



**TOWN OF CICERO**  
**TOWN COUNCIL MEETING MINUTES**  
**Tuesday, June 5, 2018**  
**At 7:00 PM (*Began at 7:15 PM*)**

**Call To Order:** President Rusty Miller called the meeting to order and lead the Pledge of Allegiance. Mr. Foster gave the prayer. President Miller 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:**

Mr. Miller declared a quorum.

**Others Present:** Jan Unger, Clerk Treasurer  
Charlie Cambre, Park Superintendent  
Pat Comer, Street & Utilities Director  
Jim Hunter, Police Chief  
Lance Overholser, Fire Chief  
C. J. Taylor, Cicero/Jackson Township Plan Commission Director  
Shae. Kmicikewycz, Community Development Specialist  
Keith Bryant, Town Engineer  
Aaron Culp, Town Attorney  
Dan Strong, Cicero/Jackson Township Plan Commission President

**Approval of Agenda:**

Mr. Lutz asked to add a discussion on the Community Crossing Matching Grant under Old Business. Ms. Unger asked to add disposal of a pier at Red Bridge Park to New Business. Mr. Foster made a motion to approve Agenda as amended. Mr. Lutz seconded, motion passed.

**Approval of Prior Minutes:**

**Town Council/Department Head Meeting Memorandum, May 10, 2018, 7:00 PM –**  
**Town Council Executive Session Memorandum, May 15, 2018, 6:00 PM**  
**Town Council Meeting Minutes, May 15, 2018, 7:00 PM –**

Mr. Amos made a motion to approve the Town Council/Department Head Meeting Memorandum, May 10, 2018, the Town Council Executive Session Memorandum, May 15, 2018 and the Town Council Meeting Minutes, May 15, 2018. Mr. Lutz seconded, motion passed.

**Approval of Claims:**

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

**Petitions by Citizens:**

1. **Jeff Sears** -To discuss fence variance with Council, 1235 Coral Springs Drive. Mr. Sears stated that he would like to install a fence around his back yard that would encroach on the easement. He has a pool and when it was installed there were not very many homes in the area. Now, there are and several small children. Mr. Taylor and Mr. Comer have

reviewed the variance request and are good with the fence in the easement. Mr. Amos made a motion to allow the fence in the easement as requested provided he sign a waiver that if the Town needs in the easement he will remove the fence or the Town may remove the fence. Mr. Foster seconded, motion passed.

2. **Ryan Beam** – To discuss fence variance with Council, 2360 Quarter Path Road. Mr. Beam addressed the Council stating that he lives in Wareham's Pond in the last lot that backs up to the baseball fields where the Town installed a path between the two baseball complexes. He stated that there is a lot of traffic on the path and now there are golf carts even though it is posted no golf carts. Additionally, he stated that there were mounds of dirt and other sewer plant items that were not pleasant to look at when he is in his back yard. Mr. Beam distributed photographs of the view from his back yard. There is a drainage easement and his wish is to put his fence across the easement. The easement runs parallel to the path. There was a lengthy discussion. Mr. Comer stated that it should not go across the easement. Mr. Lutz stated that he was okay with it running east west but not crossing the easement. Mr. Foster stated that it would not impair drainage and he was good with the fence. Mr. Penwell stated that he was not in favor of the fence crossing the easement. Mr. Amos and Mr. Lutz discussed whose responsibility to install the fence it should be. Mr. Culp was asked if the Council could require a certain type of fence and he said you could. Mr. Foster made a motion to approve the fence as presented in the easement and along the path. Mr. Amos seconded, motion passed 3-2 with Mr. Penwell and Mr. Lutz voting nay.

#### **President's Report:**

1. Mr. Miller informed the Council that the 1<sup>st</sup> tournament was held last weekend. There were 46 teams involved from three states. There were some parking issues. Mr. Miller stated that Adam Decker, manager of the fields, stated that he heard good comments. There are tournaments scheduled for every weekend except the weekend after July 4<sup>th</sup>.

