



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

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

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

Absent:

Mr. Amos declared a quorum present.

Others Present: Jan Unger, Clerk Treasurer
Charlie Cambre, Park Superintendent
Pat Comer, Street & Utilities Director
Jim Hunter, Police Major
Lance Overholser, Fire Chief
C. J. Taylor, Cicero/Jackson Township Plan Commission Director
Aaron Culp, Town Attorney
Dan Strong, Cicero/Jackson Township Plan Commission President
Paul Utterback, Storm Water Management Board President

Approval of Agenda:

Mr. Lutz added to Miscellaneous a discussion on crowdfunding, sick time and the December 5th Staff meeting. Mr. Miller made a motion to approve the agenda as amended. Mr. Foster seconded, motion passed.

Council to Hold Public Hearing On Additional Appropriation For Fire Department.

Mr. Lutz made a motion to open the Public Hearing. Mr. Penwell seconded, motion passed. Mr. Amos read the ordinance by number and stated that the purpose was to appropriate an additional \$30,000 for the Fire Department fill-in and overtime line items. Mr. Amos inquired if there were any questions. There were none. Mr. Lutz made a motion to close the Public Hearing. Mr. Foster seconded, motion passed.

Council To Consider Ordinance 11-07-2017-1 Additional Appropriation For Fire Department.

Mr. Lutz made a motion to approve Ordinance 11-07-2017-7-1 Additional Appropriation for the Fire Department in the amount of \$30,000. Mr. Miller seconded, motion passed.

Approval of Prior Minutes:

Department Head Minutes from October 12, 2017 –

Town Council Meeting Minutes from October 17, 2017 –

Mr. Miller inquired about the Town not using the health credits last year from our insurance company as stated on #2 under Ms. Unger on the Department Memorandum dated October 12, 2017. Ms. Unger said that we didn't use them because we had the heart scans done but the hospital never billed us even though she tried numerous times and practically begged for the bill. Mr. Lutz inquired about the EDC moving forward with the branding for the Town as stated on the October 17, 2017 Town Council Minutes. There was a discussion which resulted in Mr. Foster stating that he preferred the bird. Mr. Penwell proposed that the EDC select companies to interview and perform the interviews and report back to the Council before they submit the proposal for final approval. Mr. Lutz seconded this proposal. Motion passed.

Approval of Claims:

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

Petitions by Citizens:

Tom Graziani addressed the Council concerning his water bill.

1. Mr. Graziani stated that there was a water leak caused by an independent contractor in his and two other yards. Water was rushing down the storm gutter and in his yard. It was a very large leak and caused him loss of water pressure.
2. He notified the water company and they determined that the leak was on the Town's side of the meter. Mr. Graziani stated that the leak started in May and was not repaired until September. Mr. Graziani stated that it was a very large leak, about 3" in diameter. He was running his soaker hoses on his shrubs only and there was a timer and they only ran for ½ hour at a time. The water company called him and said that he was using a lot of water. He did not see how this could be true as he had very little water pressure. He paid \$100 and went to the water company 5 times to discuss but there was no resolution.
3. Mr. Graziani stated that one of the utility workers came to his house to check the meter and it was not running. He tapped the meter with a wrench and the meter moved. Mr. Graziani stated that the worker, who he could not identify, stated that he had a faulty meter and it should be replaced.
4. Mr. Graziani stated that no one got back with him he came to the office and Ms. Unger stated that they would pull the meter and check it against the test meter on Thursday and get back with him on Monday. Which she did and stated that the meter tested accurately against the test meter. Mr. Graziani gave Mr. Amos copies of the documents to review. On one of Mr. Graziani's bills he used 85,000 gallons of water. Ms. Unger stated that they have given him credit on the sewer for each of the high bills. It was decided that Mr. Lutz would investigate and get back with Mr. Graziani.
5. Mr. Graziani stated that one of the neighbor's trees was hit by lightning and was hanging over his property. Mr. Graziani was informed that this was a private issue and not a Town issue.
6. Mr. Graziani stated that one of the neighbor's downspouts was directed into his yard. Mr. Amos asked Mr. Taylor to check on this.
7. Mr. Amos stated that Mr. Graziani's water was not to be shutoff during this appeal.

