



TOWN OF CICERO
TOWN COUNCIL MEETING MINUTES
Tuesday, December 17, 2019
At 7:00 PM

Call To Order: Vice President Penwell called the meeting to order, led the Pledge of Allegiance and Mr. C.J. Taylor gave the prayer. Vice President Penwell called for the roll call and the members of the Town Council were present or absent as follows:

Present: Chad Amos
Craig Penwell
Jack Russell
Dan Strong

Absent: Chris Lutz

Mr. Penwell declared a quorum present.

Others Present: Jan Unger, Clerk Treasurer
Terry Cooper, Street & Utilities Director
Jim Hunter, Police Chief
Lance Overholser, Fire Chief
C.J. Taylor, Cicero/Jackson Township Plan Commission Director
Aaron Culp, Town Attorney
Bruce Freeman, Storm Water Management Board President

Approval of Agenda:

Mr. Penwell removed the item under Plan Commission involving the EDUs. Mr. Russell made motion to approve the Agenda as amended. Mr. Amos seconded, motion passed.

Approval of Prior Minutes:

Town Council Executive Session, November 14, 2019, 6:00 PM–
Town Council/Department Head Meeting, November 14, 2019, 7:00 PM–
Town Council Executive Session, November 19, 2019, 6:00 PM–
Town Council Meeting Minutes, November 13, 2019, 7:00 PM –

Mr. Russell made a motion to approve the minutes listed above. Mr. Penwell seconded, motion passed.

Approval of Claims:

Mr. Amos made a motion to approve the claims as presented for December 3, 2019. Mr. Russell seconded, motion passed.

Petitions by Citizens:

There were none.

President's Report:

Mr. Amos took over at this point to make a presentation to Mr. Penwell as he is going off the Council at the end of the year. Mr. Amos thanked Mr. Penwell for his service to the Town and wished him well. Mr. Amos had Mr. Penwell's two daughters present their dad with a glass recognition award for his service from the Town. Mr. Amos also noted that Ms. Unger would be retiring at the end of the year, they had a retirement party for her in November. Mr. Amos stated that they would take a fifteen-minute recess for refreshments and socializing.

Council Committee Reports:

1. OTC – Mr. Russell informed the Council that he will be working with a local artist on some possible artwork to be placed downtown.

2. EDC – Nothing this evening.
3. SWU Management Board Report – Mr. Freeman informed the Council the Storm Water Management Board would be meeting tomorrow, December 18th, to pay claims and discuss the Shoreline discharge issue. Mr. Freeman stated that it appears the Shoreline issue may be resolved.

Legal Counsel Report- Aaron Culp:

1. Mr. Culp stated he had nothing at this time.

Cicero/Jackson Township Plan Commission Report - C. J. Taylor, Plan Commission Director/Dan Strong, Plan Commission President.

Mr. Taylor updated the Council on the December 11, 2019 Plan Commission Public Hearing on MI Homes. Representative Jonathon Isaacs presented 2 petitions for consideration.

1. **A petition to allow more villa homes to be constructed in place of single-family detached homes section 2 of the Tamarack Subdivision.** During the public hearing portion of the meeting, several members of the public expressed opposition to the proposal. They stated concerns such as the villas are “too close together” and that they don’t want “cheaper housing” such as the villas. The Plan Commission approved the additional villas in a vote of 7 in favor and 1 abstained. The commission stated that they have no choice but to approve the petition as it is allowed as an option in the original PUD.
2. **A petition to amend the PUD as it pertains to three items.**

1. **To allow an existing 5’ concrete walk to remain in place of an 8’ asphalt trail along tollgate road to end at approximately the Tollgate Entrance to the subdivision.** M I also asked to be relieved of the responsibility of installation of the 8’ trail continuing south along Tollgate Rd, stating that the drainage in that area is considered “waters of the U.S.” and would be cost prohibitive to build. Mr. Isaacs did mention a payment in lieu of installation so the Town could use those funds on another trail.

The Plan Commission members did not vote on the petition, however most expressed trail connectivity concerns with not having a trail along Tollgate Rd. It was suggested to Mr. Isaacs to have at the next meeting the dollar amount proposed as payment in lieu of trail.

2. **To allow 2 signs at each entrance to the Tamarack Subdivision.** There was very little discussion and no member of the commission expressed concerns or opposition.
3. **To allow the reduction in lot size in section 3 from 85’ wide lots to 70’ wide lots.**

Mr. Isaacs stated that by doing so they could recover some of the lots lost due to greater street widths than initially determined. He also stated that they could eliminate the cul-de-sac on the end and thus provide more buffer area between Tamarack and Morse Landing. Also, Mr. Isaacs stated that the elevation of the originally proposed cul-de-sac would be approximately 8’ above the existing elevation in Morse Landing which would cause issues such as car head lights shining into bedroom windows in Morse Landing, etc.

