

The Regular Town Council Meeting of the Town of Schererville, IN was called to order by President Rob Guetzloff at 7:11 p.m. in the Schererville Town Hall, 10 E. Joliet Street Schererville, IN.

Attendance was taken with the following Council Members present: Caleb S. Johnson, Kevin Connelly, Thomas Schmitt, Robin Arvanitis and Rob Guetzloff. Staff members present: Attorney David Austgen, Fire Chief Robert Patterson, Deputy Fire Chief David Meyer, Police Chief Pete Sormaz, Deputy Police Chief Steve McNamara, Park Superintendent John Novacich, IT Robbie Hansen, Director of Public Works Andy Hansen, Director of Operations Jim Gorman, Town Manager Robert Volkmann and Recording Secretary Robin Thiel.

THEREUPON, Approval of the minutes. Mr. Johnson made a motion to approve the minutes of the October 13, 2021 Public Meeting, seconded by Mr. Connelly. All in favor (5-0).

THEREUPON, Claims

- A. APV #99235 - APV #99724 on the General Docket, Totaling \$2,222,273.50
- B. APV #99237 - APV #99719 on the MVH Docket, Totaling \$171,841.33
- C. APV #99236 - APV #99676 on the Payroll Docket, Totaling \$1,044,852.70
- D. Various Funds, First National Bank of Omaha, October Credit Card Charges, \$11,477.11
- E. Various Funds, Austgen Kuiper Jasaitis, October Legal, \$9,803.58
- F. Various Funds, Enterprise Fleet, Monthly Lease, \$3,346.64
- G. Various Funds, Interstate Battery, Vehicle Batteries, \$517.80

Mr. Schmitt made a motion to accept the claims as presented, seconded by Mr. Connelly. All in favor (5-0).

THEREUPON, Correspondence NONE

THEREUPON, Reports

Fire Chief Patterson reported that the Fire Department responded to 340 calls in October, 291 of them were EMS related and 49 were Fire related. Chief Patterson also reported that the process has been completed for the new five full time firefighters. Two of them will start on November 15th, and three of them will start on November 22nd. Chief Patterson stated that once the State Board of Accounts approves the Town's Budget, we will start the process to hire two additional firefighters.

Police Chief Sormaz reported that the Schererville Police Department is supporting the Toys for Tots program again. He stated that they collect unwrapped new presents and employees at the Police Department wrap the presents. Chief Sormaz stated that all of the presents will go to kids in our Community.

Deputy Police Chief McNamara stated that four new Police Officers will be sworn in on Monday, November 15, 2021, and they have two more in the hiring process. Deputy Chief McNamara stated once they are sworn in they will go through in house training until they go the Academy in January 2022.

Park Superintendent John Novacich reported that the Schererville Park Department, along with the American Legion and VFW will be hosting the Veteran's Day Ceremony tomorrow, across the street at 6:00 p.m.

Director of Public Works Andy Hansen reported that Schererville received a grant from the Indiana Department of Transportation in the amount of \$680,346.46, which is a 50/50 percent grant.

Mr. Volkmann stated that they started putting up the Town Christmas decorations this week and it was brought up to maybe add more decorations this year to our Town welcoming signs and some subdivision signs. Mr. Volkmann stated he is looking for the Councils approval to spend \$500.00 on the additional decorations. Mr. Connelly made a motion to approve \$500.00 for the additional decorations, seconded by Mr. Schmitt. All in favor (5-0).

Mr. Volkmann stated that he knows there has been a lot of discussions on Social Media regarding puppy mills and the new business that has opened in Schererville, Happiness is Pets. He stated that it has actually caused them to review our Ordinances. He stated that we have several Animal Control Ordinances in place in Schererville and he would recommend that we do some updating on those Ordinances and also make some changes in our Zoning Ordinance that would preclude puppy mills and such from being here in Town. Mr. Volkmann stated that we do have one pet store that opened up in Town and they are affiliated with Purdue University. He stated that they only deal with certified breeders, not puppy mills. Mr. Volkmann stated he would look for the Councils authorization to work with Attorney Austgen to make those amendments to our Ordinances to deal with this subject and to tighten up our Ordinances as well.