President's Report

1. President Amos stated Mr. Paul Utterback has been on the Storm Water Management Board since it was established. Mr. Amos stated that Mr. Utterback has informed him that he does not wish to be reappointed at the end of his term on December 31, 2017. Mr. Amos thanked Mr. Utterback for his service.

Council Committee Reports:

1. EDC – Mr. Lutz stated that he had nothing from the EDC this evening.
2. OTC – Mr. Miller stated that he had nothing this evening.

Legal Counsel Report- Aaron Culp:

1. First Amendment To Non-Exclusive Utility Easement – Mr. Culp stated that he thought this had been signed with the other document but evidently it was not included. Mr. Culp stated that it is acceptable to sign. Mr. Lutz made a motion to approve the First Amendment to Non-Exclusive Utility Easement and to allow Mr. Amos to sign. Mr. Penwell seconded, motion passed.
2. Mr. Culp asked the Council to approve an executive session prior to the next Council Meeting on November 21st regarding a personal matter. Council approved.

Cicero/Jackson Township Plan Commission Report – C.J. Taylor/Dan Strong

1. Mr. Taylor submitted the November Report for October's activities.

Director's Report

November 2017

Permit Revenue: October, 2017 = \$ 6432 YTD: \$ 58,021
October, 2016 = \$ 5,249 YTD: \$ 29,638
Increase = \$ 1183 or 23% YTD: \$ 28,383 or 96%

The Plan Dept. has issued a total of 16 building permits for October. Twelve have been inside the corporate limits (of which 4 were new homes). We have issued 4 in Jackson Township (of which 1 was a new home).

The Plan Dept. continues to follow up on non-compliance properties.

- 1 Certified Letter Notice – Homeowner Complied
- 3 No permit for construction – All complied

Mr. Taylor has updated the District Standards pages for the Ordinance Book to reflect the correct page references. Mr. Taylor has also provided a copy to the members of the Plan Commission and BZA in their packets.

Please feel free to email, call or stop by the Plan Dept. office anytime. At your service! C.J. Taylor

1. Mr. Taylor addressed the Council concerning Mr. Compton's request to rebuild a fence in the easement between Stillwater and Hidden Bay. Mr. Taylor stated that the Stillwater covenant states that the developer will install a fence between the two additions. Mr. Kiphart, when he was plan commission director, sent them a letter through Mr. Culp's office stating that the fence was in an easement and that it had to be removed and it was removed. The current property owner, whose house backs up to the property line, wants the fence reinstalled. There was a discussion in which the Council stated that the fence could be reinstalled but not in the easement. Mr. Amos inquired if there was a problem with the fence in the easement. Mr. Comer stated that is a large swale and could cause drainage problems with potential blockage which could cause problems later. They

discussed having it in the easement but not in the well. The discussion continued and then it was decided that they needed to have Mr. Comer and Mr. Taylor reevaluate the area. Mr. Foster made a motion to table. Mr. Lutz seconded, motion passed.

Town Engineer Report-Mr. Keith Bryant:

Mr. Bryant was not available. Via e-mail he stated that he has not heard back from IDEM on the compliance plan the Town submitted and that he has spoken with Umbaugh regarding the financing for the project if the Town decided to move forward with the SRF financing.

Old Business:

Ms. Kmicikewycz - Update On The OCRA Main Street Revitalizing Project.

Ms. Mendenhall addressed the Council stating that they are moving forward with the Façade Project. They had a meeting last night and all the applicants are moving forward. Ms. Kmicikewycz reviewed the list of applicants. Ms. Mendenhall congratulated the Council on this successful application and reviewed the timeline, stating that it could change some as they move forward but the anticipated completion date will be March of 2019. Construction should begin in June 2018 and there may need to be some coordination with the contractors for activities such as July 4th. Once the bids come in and one is selected the contract will go to Mr. Culp for review. Mr. Amos suggested making notices to businesses, Ms. Unger and the department heads as parking may be affected also. Major Hunter suggested a meeting with the department heads when the time comes. Ms. Kmicikewycz said that she will be working with Ms. Mendenhall and Mr. Mather to coordinate with the Town and businesses. They will make sure to set up a meeting with the Department Heads to discuss as well.

