



**TOWN OF CICERO**  
**TOWN COUNCIL MEETING MINUTES**  
**Tuesday, December 4, 2018**  
**At 7:00 PM**

**Call To Order:** Vice-president Lutz called the meeting to order and lead the Pledge of Allegiance. Mr. Brett Foster gave the prayer. Mr. Lutz 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  
Craig Penwell

**Absent:**

Mr. Lutz 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  
Aaron Culp, Town Attorney  
Keith Bryant, Town Engineer  
Dan Strong, Cicero/Jackson Township Plan Commission President  
Bruce Freeman, President of Stormwater Management Board

**Approval of Agenda:**

Ms. Unger stated that if the Council wishes she could give a review of the 1782 Notice for the 2019 Approved Budget. Mr. Lutz stated that he would discuss Mr. Miller's departure. Mr. Foster made a motion to approve the Agenda with the two additional items added under Misc. Mr. Amos seconded, motion passed.

**Approval of Prior Minutes:**

Town Council Executive Session Memorandum, November 20<sup>th</sup>, 2018, 6:00 PM -  
Town Council Meeting Minutes, November 20<sup>th</sup>, 2018, 7:00 PM –

Mr. Amos made a motion to approve the Executive Session Memorandum for November 20<sup>th</sup>, 2018 and the Town Council Meeting Minutes for November 20<sup>th</sup> as presented. Mr. Foster seconded, motion passed.

**Approval of Claims:**

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

**Petitions by Citizens:**

1. There were none.

**President's Report:**

1. No report.

**Council Committee Reports:**

1. OTC Report – Nothing.
2. EDC Report – Mr. Foster stated that Joe Cox, EDC Chair, notified him that Mike McConnell and Steve Decatur have both resigned. Mr. Foster stated that if anyone is interested to let Ms. Unger know.
3. Storm Water Management Board – Nothing this evening.

**Legal Counsel Report- Aaron Culp:**

1. Nothing this evening.

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

1. Council to consider sign fees for Façade Program – Mr. Lutz inquired as to what the Council's thoughts are concerning this. There was a question concerning the fees i.e. if they are covered in the contract or if they will be passed on to the business owners. There was a motion to wave fees if they were not included in the contract by Mr. Foster. Mr. Penwell seconded, motion passed.

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

Mr. Bryant reported on the following:

1. I & I – Mr. Bryant stated that all the issues have been addressed and that the PER was back in IDEM's hands. He stated that they expect to proceed in January.
2. Lift Stations – Mr. Bryant stated that United has reviewed the one bid received for the Lift Station upgrades. They recommend that the bid be rejected and that the project be re-bid. Mr. Amos made a motion to reject the bid from Atlas and to rebid the project. Mr. Penwell seconded, motion passed.
3. MI Homes – Mr. Bryant stated that MI Homes continues to work.
4. Mr. Amos stated that he would like for Mr. Bryant to prepare a Task Order for the intersection at Jackson and Main Streets based on the lap top model discussed at the November 7<sup>th</sup> Town Council Meeting. Mr. Bryant stated that he thought they could do that without a new Task Order as there are some remaining funds available from the previous Task Order for that intersection.

**Old Business:****Council To Discuss Park Fees.**

Mr. Cambre stated that he has proposed a 3% increase in the dock fees for 2019. In discussion with the Council earlier this evening, they agreed to a 3% increase in annual residential dock fees which would be \$1,290. They suggested a slightly higher increase in the annual non-residential fees which would be \$1,750. Mr. Amos made a motion to approve these dock fees for 2019. Mr. Penwell seconded, motion passed.

**Update On Storm Water Billing.**

Ms. Unger informed the Council that the Ordinance for the Storm Water rates needed to be advertised, which she has done. They cannot take effect until 30 days after publication; therefore, the new rates will be on the February 2019 bill.

