



TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, October 16, 2018
At 7:00 PM

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

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

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
Aaron Culp, Town Attorney
Dan Strong, Cicero/Jackson Township Plan Commission President
Bruce Freeman, President of Stormwater Management Board

Approval of Agenda:

Mr. Foster made a motion to approve Agenda as presented. Mr. Penwell seconded, motion passed.

Councilman Foster To Make Presentation To Tom Artman.

Mr. Foster stated that the Town Council would like to present the Red Bridge Recognition Award for Outstanding Citizen to Tom Artman for Heroism and Bravery. Mr. Foster read the following:

“I would like to tell you a short story that is really a blessing and yes, ends well.

Definition of a Hero: a person noted for courageous acts or nobility of character. Tonight, I’d like to recognize a true Cicero hero.

On September 5th, a little after 5pm, I was heading home from work in Indy when I received a call from a friend telling me that the house across the street from me was on fire. As I slowly pulled up to my home, I rolled past a street full of fire vehicles from 5 different agencies and saw the largest downtown Noblesville ladder truck fully extended. I knew this was bad. I watched as those 5 agencies worked together seamlessly under the direction of Cicero Battalion Chief Christian Herron and the watchful eye of Cicero Chief Lance Overholser.

The house that was on fire is owned by Amy Smith. Her son, William McConnell, is a 14 year-old freshmen at Heights who wrestles and plays football. Her daughter Jenna Smith, is in 2nd grade at Heights Primary, plays basketball and is a Girl Scout. Praise God that no one was home at the time and no one was injured including all the firefighters on scene. However, our

neighbor Tom Artman, who is retired and afflicted with Parkinson's disease, saw smoke and immediately jumped into action.

Fearing there could be people inside, Tom ran across the street and burst through the front door. As the smoke and fire intensified, he could find no one in the house, so he grabbed "Junior" the Pekinese dog and rushed him to safety. Then, he went to turn off the gas. Tom knew right where to go, being a retired Duke employee.

Suddenly, there was a huge explosion and a propane tank ignited blowing Tom back and throwing shrapnel right past his head. Tom pushed forward and noticed there was a large gas leak but was able to get it shut off. Had the gas not been shut off, it could have resulted in a much larger explosion, damaging several homes and injuring or killing many people. But Tom was not done yet. He then ran to the electrical box and pulled it off the side of the house as it burned. But Tom was not done yet. He then assisted fire investigators with valuable camera footage from his home security system.

Talk about someone who was in the right place at the right time with the presence of mind to do exactly what was needed to preserve life and prevent a potentially much worse disaster.

So tonight, on behalf of the Cicero Town Council, I would like to make a presentation to a man, who on September 5th, 2018, went above and beyond in every respect, and risked his life with no regard for his own... a hero.

Cicero thanks you, Tom Artman, for your self-sacrifice and presents to you the Red Bridge award, our highest honor, along with a plaque for Heroism and Bravery. Congratulations!!!"

Mr. Foster also thanked the Fire Departments, Hamilton Heights School system, Cicero Christian Church and the community that stepped up to help the Smiths.

Mr. Artman accepted the award and stated that he was in the right place at the right time and the that true heroes were the fire departments.

Council To Hold Public Hearing On Ordinance 09-18-2018-4 An Ordinance to Amend Section 52.11 of Chapter 52 of Title 5 of the Cicero Municipal Code by Amending the Code Concerning the Garbage Collection Fee.

Mr. Penwell made a motion to open the Public Hearing on Ordinance 09-18-2018-4 An Ordinance to Amend Section 52.11 of Chapter 52 of Title 5 of the Cicero Municipal Code by Amending the Code Concerning the Garbage Collection Fee. Mr. Foster seconded, motion passed. Ms. Unger stated that the trash service had to be rebid this year and that this was the first increase in eight years. Ms. Unger stated that the Ordinance include the following rates: 2019 the rate would be \$12.50, a one-dollar increase; 2020 the rate would be \$13.00; and in 2021 the rate will be \$13.50. Mr. Miller inquired if there were any questions or comments and there were none. Mr. Lutz made a motion to close the Public Hearing. Mr. Penwell seconded, motion passed.

Mr. Foster made a motion to approve Ordinance 09-18-2018-4 An Ordinance to Amend Section 52.11 of Chapter 52 of Title 5 of the Cicero Municipal Code by Amending the Code Concerning the Garbage Collection Fee. Mr. Penwell seconded, motion passed unanimously.

Approval of Prior Minutes:

Town Council Meeting Minutes, October 9, 2018, 7:00 PM –

Mr. Lutz stated that Mr. Miller, not he, gave the OTC report. Ms. Unger stated that she would correct. Mr. Penwell made a motion to approve as amended. Mr. Foster seconded, motion passed.

Approval of Claims:

Mr. Lutz made a motion to approve the Claims for October 16, 2018 as presented. Mr. Foster seconded, motion passed.