Mr. Johnson made a motion to move forward with reorganizing and updating our Ordinances for Animal Control, seconded by Mrs. Arvanitis. Mr. Connelly stated that he wanted to comment, like Mr. Volkmann stated there has been a lot of misinformation, and he does know that the business in question is affiliated with Purdue University. Mr. Connelly stated that he spoke at length with someone from Purdue University and they have very strict guidelines on the breeders they work with.

Mrs. Arvanitis stated she has some questions for the owner. She asked Mr. John Berning, 1525 U.S. 41 Schererville, IN how often the breeders audited. Mr. Berning said they are currently audited every 16 months, but he does know that Purdue is in discussion about making that annually.

Mr. Johnson stated it is his understanding that Mr. Berning maintains on the premises records of where the puppies came from, what breeder, their certification records and such, so that anybody who is coming in for a puppy can ask questions about the breeders.

Mr. Berning stated that what they do in their store is that every puppy that is for sale, there is disclosure documents, the breed, the sex, the date of birth, the chip number, complete medical information including vaccinations and etc.

Chief Sormaz stated that our Animal Control Director did make an inspection on premises and everything was in compliance.

Mr. Johnson asked Mr. Berning how many puppies they have on their premises. Mr. Berning stated that capacity maximum is 60, but on the average probably 35-40.

Mrs. Arvanitis asked Mr. Berning that if a breeder wanted to come into their business, they would have to do that through Purdue first. Mr. Berning stated yes, that is correct. Mrs. Arvanitis asked Mr. Berning if he keeps copies of the audits. He stated yes he does, he has one available that he will email to all of the Council Members.

Mr. Volkmann stated that there are no puppy breeders registered in Schererville.

All in favor (5-0).

Mr. Johnson stated that the Lake Central Education Foundation had an event this past weekend. He stated they had a great showing in support of the Lake Central Education Foundation. Mr. Johnson stated he wanted to bring this up today because our Police and Fire

were out there in great numbers, making it a safe event for many young kids and families walking on the streets and in subdivisions by Lake Central High School. Mr. Johnson stated that they raised over \$18,000.00.

Mr. Guetzloff stated he wanted to give Andrean Volley Ball team a shout out, they were State Champions this past weekend. He said congratulations to the Andrean girls for a fine job.

THEREUPON, Public Comments Regarding Agenda Items NONE

THEREUPON, Old Business NONE

THEREUPON, New Business

ITEM A. PUBLIC HEARING

Mr. Troxell stated he has reviewed the Proof of Publications and find them to be in order.

Mr. Troxell stated that this Ordinance is for an Additional Appropriation and a Reduction in Appropriations. He stated that we are required by law to advertise these. Mr. Troxell stated that this gives the tax payers the option to speak for or against these Appropriations. Mr. Troxell explained in detail the Additional Appropriations in the Park Non-Reverting and Community Crossing Grant Funds, and the Reduction of Appropriations is in the General Administration Fund.

Ord. #1974, An Ordinance Providing for an Additional Appropriation in the Park Non-Reverting and Community Crossing Grand Funds, and a Reduction in the General Administration Fund of the Town of Schererville for Year 2021, and all Matters Related Thereto

OPEN TO THE FLOOR FOR PUBLIC COMMENT

NO COMMENTS FROM THE FLOOR

CLOSED TO THE FLOOR FOR PUBLIC COMMENT

Mr. Troxell stated that in reducing the 2021 budget, this will help with our 2022 Budget.

Mr. Connelly made a motion to consider on 1st reading, Ordinance #1974, seconded by Mr. Johnson. All in favor (5-0).

Mr. Connelly made a motion to adopt Ordinance #1974, seconded by Mr. Johnson. All in favor (5-0).

ITEM B. Ord. #1975, An Ordinance Establishing Compensation, Salaries, and Wages for Officials and Employees of the Town of Schererville, Lake County, Indiana, Classifying Certain Positions of Employment Together with Rates of Pay, Repealing and Amending Prior Ordinances in Conflict Herewith, and Declaring that an Emergency Exists

Mr. Gorman stated that this is the Salary Ordinance that we update every year, it repeals all past ordinances and it does include a 3% raise.