Mr. Taylor And Ms. Kmicikewycz - MPO Presentation.

Ms. Kmicikewycz distributed to the Council a fact packet about the MPO program. She highlighted what the MPO is, what it does and how Cicero could use this program. Ms. Kmicikewycz stated that she has also e-mailed the presentation to everyone. Ms. Kmicikewycz stated that the Town needs to have representatives at the MPO meetings. The meetings include an Administrative Committee, Technical Committee and a Policy Committee. Mr. Taylor suggested that the Town at least have representation at the Policy meeting. Ms. Kmicikewycz said that Cicero needed to have representation at the Policy meeting, but also the Technical Committee meeting. Ms. Kmicikewycz also stated that the Town needed to approve a lead for representation. It could be Mr. Taylor, Mr. Comer or Ms. Kmicikewycz. The MPO likes to have the highest elected official. Ms. Kmicikewycz stated that she would not be the best person to represent streets for example. There was a discussion on the certification and recertification. Mr. Comer stated that after you are certified you can renew online. Mr. Taylor stated that we needed to continue to be a member and renew our dues to apply for grants. Mr. Amos stated that he would go to some of the meetings if he was available. Mr. Lutz inquired as to when we have used this grant and was informed that it was used for the Causeway project. Mr. Taylor stated that the Town needed to have shovel ready projects for this grant process. It was decided that Mr. Comer, Mr. Taylor and Ms. Kmicikewycz should be certified.

Council To Consider Purchase Order For Ambulance.

Fire Chief Overholser stated that the ambulance currently owned by the Town has been out of service for two weeks. The ambulance has been out of service for more than two of the eleven months to date this year. Mr. Lutz inquired if this is the ambulance that was involved in the accident and was told it was. The ambulance is five years old. Mr. Lutz inquired to Mr. Culp if there was any recourse legally. The ambulance was only one year old when it was hit. Mr. Penwell stated that there may be a three-year statute of limitation. Mr. Penwell suggested that we file a claim to their insurance and to ours. There was a discussion. Mr. Culp asked to see the paperwork regarding the claim and see if there was a waiver signed. Mr. Amos inquired to the life span of an ambulance and was told 7-10 years. Chief Overholser stated that the chassis was the problem and that the insurance company would not separate the chassis from the box; therefore, it was not totaled. Mr. Lutz inquired about the White River Contract. Ms. Unger stated it will be on the agenda for the next Town Council Meeting. Mr. Amos inquired as to when the Ladder Truck would need to be replaced. Chief Overholser stated within the next 2 years. Mr. Overholser was asked about the ambulance. He stated that it would take approximately a year for delivery, it should last 7-10 years, he is checking with the Indiana Bond Bank for financing. Currently, they are using Sheridan's ambulance. Mr. Foster made a motion to approve moving forward with the purchase of the new ambulance and allowing Mr. Amos to sign. Mr. Penwell seconded, motion passed 4-1 with Mr. Lutz voting nay.

Council To Consider Ordinance 11-07-2017-2 An Ordinance Creating New Chapter 115 Of Title XI Of The Cicero Municipal Code Of Ordinances Concerning Itinerant Merchant/Vendors.

Mr. Amos read the Ordinance by name and number. Mr. Lutz inquired about the background check. Major Hunter stated that the applicant would have to supply their own background check. Mr. Penwell made a motion to approve Ordinance 11-07-2017-2 An Ordinance Creating New Chapter 115 Of Title XI of the Cicero Municipal Code Of Ordinances Concerning Itinerant Merchant/Vendors. Mr. Lutz seconded, motion passed.

Council To Consider Ordinance 11-07-2017-3 An Ordinance Amending Chapter 111 Of Title XI Of The Cicero Municipal Code Of Ordinances Concerning Solicitors.

Mr. Amos read the Ordinance by name and number. Mr. Lutz made a motion to approve Ordinance 11-07-2017-3 An Ordinance Amending Chapter 111 Of Title XI of the Cicero Municipal Code Of Ordinances Concerning Solicitors. Mr. Miller seconded, motion passed.