## **New Business**

### **Council To Discuss Interlocal Agreement Between Hamilton County, Indiana and the Town of Cicero, Indiana, Regarding A Service Agreement Concerning E-911 And Emergency Dispatch Services Presented To Cicero By The County.**

Mr. Foster made a motion to untable. Mr. Amos seconded, motion passed. Mr. Lutz gave an overview of what was in the Agreement.

1. Town received a letter from the county with the agreement stating that they need a response by December 4<sup>th</sup>, 2018.
2. The County is requesting the northern communities to begin paying E-911 at the beginning of 2019. The amount would be 90% by the County and 10% by the communities. Cicero's 10% is projected to be around \$13,000.
3. The County established an E-911 Board and at this time the northern entities only have 1 non-voting member. Their new proposal would be one combined vote for the Northern entities.
4. This was discussed in the spring but has remained silent until the November letter because a LIT would be implemented.

Mr. Lutz stated that the Northern communities met last Thursday for three hours. Mr. Snowden, the 911 director, was at the meeting. Mr. Lutz expressed his statement to Mr. Snowden that this is a county function and not Cicero's to pay but it was his opinion the Town should agree to the 10% as not to be combative. Mr. Lutz presented a memo to present to Mr. Snowden explaining the Northern communities' concerns with the agreement. The main points are:

1. Consistency moving forward
2. Lack of control, no ability to seek other services
3. Increased expenses
4. Previous expenses that have been added to communities in the past that county has provided such as: EMS service, removal of pool and park services and the lack of needed infrastructure improvement
5. Sustainability – a plan is needed
6. Long term fees
7. Will the 10% be changed and suggested a proposal to make the 10% remain the same for 5 years.

Mr. Lutz proposed a 5-year plan in the agreement of the same fee. Mr. Penwell inquired if the requested funds are based on the number of calls. Mr. Lutz said no. Mr. Lutz stated that Arcadia may be in favor of the 5-year plan. Mr. Culp informed the Council that Arcadia tabled it at last night's meeting. Mr. Lutz stated that Sheridan may be on board; there was no comment from Atlanta; Jackson Township has tabled the issue; and White River may be in agreement. Mr. Lutz inquired what the Council thought of the plan. Mr. Amos stated that he doesn't like it. Based on calls for service and the budget continues to go up, we would be signing a document for 10% of an unknown dollar amount. He would say no until the LIT was passed or there is a specific amount. Mr. Penwell stated that he is leaning toward signing but would like to consider what Mr. Amos said. Mr. Lutz stated that the letter could be modified to a specific amount for the 5-years. Mr.

Foster stated that he agrees with Mr. Amos' evaluation. He wants to know if they have considered dividing the cost by population. Mr. Foster is not in favor of paying 10% of a mythical number. Police Chief Hunter agrees that there is a lot more inconsistency to come, the LIT would be a better option. Chief Hunter stated that the Town needs to be fiscally responsible and make sure there is long term sustainability. Chief Hunter thought it should be declined with time to have a reasonably well thought out plan. Fire Chief Overholser stated his concerns are that if three agencies respond to one incident that all three agencies get hit for the call; instead of one call it turns into three. He believes that this will inhabit mutual aid. Dispatch spends more time on a fire call than a police call. He believes there is a flaw in the setup. Population may be the way to go. Chief Overholser is not in favor of sending the letter until we have hard numbers. Mr. Lutz suggested \$13,000 per year for 5 years. Mr. Culp stated that if we sign the agreement the Town would have no leverage in the future. The discussion continued. It was determined they should table and ask more questions. Concern about the 10% being increased. Is there a plan to phase-in or is the intent for the 10% to remain constant? Is there a long-term fiscal plan on the cost of the Dispatch Center? What other alternatives can be evaluated? Police force / Department size? Any other options? And, does the County have the ability to implement a public safety LIT? If so, does the County intend to implement?

Mr. Lutz will respond to Mr. Snowden. Mr. Penwell made a motion to table. Mr. Foster seconded, motion passed.

