one million dollars for the Town. Mr. Miller questioned the breakouts. Arbor's engineer answered regarding the fee structure to be collected from another developer for the south area. A discussion ensued. Mr. Culp stated the expansion of wastewater is required. Mr. Penwell addressed the green area on the map additional area served by improvements, clarifying the needs of Town versus minimums for project. Mr. Penwell stated when you take out the Britton Street extension then additional Town requests for materials are just under \$115,000. So if requirements versus list of needed by the Town, the hard dollars are \$115,000. Why would the Town contribute one million? Discussion ensued around incidental costs versus incremental costs from Mr. Bryant. Mr. Penwell asked for clarification for what would be needed for Arbor to do the project versus the requests for the costs that the Town has discussed. Arbor's engineer continued to stress the area to the south as gain from the improvements. Mr. Penwell stated the availability fees are not free, they are used for the future infrastructure needs.

Mr. Strong clarified Mr. Bryant's comments regarding the \$641,410 for oversized sanitary sewer to north, original \$320,705 was Arbor and Cicero portion \$320,705. There was continued discussion on the math; costs versus proportional costs and the needs versus upgrades.

Arbor's engineer continued with the benefits of improvements for future development to the south stating \$200 per lot costs to remove doesn't save Arbor much money. In addition the area to the south of their development would have to put in identical equipment when developed. Mr. Penwell clarified that it costs an additional \$200 per lot to do these improvements, \$200 per lot and asking for the ability to do a PUD. Mr. Penwell stated the costs are \$100,000 not one million. Arbor's engineer stated the economics of the project were such that they would not continue with the development without the partnering. Mr. Penwell questioned, you would not development the neighborhood? Arbor's Engineer stated yes, makes all of the area developable in future. Mr. Culp discussed the math, stating Arbor was asked to leave this out of their presentation this evening as the request they were asking for this evening hasn't been reviewed thoroughly by the Council. Mr. Culp stated that now the Council is being told take it or leave it.

Mr. Hatchel discussed the time line, the requests that have been made from the lots and pro forma process. It isn't just the \$100,000 it is the extra capacity that the Town has ability to capitalize on and ability to recoup costs. It's also the 26 lots lost, it is five million dollars in revenue lost. Business decision, this is where Arbor is.

Mr. Amos stated he would entertain a motion for tabling, for approval, or for deny. There was further discussion from Board. Mr. Lutz concern was time to review, for the 3/3/3

breakout. He appreciates the thoroughfare improvements. Mr. Foster discussed setbacks and the closeness of homes, would like to see thirty-five feet not twenty-five feet setbacks. Twenty-five feet is too close to the road. Mr. Culp stated the only action for tonight is to vote up or down the PUD or table. Upon approval it goes back to Plan Commission for review since it has been amended, this is based on Indiana code. Mr. Amos asked for clarification from plan commission proposal for continuation of trail on 234/235th. Mr. Hatchel stated it was not included; there is walking trail and sidewalks. Mr. Hatchel repeated his statement that not knowing what other costs they did not commit to additional trail.

Mr. Miller asked Mr. Culp they could approve the PUD without the partnering. Mr. Culp answered that council could approve without the partnering and could choose to discuss the partnering further. However, based on the amount and disagreement on the apples to apples numbers he would recommend tabling.

Mr. Penwell stated from what he heard, if the Town doesn't make the commitment for partnering the project is done. Mr. Hatchel confirmed that was correct. Mr. Miller expressed his concerns for the costs and cost to taxpayers at one million dollars. He also stated concern for any other investor coming in. There was a discussion on protocol. Mr. Lutz made motion to approve Jackson Park PUD project as presented. Mr. Penwell second. Using a show of hands the vote was as follows: Approve: 0, Opposed: 5. Motion failed 0/5.

Five minute break taken.

Town Engineer Report-Mr. Bryant

Mr. Bryant stated that they were continuing with the I & I study and were planning to move the flow meters soon since we have received some wet weather.

Old Business

Council To Approve Proposal For Demolition Of 40/40 ½ Short Street.

There was a discussion on using the Short Street Property for training for the Fire Department. Ms. Unger suggested calling the vendor to verify effect on proposal if used for training by Fire Department. Mr. Miller made a motion to approve proposal for demolition at cost of \$14,000 by Gasho's. Mr. Lutz second. Motion approved 5-0.