Council To Consider Ordinance 11-07-2017-4 An Ordinance Creating New Chapter 117 Of Title XI Of The Cicero Municipal Code Of Ordinances Concerning Mobile Food Vehicle Regulations.

Mr. Amos read the Ordinance by name and number. Mr. Penwell inquired about Section 117.03 B Mobile food vehicles shall not interfere with or obstruct the free passage of pedestrian or vehicles along and street, sidewalk, road or parking lot drive aisle or park within 20 feet of the intersection. Mr. Culp stated that Town sponsored events would be exempt. Mr. Lutz made a motion to approve Ordinance 11-07-2017-4 An Ordinance

Creating New Chapter 117 Of Title XI of the Cicero Municipal Code of Ordinances Concerning Mobile Food Vehicle Regulations. Mr. Miller seconded, motion passed.

Council To Consider Ordinance 11-07-2017-5 An Ordinance Creating New Chapter 116 Of Title XI Of The Cicero Municipal Code Of Ordinances Concerning Events.

Mr. Amos read the Ordinance by name and number. Mr. Foster made a motion to approve Ordinance 11-07-2017-5 An Ordinance Creating New Chapter 116 Of Title XI of the Cicero Municipal Code Of Ordinances Concerning Events. Mr. Miller seconded, motion passed.

Council To Consider Ordinance 11-07-2017-6 An Ordinance Amending Chapter 72 Of Title VII Of The Cicero Municipal Code of Ordinances Concerning Parking Violations.

Mr. Amos read the Ordinance by name and number. Mr. Miller made a motion To Consider Ordinance 11-07-2017-6 An Ordinance Amending Chapter 72 Of Title VII Of The Cicero Municipal Code of Ordinances Concerning Parking Violations. Mr. Penwell seconded, motion passed.

Council To Consider Change In Sewer Credit Policy.

There was a brief discussion and it was decided that the Council would not change the policy on sewer credit.

New Business

The City of Noblesville is going to contract with Zagster to start a bikeshare program in 2018. They have asked if Cicero is interested in participating.

The Council discussed this possibility, all were interested in getting more information. Mr. Cambre stated that he would check into it further.

Miscellaneous

1. Mr. Amos stated that he would like to meet with the department heads on December 5th at 8:30 pm after the Town Council meeting in the Police Department's conference room. Mr. Penwell will attend also. Mr. Amos stated that this is just to collect information from the department heads as to how the year went. They will meet as a group.
2. Mr. Lutz stated that the Council was late in doing the department head reviews. Mr. Amos ask each Councilman liaison to get with the department head for their review. Ms. Unger will send out the Town's review form for them to consider using.
3. Mr. Amos stated that he, Mr. Lutz, Police Chief Hildebrand and Fire Chief Overholser will attend the dispatch meeting at Hamilton County.
4. Mr. Lutz stated that at the last Council meeting it was decided that the Council would establish a committee to review the sick time. Mr. Lutz wanted to know what the objectives would be. It is to evaluate the all leave time? He suggested that there be 2 councilmen, Ms. Unger, department heads and outside legal counsel when needed. Mr. Penwell stated that he thought it should center around sick and holiday leave. It was decided that the committee would meet after the Staff meeting on the 16th of November. Mr. Foster and Mr. Lutz will be the Council representatives.

5. Mr. Lutz expressed his support of the canoe/kayak launch with the Crowdfunding but expressed he was concerned that this was not approved by the Council and that there would be a plaque with individual names on it at the canoe/kayak launch. Mr. Cambre explained that the crowdfunding was to assist with the grant application for the IHCA. Parks would raise \$7,500 and the grant would be for \$7,500. The grant needed to be sent in and this was a way of getting community involvement. Mr. Cambre stated that to date they have collected \$3,000. Mr. Cambre stated that additionally there would need to be a walk, electric and lighting. The RHI Rehabilitation Hospital stated that they were interested in participating.
6. Major Hunter informed the Council that the Town has had two events with Papa Johns and the police department has received \$450 and \$370 respectively.

Comments By Citizens

1. 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

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 November 21, 2017, at 7:00 PM at the Cicero Town Hall.