#### **Council To Discuss Lighting At Hidden Bay.**

Ms. Unger stated that Hidden Bay Property Owners Association is looking to upgrade their street lights to new LED lights. They contacted Duke and Duke realized that the Town is responsible for the lights and paying the bill. Duke offered the possibility of the following three options to Ms. Unger, which she is now bringing to the Council:

1. We can transfer the 25 lights from the town's account to the POA's account, then you would not have to be involved in any future decisions regarding these lights. The POA would take over the monthly payments.
2. You can authorize us to upgrade the lights for the POA, while leaving the 25 lights on the town's account. The POA would pay for the equipment and installation portion of the upgrade. The new lights would reduce the town's bill slightly, due to the lower energy usage of the new LED lights. Any new lights to be installed would be the responsibility of the POA to pay. For this option, you would likely need to sign a contract for the energy and maintenance portion of the upgraded lights.
3. Since the town is the one paying for the energy and maintenance on these lights, the town has the right to deny the POA's request to upgrade these lights. Normally, only the party paying for the lights can suggest an upgrade, but we had a difficult time finding to which accounts these lights are tied. I had already met with the POA and began planning the upgrade before I realized that the lights are being paid for by the town.

The Council discussed, and the consensus was that they would accept option #2 contingent on a signed agreement from Hidden Bay Property Owners Association. By signing an agreement/contract, they would agree to take care of upgrades to the lights and equipment.

### **Council To Discuss RR Crossing On Jackson Street.**

The Federal Railroad Administration (FRA) inspected the Atlanta Pacific Railroad/ITMZ tracks on November 13, 2018 in the Town of Cicero. They found that there are defects concerning the advance warning street signs for the railroad tracks at seven locations in Cicero. They asked Cicero to be compliant with the requirements for these advance signs. Mr. Comer stated that the Town has never been responsible for the railroad signage in the past, the port authority took care of signage. Mr. Comer stated that to install 36" signs the cost would be \$1,200 and to install 30" signs the cost would be \$900. After a brief discussion, Mr. Amos made a motion that the Town should purchase and install the signs and asked Mr. Comer to facilitate this project. Foster seconded, motion passed.

### **Council To Discuss Employee Dental Insurance For 2019.**

Mr. Amos made a motion to approve continuing with Nippon for the Town Dental Insurance. Mr. Foster seconded, motion passed.

### **Miscellaneous**

1. Ms. Unger gave a brief assessment of the 1782 Notice the Town received from the Department of Local Government Finance (DLGF). She stated that they approved budget. The tax-based budgets were different from what the Council approved as the DLGF has removed the circuit breaker amount from the total. The MVH budget had been reduced by the amount of a temporary loan which Ms. Unger stated the Town has no temporary loans and will do more research on this. The revenue is very similar to what was put in the submitted budget. The tax rates are all lower than the submitted rate, which was expected. Ms. Unger stated that the approved levy was \$250 under the maximum levy which is good. Ms. Unger explained that the CCD fund could have a maximum tax rate of five cents. The Town's is currently at .0426. To bring up to .05 the Council would have to re-establish the fund and Ms. Unger said she would not do that until it dropped under .04. Ms. Unger said if the Council has any further questions, she would be happy to sit down and go over in more detail, just let her know.
2. Rusty Miller's departure- Mr. Lutz stated that Mr. Miller has turned in his resignation. At this point, Mr. Lutz will serve the President's role through the end of the year. The Council did not feel a need to appoint a vice-president. Mr. Amos suggested that the Council wait until January to make appointments to attend OTC meetings, Parks Department liaison and other appointments that might be needed.
3. Mr. Lutz inquired if Mr. Bryant has looked at the sump pump on Shoreline Drive. Mr. Bryant stated that he has and there is water coming out but it is difficult to determine at this point where it is coming from due to the leaves etc. Mr. Comer is getting pricing for a drain in that area.

### **Comments By Citizens**

None.

### **Signatures on Official Documents!**

**Motion To Adjourn:**

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

**Signatures on Official Documents!**

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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 December 18, 2018, at 7:00 PM at the Cicero Town Hall.**