



CICERO / JACKSON TOWNSHIP PLAN COMMISSION MEETING

Plan Commission Meeting Minutes

March 14, 2018 7:00 p.m.

Roll Call of Members

Present:

- ☐ Dan Strong
- ☐ Jack Russell
- ☐ David Martin
- ☐ Rusty Miller
- ☐ Chad Amos
- ☐ Dennis Schrumpf
- ☐ Glen Schwartz
- ☐ Stephen Zell
- ☐ Aaron Culp - Legal Counsel
- ☐ C.J. Taylor - Plan Director
- ☐ Terri Strong - Recorder

1. Declaration of Quorum- President Strong declared a quorum to conduct business, Mr. Russell will be here within 10 minutes. Quorum declared.
2. Approval of Minutes
Mr. Martin made motion to approve Minutes from PC Meeting January 10, 2018. Mr. Schwartz second. Motion passed. Minutes approved.

3. Public Comment- President Strong stated time for public comment for items not on the agenda. No comments.

President Strong asked for Board's consideration to move old business after new business to not keep the petitioner longer than necessary.

Mr. Zell made motion to move old business titled RV Ordinance Review to after New business was complete. Mr. Amos second. All present in favor.

4. New Business:
Docket #-PC-02-18-001-AG
Petitioner: Steve and Lisa Cunningham
Property Address: 26158 Salem Rd.

Arcadia, IN 46030- Jackson Twp.

A Minor Subdivision Application has been submitted concerning Article 4 of the Cicero/Jackson Township Subdivision Control Ordinances in order to subdivide a parent tract of 11.88 acres into two (2) parcels. One parcel is to be 8.88 acres and the second to be 3.0 acres.

President Strong asked if petitioner was present. After allowing time, no petitioner came forward.
President Strong asked for motion to table.

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Mr. Amos made motion to table PC-02-18-001-AG. Mr. Zell second. All present in favor.

5. Old Business: **RV ordinance review continued.** President Strong stated to continue discussion on the ordinance, starting about 5 months ago review began with adding everything possible and now down to one page. Last month asked everyone to review and would like to open for discussion. Mr. Miller asked if there was a copy of the changes. Mr. Taylor put on screen and stated after much discussion and review, every subdivision has a covenant covering RV/trailers etc. some do not have an active HOA but do have covenants. Mr. Taylor went on to show on screen what would be covered under subdivision covenants, and what would be needed to cover old town Cicero to prevent living in an RV and parking concerns. President Strong stated item number seven was a concern especially for the Stringtown Pike area, this is where the ½ acre comes into play. Mr. Zell expressed concern for areas with lack of active HOA and no intention of re-establishing, there would be nothing to fall back on in these areas regarding enforcement of covenants. Mr. Culp stated anyone under a covenant could sue anyone else for violation of that covenant. Mr. Zell expressed concern for how often that happens. Mr. Miller stated doesn't see how the town can enforce. Mr. Zell felt the ordinance was less of an ordinance than what was there originally. President Strong clarified that this document was not discussed prior and is Mr. Taylor's attempt to put into working form what was discussed. Mr. Taylor stated this is his recommendation to the Plan Commission of an ordinance that could be enforced. Mr. Culp clarified that the ordinance is enforceable regardless of the covenants. Mr. Amos read Morse Landing covenants as pertaining to the topic. Those would be stricter than the ordinance proposed. Further discussion ensued, especially as related to enforceability. President Strong discussed many of the items that were removed due to enforceability and being fair to the whole community on an ordinance. Mr. Amos asked working off which document. President Strong stated working off the two documents. Mr. Amos stated common areas for not parking on grass needed to be amended. President Strong stated this would be covered under the acreage comments. Mr. Russell joined meeting at this point as indicated by President Strong.
- Discussion on current ordinance covering what type of vehicles. Current only addresses RV's. Mr. Miller expressed concern that developing ordinance that would allow when a covenant does not allow. Mr. Zell asked Mr. Culp what is thinking of susceptibility when an ordinance is as old and being changed. Mr. Culp stated only takes one, whatever is decided a public hearing will give opportunity to hear concerns. President Strong stated at one time looked at different ordinances for Old Town concerns, which brought up its own concerns.
- Mr. Amos asked what would prevent from having a public meeting to discuss this openly. Mr. Miller stated what would neighbors think. Mr. Martin asked if policy could be set for six months in advance being clear on changes. Mr. Miller asked if covenants were known. Mr. Zell expressed that the age of the subdivisions and turnover of homeowners would be unlikely to know the covenants. President Strong asked Mr. Culp to address the option of a public meeting. Mr. Culp stated public hearing in front of Town Council would take place with any changes and that could have a meeting, advertised, to get feedback. Making it clear that it would be up to the board to send the recommendation to the Town Council. President Strong expressed concern for the social media aspect and expectation of a full house tonight due to the comments and letters received. While only a couple of people, could board hear their comments even though not required to do public hearing. Mr. Culp stated at the Boards