Town Council To Discuss The Rail Road And Trails.

Mr. Culp gave preface to presentation on Rails and Trails. At this time Cicero is not involved in the proposal. Railroad is owned by Noblesville, Fishers and County, and managed by the Port Authority. Cicero has no jurisdiction over the railroad and can only try to partner with the Port Authority.

Mr. Lutz gave presentation, encouraging the Town of Cicero to take a position on the current situation to share the desires of the Town. There has been communication stating the Town is for the train. Mr. Lutz shared information expressing his desire for trails.

EDC's stated position is they are favorable of a trail. Northern Hamilton County Trail Plan was adopted by the Town Feb 2, 2016 with no financial commitment. Full package of the presentation was sent to the Town Council via email. There are many questions still to be answered, cost being one, who will own is another question. Mr. Lutz encouraged everyone to do research prior to the next Town Council meeting as he would like to do a resolution to state Cicero's position on the Railroad.

Mr. Penwell asked if Brenda Myers was available to talk to Town Council. Ms. Shae Kmicikewycz stated a meeting was set on March 21st at 9:30 am to discuss this topic. Mr. Culp stated Ms. Myers came to the meeting in Arcadia about their proposal to save the tracks from Arcadia to Tipton. Mr. Amos preferred the meeting to be part of the Town Council meeting so everyone could hear all at once. Mr. Miller stated the Council may want to reach out to Fishers and Noblesville Councils. They are concerned with connectivity. Mr. Miller stated the rail fix costs are misleading. Mr. Schwartz has information showing the breakdown. The five million dollars stated in costs were from Indianapolis to Logansport. There are many unknowns at this point and many towns looking at different options. Another discussion ensued.

Mr. Miller stated concern for local trails in the Morse Landing areas. Mr. Foster stated a lot of discussion in past and much resistance due to cutting into the properties. The design of the roadway is a concern. Discussion ensued. Mr. Foster and Mr. Amos both stated they did not feel a trail would be doable in the Morse Landing subdivision.

Mr. Miller stated that the Port Authority has a book with the details regarding the railroad repairs and will see if it can be sent to Council electronically.

Ms. Pearson was invited to ask the question or concerns she still has. Ms. Pearson stated many questions were answered but asked the Board to do their due diligence especially on security and safety. She has concerns for maintenance costs ongoing if Cicero had to maintain.

It was decided to invite Ms. Myers to the Town Council meeting on March 21st. Mr. Miller will follow up on the book and the summary that was presented in Arcadia, and send to Council.

New Business

There was none.

Miscellaneous.

- 1. Façade Improvement Fund** - Mr. Penwell discussed the Façade Improvement Fund and the Grant. Fifty points are available to the Town if they have a sustainability fund. Mr. Penwell suggested this be added to next meeting or staff meeting.
- 2. Mr. Amos** stated Charlie Cambre is asking for his administrative assistant to become a full time employee. All parts of the request are in the budget. Mr. Cambre stated monies are available by transferring funds from other funds. Mr. Amos asked if future budgets would cover salary without hurting existing funds. Mr. Cambre stated there should be little impact

and shared his reasons for the request, stating Kim's tenure, loyalty, willingness to learn new tasks. Mr. Miller shared his support and savings relating to training of new person and efficiencies. Discussion ensued on cross training and pier project concerns. Job description on file, title change and salary amendment will need to be on the next meeting. Discussion on effective April 1, 2017 and salary ordinance to be on next meeting's agenda. Mr. Miller made a motion to approve the part-time parks administrative assistant position to be changed to a full-time position. Second by Mr. Lutz. Motion passed 5-0.

Comments By Citizens

There were none.

Signatures on Official Document.

Motion To Adjournment:

Mr. Foster made a motion to adjourn. Mr. Miller seconded. Motion passed 5-0.

Signatures on Official Documents!

Chad B. Amos, President

Robert J. Miller, Vice-president

Christopher J. Lutz

Brett S. Foster

Craig S. Penwell

Attested: _____
Jan Unger, Clerk Treasurer

The Next Cicero Town Council Meeting will be on March 21, 2017, at 7:00 PM at the Cicero Town Hall.