Petitions by Citizens:

1. Employee David Waugh addressed the Council. He informed them that he has been on medical leave since July 29th, 2018 and that he was nearing the end of his FMLA leave. He has a doctor's appointment at the end of the month and is hoping to be released. He asked the Council to extend his FMLA leave until November 7th. After a brief discussion Mr. Foster made a motion to extend his time for ten business days after the end of his FMLA. Mr. Lutz seconded, motion passed.

President's Report:

1. President Miller stated he had nothing this evening.

Council Committee Reports:

1. OTC Report – There was nothing this evening.
2. EDC Report – There was nothing this evening.
3. Mr. Cambre informed the Council the Boy Scout working on the project at the pocket park framed the walkway last weekend. Gravel was spread today, and the cement will be poured soon. He has collected \$1,500 for the project and would like to purchase a bench. The Park's Department helped with this project.
4. Mr. Lutz inquired if we should add the Stormwater Management Board Report to this section. Ms. Unger stated that normally they would only meet quarterly, but because of the rate increase they have been meeting more often. Mr. Freeman stated that he would report to the Council when they met.

Legal Counsel Report- Aaron Culp:

1. Sick Time Policy – Mr. Culp informed the Council that Libby Roberts is reviewing the Ordinance he wrote. Features in the Ordinance include: Anyone hired after January 1, 2019 will be allowed to collect up to 45 sick days; anyone hired prior to that will be allowed to continue to collect up to 90 sick days; anyone who has 20 years of service and is leaving employment in good standing will receive \$100 a day payout on sick time with one year notice to the Council. Exception would be disability. Mr. Culp stated that he should have this at the next Council meeting. Mr. Culp stated that this would be retroactive to January 1, 2018. Mr. Lutz stated that the Council did not discuss the 1-year notice but was not opposed to it.
2. Indiana Academy I & I issue – Mr. Culp stated that he was still working on a letter.
3. 119 W. Brinton – Nothing new.

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

1. Nothing from the Plan Commission this evening.

Town Engineer Report - Mr. Keith Bryant

Mr. Bryant was not available but submitted the following written updated:

1.SRF – I & I Reduction Project: The report was completed and submitted. Following the SRF concurrence, we can proceed with project survey and design later this year for spring of 2019 loan closure and construction commencement. As reported at the October 1 meeting, we received a comment related to the environmental review from the SRF Group that we will respond to this week. Technical comments are forthcoming.

2.MI Homes / Tamarack Development: The project is under construction. Mass earthwork and some storm drainage system installation has occurred. The proposed lift station excavation has progressed. A portion of the water main has been installed along Jackson Street. Weather has delayed the contractor

from recommencing the water work as planned on October 15 – we are awaiting an updated schedule from the contractor.

3. Morse Landing Section 1 / Hidden Bay Front Lift Station Improvements: Design efforts continue in order to upgrade these stations to accommodate the Tamarack and other future flows. The IDEM Wastewater permit application has been made and we are working towards final design and bid documents...

Old Business:

Council To Rescind Approval Of Ordinance 09-04-2018-2 An Ordinance Annexing Territory By Voluntary Petition On October 9th, 2018 And Consider This Ordinance This Evening.

Mr. Culp stated that the Ordinance was not to be passed until 14 days after the Public Hearing. The 9th was less than the 14 Days. Mr. Lutz made a motion to rescind the vote taken on October 9th on Ordinance 09-04-2018-2 An Ordinance Annexing Territory By Voluntary Petition. Mr. Foster seconded, motion passed. Then, Mr. Lutz made a motion to approve Ordinance 09-04-2018-2 An Ordinance Annexing Territory By Voluntary Petition. Mr. Penwell seconded, motion passed.

New Business

Council To Consider Resolution 10-16-2018-1 Transfers Fire, Police, Trash, Water and Town Council.

Mr. Foster made a motion to approve 10-16-2018-1 Transfers Fire, Police, Trash, Water, and Town Council. Mr. Lutz seconded, motion passed.

Department Head Business:

Plan Commission – C. J. Taylor/Dan Strong

1. Sewer discussion northside of 236th Street – Mr. Taylor and Mr. Strong informed the Council that the property owners on the north side of 236th Street across from the MI Home development are interested in having the Town's sewer. MI Homes is running the sewer across 236th. The property owners would then run the line to their respective properties at their cost. Mr. Taylor visually showed the area being discussed and explained how the sewer would gravity flow to the MI Homes development. Mr. Strong stated that at this time they were only looking to see if the Council is interested in moving forward. If the Town provided the sewer, the property owners would also need to be annexed. Mr. Comer stated that he is not opposed to this. The Council was okay with them moving forward. Mr. Strong will get back with Mr. Fred Day, who is spearheading the project and let him know that Council will entertain the idea.