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discretion. President Strong questioned the Board. President Strong stated to public, name and address for record were needed before speaking.

Gary Carmack 170 So. Byron St. has RV purchased last year, did not inquire about parking but did drive around to see what others did. Did not know any restrictions. What are we supposed to do? Expressed that he parks in the garage and in the driveway. Likes the RV with them, as older piddles with it and convenience for working on. If must store otherwise, will push over budget limit. Expressed concern for keeping RV safe and vandalism free if not on my property. Mr. Carmack stated here because read on Facebook and wanted to know what was going on. Expressed the number of campgrounds that are close by to use. President Strong tried to give answer questions, gave copy of current ordinance. Gave background of complaints of current ordinance and items leading up to this meeting. Town Council asked for Commission to look at the ordinance, stating nothing has been decided as Mr. Carmack has heard, looking for best options based on differences in the community. Lady asked about vision aspect, if sitting in our driveway. President Strong stated the current ordinance you could not be in the front of your home, based upon the current ordinance you would have to be on the side. Discussion on corner lots and hardship that imposes. Mr. Carmack expressed concern with access to backyard via the alley. Mr. Carmack also stated a meeting would be helpful. President Strong stated compounding the problem would be to add the items Mr. Carmack stated, such as boats, trailers and not just RV's. President Strong assured Mr. Carmack that someone on the board likely expressed concern for whatever option/direction was presented-setbacks, types of vehicles, drive, corner lot, fencing, etc. and still working on process.

Corey Burkhardt 1280 Casco Bay Circle. I was told boats were being considered as part of this ordinance limiting parking to 75 ft back. So are boats still part of this ordinance change. President Strong stated there are two parts, first that boats in driveway is not affected in this ordinance, second that trailers and boats in grass are still being discussed. Ms. Burkhardt asked about the 75 ft rule. President Strong referred to the monitor, concerning the proposed working ordinance Mr. Taylor has drafted. Mr. Amos referred to the 1970 ordinance. Ms. Burkhardt expressed her neighborhood concern and encourage the Board to reminder that this has been a recreational town, RV's, Boats, Golf carts. Mr. Zell thanked Ms. Burkhardt for comments and expressed the level of complexity due to others that are working out of the trailers in their front yards. Ms. Burkhardt asked what is defined as front yard. President Strong stated breaking the front of your home, that is the front yard. Looking at most homes the 75 ft., would be hard to meet requirement if that stays in. Ms. Burkhardt asked if the boats and trailers not in the grass would be a separate ordinance. President Strong stated not speaking for the whole board, but not necessarily separate. Looking to combine for all types of vehicles for enforcement and consistency. Most likely the ordinance would change titles to cover all. Mr. Amos expressed his impression of the 1970's ordinance and compared to the current situations.

President Strong stated going back to Board discussion only. Mr. Schruppf stated perhaps if a forum is utilized, the covenants of the neighborhoods could be made available to the public. Perhaps highlighting sections so people can understand what is in place in their neighborhood. Mr. Culp stated in many of the developments the covenants are much more restrictive than what the town has as ordinances. However, the town has no authority to enforce, it is up to the residents. Discussion of Cicero Shores covenants took place.