Mr. Connelly made a motion to consider on 1st reading, Ordinance #1975, seconded by Mr. Johnson. All in favor (5-0).

ITEM C. Res. #2021-16, A Resolution of the Town Council of the Town of Schererville, Lake County, Indiana, Concerning Authorization for Execution of INDOT Agreements

Mr. Gorman stated that this is a Resolution that INDOT requires us to have in place just to authorize the Town Council President to sign any future INDOT projects or contracts.

Mr. Schmitt made a motion to adopt Resolution #2021-16, seconded by Mr. Johnson. All in favor (5-0).

ITEM D. Consider Variance of Use to Allow a Drive-Thru Lane
Within the U.S. 41 Commercial Corridor Overlay District

Board of Zoning Appeals Case #21-10-21
Location: 1675 U.S. 41 (Baker's Square Site
Redevelopment)
Petitioner: Schererville Management, LLC - Jordan
Chapman/Reid Cooksey
BZA Favorable Recommendation with Conditions 3-0

Mr. Jim Wieser stated that he is the Attorney for the project. He stated that what we are talking about is the building that houses the current Baker's Square. He stated that the intent is to demolish that building, and rebuild, which the building will house two Commercial tenants and one of the tenants is requesting a drive-thru. He stated that as you know the U.S. 41 Commercial Overlay doesn't permit that currently, so there was a requirement for a Variance, which was presented to the BZA and the BZA recommended with conditions.

Mr. Johnson asked Mr. Wieser which tenant is requiring the drive-thru. Mr. Wieser stated that the proposed tenant is Starbucks. Mr. Johnson stated that he saw the plans, he was at the BZA hearing, and it is his understanding that there is a stacking plan that they have proposed. Mr. Johnson asked Mr. Wieser how many cars they are planning to have stacked for this National Coffee Chain.

Mr. Wieser stated that there is dedicated for stacking of fourteen cars and there is additional availability on the side for additional cars as well, for about seventeen additional cars, but in terms of stacking itself, the stacking is fourteen vehicles.

Mr. Johnson stated that he sat through the hearing and he thinks everybody was concerned about the amount of stacking making sure there was enough, making sure it wasn't overflowing and interfering with the second tenant that is going to go in there. He said he thinks everyone at the BZA was concerned with, is there enough stacking for this drive-thru. Mr. Johnson stated that he feels fourteen isn't enough and it could interfere. He stated he doesn't know that the solution is, he would like to see eighteen or twenty stacking there.

Mr. Wieser stated engineering wise, there is always a way to do something, but he can't make any promises or guarantees. He stated that it is their intent to meet with the Plan Commission next Monday at the study session. He stated that he knows that will be the focus and concern. He stated that it is the decision of the Engineers who have engineered a number of these nationally that fourteen is more than sufficient. Mr. Wieser stated that an important issue here is there is no direct access to U.S. 41. He stated that there is going to be a cross access easement agreement with the Verizon and Five Guys to allow for any alleviation of any problems.

Mr. Johnson stated that the second concern he has with traffic in that area, is the second tenant that comes in going to be high traffic in the morning as well. Mr. Johnson stated that he would be concerned about just giving a blanket approval here without knowing who the second tenant will be.

Mr. Wieser stated that he is not aware of second tenant that has committed. Mr. Wieser stated that what we are here for is just the Use Variance to allow a drive-thru. He stated that the BZA made appropriate findings consistent with that. He stated those are all of the things they will be discussing with the Plan Commission as we move forward because there is a waiver or potential variances that may be needed and that discussion will take place at the Plan Commission on Monday.

Mr. Johnson stated that the BZA put a condition on the approval for the drive-thru that the second tenant would have to be disclosed and come back. He stated that his concern is that their condition wasn't to say, we have to approve it. He stated that the condition was that you have to come back before us. He stated that the BZA didn't make it contingent on who the second tenant is and he thinks that is what he would like the Council to do here, that if this is approved for a drive-thru that the second tenant has to be approved as well. Mr. Johnson asked Mr. Wieser where there is a loading zone and how are they going to get materials in there. Attorney Wieser said he would have no idea on how to answer that.