#### **Council Committee Reports:**

1. OTC – a. Mr. Miller reported that there is a Scout who is planning an Eagle Scout project in the Pocket Park. He will be expanding the beds, adding some benches and installing a path around the park. There will be an area for the Christmas program and a Christmas tree. He will also be installing some benches along the Stringtown Pike Path.
  - b. Ms. Kmicikewycz stated that they would be applying for a Creating Places Grant that would include ADA features and trees.
  - c. Mr. Miller stated that Dine on the Causeway tickets are on sale.
2. EDC – a. Mr. Lutz stated that Dea Holt Has been invited to the next Staff Meeting.
  - b. Mr. Comer stated that the WIFI installation for OnRamp is beginning.

#### **Legal Counsel Report- Aaron Culp:**

1. Mr. Culp stated that Ms. Roberts will reach out to Ms. Unger next week regarding the changes in leave time that have been discussed.
2. Mr. Culp stated that he would have an engagement letter from an environmental attorney for the June 19<sup>th</sup> Town Council Meeting.
3. Mr. Lutz inquired about the Memo of Understanding (MOU) for the NRG project and Mr. Culp stated that he has talked with Tony Jost, attorney for Mr. Sethi. Mr. Jost was not aware Mr. Sethi asked Mr. Reynolds to speak to the Council. The MOU will need some revisions.
4. Ms. Unger informed the Council that Mr. Culp was working on the trash rebid as the current contract expires this year.
5. Mr. Culp stated that MI Homes has agreed for the Town to use Umbaugh for the financial study for the annexation.

**Cicero/Jackson Township Plan Commission Report-C. J. Taylor/Dan Strong:**

1. Mr. Taylor presented the Director's Report for June 2018

**Permit Revenue:** May 2018 = \$5,173.00                      YTD: \$30,074.00  
                                    May 2017 = \$7,401.00                      YTD: \$28,855.00  
                                    Difference = **\$2,228.00 or 30%**                      YTD: \$1,219.00 or 4%

Plan Commission issued a total of 23 building permits during the month of May, 18 were inside the corporate limits (of which 0 were new homes).

5 in Jackson Township (of which 0 were new homes).

Plan Commission has followed up on 3 cases of building without a permit, 2 cases of illegal display of a sign, and illegal use of a property. All cases have been resolved.

Please feel free to email, call or stop by the office anytime.

At your service!

C.J. Taylor

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

1. MI Homes – Mr. Bryant stated that MI Homes has given United a resubmittal for the first phase of the construction. When MI Homes submits a written request for the upgrades of the lift stations along with the funding they will start to move forward.
2. I & I – Mr. Bryant stated the preliminary engineering report is ready to submit and he has a letter to the SRF WW Program Administrator that he needs Mr. Miller to sign. Mr. Foster made a motion to approve Mr. Miller signing the letter. Mr. Penwell seconded, motion passed.

**Old Business:**

**Council To Hear Report From Tina Henderson Regarding Bids For Façade Project And Award Bid If Acceptable. (Remained tabled)**

**Council To Consider Ordinance 05-15-2018-3 An Ordinance To Amend Chapter Twenty-three Of Article Seven Of The Cicero/Jackson Township Zoning Ordinance Regarding The Storage Or Parking Of Recreational Vehicles, Boats And Trailers.**

Mr. Amos made a motion to untable Ordinance 05-15-2018-3 An Ordinance To Amend Chapter Twenty-three Of Article Seven Of The Cicero/Jackson Township Zoning Ordinance Regarding The Storage Or Parking Of Recreational Vehicles, Boats And Trailers. Mr. Foster seconded, motion passed.