During the public hearing, all but one member of the public in attendance opposed the resizing of the lots stating they feel that M I Homes is only concerned with “making money”. The public also feels that M I Homes is attempting to “pull a bait and switch”. One suggestion given by Chad Amos (speaking as a concerned resident) is for M I Homes to eliminate 3 or 4 lots and the cul-de-sac on the far south end of section 3, and to keep the 85’ lot width as originally approved. A lengthy discussion ensued and the matter was tabled by the plan commission with instruction for Mr. Isaacs to come back with more options to consider.

Mr. Strong stated that there is no vote on the request to leave the five-foot sidewalk in leu of an eight-foot path as this is a Town Council decision since it was in the PUD Document.

Town Engineer Report-Mr. Keith Bryant –

Mr. Bryant was unable to attend and e-mailed the following report:

Engineer’s Report

1. SRF – I & I Reduction Project: A preconstruction meeting was held with the contractor, Town personnel, IDEM SRF personnel and Tina Henderson on 12/11/19. The general contractor, 3D Company, Inc., has begun spot sewer repairs in the Hidden Bay area (intersection of Timberline Drive and Sierra Drive) and along Bayshore Drive. The contractor plans to work through the winter, weather permitting, and complete the project in April of 2020 if all goes well.
2. MI Homes / Tamarack Development: No much progress has occurred on Section 2 in regard to pipe installation due to the weather. Section 2 has not been accepted as of yet.
3. Morse Landing Section 1 / Hidden Bay Front Lift Station Improvements: The Contractor, Watson Excavating, has started the Hidden Bay lift station and is working on the Morse Landing lift station. In Morse Landing, they have the new wet well and valve vault installed.
4. East Jackson Street Project: The contractor Schutte – Lookabill (SLC) has completed the concrete work and sod. They informed us that the correct light tops and the 2 west end poles not set are to arrive until sometime this week. Signage is also to be completed this week. The SLC field superintendent informed Dan Strong that they plan to mill at the patched edges to better facilitate plowing at their cost. We are awaiting their subcontractor’s input on the mailbox direction that they were given last week.
 - a. Tonight – please consider approving the single electrical service change (south of Jackson). This will result in a change order add of approximately \$27,242 to SLC but we will receive a 100% credit from Duke for previously paid service cost (\$11,286) – resulting in a net add of approximately \$15,956.

Old Business:

Council To Consider Ordinance Number 11-06-2019-1 An Ordinance Amending Chapter 50 of Title V of the Cicero Municipal Code of Ordinances As It Pertains To The Town’s Water Shutoff Policy And Other Issues Related To Water Procedures. (Remained Tabled)

Mr. Culp stated that this ordinance would need to be set for Public Hearing. No need to untable at this time. Mr. Russell stated that he had reviewed the list of other municipalities that have shutoff/turn on fees for delinquent payments. Mr. Russell stated that there really is no consistency in the amount charged. He feels that the fee should be higher than stated in the ordinance.

Council To Discuss Lease With Ultimate Tournament Series.

The Council did not discuss but Ms. Unger stated that when the lease came up again they should consider who should pay UTS’s utility bills to the Town. The bill includes water, wastewater, storm water and hydrant.

New Business:

Council To Consider Resolution 12-17-2019-1 Transfer Of Funds For Fire, Parks, Police, Town Council, Stormwater, MVH and Wastewater.

Mr. Amos made a motion to approve Resolution 12-17-2019-1 Transfer of Funds for Fire, Parks, Police, Town Council, Stormwater, MVH and Wastewater.

Council To Consider Appointing Bruce Knott To Replace Jerry Cook On The Police Commission.

Mr. Amos made appoint Bruce Knott to the Cicero Police Commission. Mr. Russell seconded, motion passed.

Comments By Citizens

- 1. There were none.

Signatures on Official Documents!

Motion To Adjourn:

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

CICERO TOWN COUNCIL SIGNATURES:

AYE		NAY
_____	Christopher J. Lutz	_____
_____	Chad B. Amos	_____
_____	Craig S. Penwell	_____
_____	Richard J. Russell, V	_____
_____	Dan Strong	_____

Attested: _____
Rhonda Gary, Clerk Treasurer

The next Cicero Town Council Meeting will be on January 7, 2019, at 7:00 PM at the Cicero Town Hall.