Mr. Johnson made a motion to grant the Variance of Use to allow the drive-thru in the U.S. 41 Commercial Corridor Overlay District, but with the condition that there would be twenty cars stacked for the drive-thru as opposed to fourteen that was proposed, and he would also like to see that there is a condition that the second tenant, whenever they are identified to come in, that they would have to come back before the BZA to present their hours and their expectations for traffic. He stated his motion is based upon the Findings of the BZA and to adopt those for our decision.

Mr. Schmitt asked Attorney Austgen if they were allowed to put conditions on a Variance request. Attorney Austgen stated yes you can, you are the judicial body and has the authority to make the final decision.

Mr. Connelly seconded by motion. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mr. Schmitt - Yes; Mrs. Arvanitis - Yes; and Mr. Guetzloff - Yes. Motion carries (5-0).

ITEM E. Consider Release of Cash Sureties and Certificate of Release for the following:

Golf View Manor, Unit 4 - \$1,198.00
Hall's First Edition - \$1,239.50
Paragon Addition (Community Neuroscience &
Sports Medicine) - \$7,017.29

Mr. Gorman stated that this is three small developments who met all requirements in our Ordinance. He stated that staff has made final inspections and it is appropriate to release the Cash Sureties.

Mr. Schmitt made a motion to Release the Cash Sureties and Certificate of Release for the properties listed above, seconded by Mr. Johnson. All in favor (5-0).

(Mr. Johnson left the meeting)

ITEM F. Consider Acceptance of Permanent Easement Agreement (Parcel 2) between Eli Vujko and Debra Vujko and the Town of Schererville (Pennsy Greenway Trail)

ITEM G. Consider Acceptance of Permanent Easement Agreement (Parcel 2A) between Eli Vujko and Debra Vujko and the Town of Schererville (Pennsy Greenway Trail)

ITEM H. Consider Acceptance of Permanent Easement Agreement (Parcel 2B) between Eli Vujko and Debra Vujko and the Town of Schererville (Pennsy Greenway Trail)

Mr. Gorman stated that this is another property where we required permanent easements for drainage work along the Pennsy Trail Phase IV. Mr. Gorman stated that we have three of them on the agenda tonight, they are all permanent easements.

Mr. Schmitt made a motion to approve Item F., Item G., and Item H., seconded by Mr. Connelly. All in favor (4-0)

ITEM I. Consider Acceptance of Donations (Deferred from September

Meeting) = \$2,551.01

Mr. Troxell read into the record, the donations for September 2021.

Mr. Schmitt made a motion to accept the donations as read, seconded by Mr. Connelly. All in favor (4-0).

THEREUPON, Business from the floor

Lauren Duran, 55 W. Elizabeth Drive that her and her neighbors who are here tonight want to address the speeding drivers on Elizabeth Drive. She stated that all of the Council Members should have received a letter from them, advising all of the issues they are having. She stated that their main concern is the speeding drivers and they have no sidewalks there. She stated they are talking about the property between Elizabeth and Anna St.

Chief Sormaz stated that since they received that letter they have stepped up patrols in that area. He stated that they put the traffic monitor out there and the speeds were averaging 36 mph. He stated that Commander Michael Bork is monitoring that on a daily basis.

After a lengthy discussion, Mr. Guetzloff stated that they are still looking at it. He stated that they are going to have to see what kind of traffic flow we have, how many cars are drive on it. Mr. Guetzloff stated if the residents want to speak with the Police Chief and Commander Bork, they will be available after the meeting.

Mr. Connelly made a motion to adjourn, seconded by Mr. Schmitt. All in favor (4-0).

Meeting adjourned.

ROB GUETZLOFF
TOWN COUNCIL PRESIDENT

MICHAEL A TROXELL, CMO
TOWN CLERK-TREASURER

A TRUE COPY