Police Department – Jim Hunter

1. Hiring a 9th Officer – Chief Hunter stated that he is not ready to discuss at this time.
2. Moving forward with the building renovation – Chief Hunter informed the Council that quotes were requested for the Police Station renovation and they received two. Zeb Pickett was the lowest. Total cost of the project, which includes the building, electrical and furnishings is approximately \$60,000. Pickett's would only be doing the building portion. Chief Hunter asked the Council for permission to move forward with this project. Ms. Unger stated that there is no money appropriated this year to start unless

Chief Hunter has funds in his budget he could use. There was a discussion about where the \$60,000 was appropriated for 2019. Ms. Unger stated that it was accommodated for in 2019 and that she did not bring the budget with her but though it was in CCD. The Council was okay with the project and asked Mr. Culp to have the contract read for the November 7th Council Meeting.

Utilities/Street Department – Pat Comer

1. Mr. Comer stated that he had nothing this evening.

Fire Department – Lance Overholser

1. Purchase of 2019 Ford Explorer – Chief Overholser asked the Council if it was okay to proceed with ordering the 2019 Explorer to replace the Assistant Chief's vehicle. This is accommodated for in the 2019 budget plus the Fire Department will be encumbering some funds to assist with the payment. Delivery will not be until 2019. Council inquired if they were going to trade the current vehicle or sale outright. Chief Overholser was not sure currently. If it was sold outright the funds would need to be re-appropriated. Ms. Unger said they would need to re-appropriate until after the 2019 Budget was approved by the State, which could be as late as mid-February. Chief Hunter stated that he would also like to order his vehicle for 2019. He stated that he has the full amount appropriated. Council was good with them moving forward.
2. Completion of Officer 1 class for paid staff – Chief Overholser informed the Council that all the fire staff, except for a retiring fireman, have now completed the Officer 1 Training class.
3. Update on Nationwide 457 and PEHP – Chief Overholser informed the Council that Kevin Mitchell with Nationwide will be in town next Tuesday, October 23rd, to meet with the employees to answer questions regarding their 457 and PEHP plans. He will be at the Police Department at 10 am. Council told the Department Heads to make sure all their staff is aware of this meeting.

Park Department – Charlie Cambre

1. Mr. Cambre informed the Council that he has been working with Mr. Culp on contracts and other items in the parks. They have been discussing fees for the amenities such as the community building, grounds, etc. and the use by not-for-profits. Mr. Cambre stated that the Council serves as the Park Board and he would like to have an executive session or special meeting with the Council to discuss some of the items and projects perhaps three or four times a year. Mr. Cambre stated that they have the fees coming up soon for the docks and pool. He would like to discuss the community building fees also. There was a discussion and the Council stated they would have a Special Meeting on December 4th at 6:00 pm to discuss the park items with Mr. Cambre.

Community Development Specialist, Shae Kmicikewycz

1. Facebook - Ms. Kmicikewycz inquired if the Council wanted to post the candidates forum the school was holding for the school board candidates. They said they were okay this.
2. CCMG – Ms. Kmicikewycz stated that the application for the Community Crossing Matching Grant has been submitted. The Town should know something by the second week in November. The next round of applications will be due in March or April 2019.
3. Branding for the Town – Ms. Kmicikewycz stated that she would be sending an update out soon.

4. Indiana Housing and Community Development Authority (IHCDA) Grant for the Kayak/Canoe launch – Ms. Kmicikewycz stated in celebration of its 40th anniversary, IHCDA is planning to purchase two TowneScope kiosks from GoTo Kiosks and hold a drawing for the kiosks. She was notified that the Town is eligible to put their name in the drawing. Ms. Kmicikewycz inquired if the Council was interested. She stated there are some requirements if you win. After a discussion, Ms. Kmicikewycz said she would send information out to the Council.

Clerk Treasurer – Jan Unger

1. Ms. Unger stated that by law the Cicero Redevelopment Commission (CRC) had to have a meeting prior to the end of the year and invite the overlapping taxing units to the meeting. Items that are required to be addressed are: the budgets for the TIF Districts; the long-term plan for each TIF District; and the impact of each TIF area on the overlapping taxing units. Ms. Unger stated that she has been working on this and has asked Mr. Penwell, president of the CRC, to meet with her to review the report. Ms. Unger stated that she needs a date and time for the CRC meeting. The Council decided to meet on December 18th, 2018 at 6:15 pm.

Town Council – Rusty Miller

1. There was nothing this evening.

Comments By Citizens

1. There were none.

Motion To Adjourn:

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

Signatures on Official Documents!

Robert J. Miller, President

Christopher J. Lutz, Vice-president

Chad B. Amos

Brett S. Foster

Craig S. Penwell

Attested: _____
Jan Unger, Clerk Treasurer

The Next Cicero Town Council Meeting will be on November 7, 2018, at 7:00 PM at the Cicero Town Hall.