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Mr. Russell stated this ordinance could change the culture of our community, he feels listening to the community before making a decision on changing a 40-year ordinance that has been ignored would be a good decision. Mr. Martin asked for the process for a neighborhood/HOA to start enforcing. Mr. Culp explained the variations and the processes required. Mr. Zell stated there is also an attraction to some to not have an HOA neighborhood. Discussion on how to impact change. Mr. Martin expressed concern in developing a policy that would work for every area, and without neighborhood involvement would spend more time policing than anything else. President Strong stated there are three major areas without an HOA, but the new communities have items in place to have HOA's and covenants. Mr. Zell and Mr. Russell expressed need for allowing public to express their concern having the opportunities to express their opinion. President Strong asked after all the comments would the Board entertain a forum. Mr. Russell discussed options for timing based on his expertise with forums.

President Strong stated looking at the 10th of April. Mr. Culp stated no motion was needed, just agreement, advertised special meeting required and posting in Facebook would help be effective. Time of 7:00 pm was determined. Discussion on logistics of using April 10th for the forum. President Strong stated to the audience that letters could also be sent and would

Mr. Taylor asked to make statement. Mr. Taylor stated the responsibility for the boats/trailers/RV's being confusing, rests with him as he asked the Town Council and was agreed to look at all items at once. Mr. Taylor apologized for his part in this becoming a bigger issue than originally expected.

Mr. Miller asked for the page from each covenant area to be available.

6. Plan Director's Report: Mr. Taylor stated report in front of members. Mr. Zell stated he felt Mr. Taylor was doing a great job and is hard on himself. Likely generate more attention from community that may not have been in attendance. Mr. Zell's personal experience with the department was a very positive one.

7. President's Report: President Strong stated individual interested in the Commission position, Mr. Martin Diller. This is a Town Council appointment. President Strong stated that Ms. Burkhart has also expressed interest in the future. Thank you to the board for the extra time tonight.

8. Legal Counsel's Report: Mr. Culp to update the commission on the M/I project, in a holding pattern. Still moving forward, working on the utility agreement. Approx. 3 or 4 items still being hammered out, prior to plat approval. President Strong gave update from Mr. Issacs, suggesting a meeting prior to Tuesday Town Council meeting. Mr. Russell asked how behind they are with the delays. Mr. Culp and Mr. Strong both stated May start was their goal, so at this point not delayed. Mr. Taylor came in and paid however didn't submit construction plans. President Strong wanted the Board to know the delays were not on this end. Mr. Russell stated based on his experience, if they have not submitted plans, they are likely not going to hit that May target.

9. Board Member Comments: Mr. Zell stated getting calls regarding former Lazy Frogg do we have any dates. Mr. Russell stated May opening. Mr. Taylor stated messages from Mr. Hall for required final review asked to be on April agenda. Mr. Zell stated on 236th street, is county doing a lighting project? Mr. Schrupf stated Tollgate to Deming road widening of the road. Costs concerns for the rest of the way to



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31 and to see what is happening with the Hwy 31 project. President Strong shared obstacles to widening past Deming Road currently.

Mr. Amos stated 331 E. Jackson St. is the new building for Planning Office and Utility Office and due to open on April 10th. Mr. Amos gave props to Mr. Strong for his good work on the project.

Mr. Amos in keeping everyone informed on big projects, the sidewalks and lights from stoplight to 331 E. Jackson to be redone. May see tree removal, etc. Mr. Schrupf expressed concern for street lights currently in place. Mr. Amos stated would be moved, looking at 3 ft of grass between curb and walk. Mr. Miller stated new business in town, Betsy's Boutique, going into Hoosier Sign Building.

10. Next Planned Plan Commission Meeting: April 11, 2018.

11. Adjournment: Mr. Schwartz made motion to adjourn. Mr. Russell second. All present in favor.

Signatures:

 President

 Secretary

Date: 4-11-18

Location:

Cicero Town Hall
70 N Byron Street
Cicero, IN 46034