Mr. Lutz stated that he had two concerns regarding the ordinance. One is that boats and trailers do not have a definition in the ordinance. And second, MS02 is included in this ordinance and it is an agriculture district and he did not think this ordinance should apply to an agriculture district. Mr. Amos concurred that it should not apply to Jackson Township. Mr. Taylor stated that it does state MS02 – All residential and agriculture. The MS02 should be dropped and it should just apply to corporate Cicero. Mr. Culp will revise and bring back to the Council. Mr. Foster made a motion to table. Mr. Lutz seconded, motion passed.

**Council To Make Appointment To BZA To Finish Tom Warner’s Appointment.**

Mr. Foster made a motion to appoint Brett Ravenscroft to complete Mr. Warner’s term to the BZA which ends December 31, 2018. Mr. Penwell seconded, motion passed.

## **New Business**

### **Council To Consider Liability Insurance Policy With Walker And Associates For June 2018 Through May 2019.**

Mr. Amos made a motion to approve the Liability Insurance Policy with Walker and Associates for June 2018 through May 2019. Mr. Foster seconded, motion passed.

### **Council To Consider Declaring A Pier At Red Bridge Excess And Approve To Sale.**

Mr. Cambre explained that this pier is fifteen years old and it is in good condition. It has Trex on it. He does not have a place for it with the installation of the fishing pier and the new Kayak/Canoe launch. There was a discussion. The Council agreed to advertise it for bids.

## **Miscellaneous**

1. Community Crossing Matching Grant – Mr. Lutz stated that he would like to clarify the discussion from the Special Meeting that took place a 6:00 pm this evening. Mr. Lutz stated that the direction of projects are as follows:
  - a. The Council consensus is to apply for the Community Crossings Matching Grant (CCMG) funds to pave, replace sidewalks and curbs on East Jackson Street
  - b. A second application to the CCMG would be to complete the Pearl Street extension.

Mr. Amos stated that East Jackson would be the priority for the Grant. Any matching funds not used could then be applied to the Jackson and Main Streets intersection. Mr. Penwell stated that his priority was still the Jackson and Main intersection. Mr. Foster agreed that the Jackson and Main intersection was his priority. Mr. Miller stated that he wanted the East Jackson Street project and Mr. Lutz and Mr. Amos agreed.

Mr. Amos stated that he would like to include the sidewalk along Iris Rubber in the East Jackson Street project.

Mr. Lutz stated that he thought we should apply for an MPO Grant this year. He stated that Anna Gremling would be in Cicero next week if anyone would like to speak to her. Mr. Lutz stated that he would like to discuss an eight foot path with the Jackson and Main Streets project when applying for the MPO Grant.

2. Annexation – Mr. Lutz briefly discussed annexation on the north side of 236<sup>th</sup> Street with the MI Home project. Mr. Lutz would like to keep the property tax rate the same as it is currently with the addition of the new addition.
3. Mr. Lutz inquired about the new sign for 331 East Jackson. Mr. Strong is working on this and will get back with the Council when he has the cost.
4. Mr. Amos inquired about 150 West Jackson and when that demolition would happen. He was informed that we are still waiting for the gas and electric meters to be removed.
5. Mr. Cambre stated that RHI will be at Red Bridge on Thursday, June 21<sup>st</sup> from 6 AM to 7 PM.
6. Mr. Cambre stated that the Triathlon will be June 23<sup>rd</sup> from 7 AM to 1 PM.
7. Mr. Comer informed the Council that Mr. Cambre talked to all the property owners along the path between the two baseball fields prior to the path being installed and they were all

okay with it. The dirt pile that Mr. Beam referred to is being cleaned up. There just aren't enough places to put all the dirt. And lastly, concerning Mr. Beam's request for the fence, the sewer plant has been in the same location since the 1960's.

**Comments By Citizens**

1. There were none.

**Motion To Adjourn:**

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

**Signatures on Official Documents!**

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Robert J. Miller, President

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Christopher J. Lutz, Vice-president

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Chad B. Amos

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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 June 19, 2018, at 7:00 PM at the Cicero Town Hall.**