The Regular Town Council Meeting of the Town of Schererville, IN was called to order by President Thomas Schmitt at 7:15 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, Robin Arvanitis, Rob Guetzloff and Thomas Schmitt. Staff members present: Attorney David Austgen, Fire Chief Robert Patterson, Deputy Fire Chief David Meyer, Deputy Police Chief Steve McNamara, Park Superintendent John Novacich, IT Robbie Hansen, Town Engineer Neil Simstad, Director of Public Works Chad Nondorf, Director of Operations Andy Hansen, Town Manager Jim Gorman, Clerk-Treasurer Michael Troxell and Recording Secretary Robin Thiel.

THEREUPON, Approval of the minutes. Mr. Johnson made a motion to approve the minutes of the October 11, 2023 Public Meeting, seconded by Mrs. Arvanitis. All in favor (5-0).

THEREUPON, Claims

A. APV #111141 - APV #111554 on the General Docket, Totaling $2,276,814.69
B. APV #111154 - APV #111546 on the MVH Docket, Totaling $135,186.74
C. APV #111156 - APV #111472 on the Payroll Docket, Totaling $1,184,971.99
D. Various Funds, First National Bank of Omaha, Credit Card Charges, $7,937.25
E. Various Funds, Enterprise Rent-A-Car, Vehicle Lease, $3,346.64
F. Various Funds, Austgen Kuiper Jasaitis, October Legal, $12,539.40
G. Ambulance Fund, E-Services Technology, Various Invoices, $15.00
H. Park Bond 2018 Fund, DLZ LLC, Pmt. #18-Pennsy Greenway, Phase IV, Invoice #706294, $18,131.71
I. Various Funds, Auto-Wares, Repair Parts, $22,278.96
J. Various Funds, Menards, Supplies/Parts, $3,044.90
K. Various Funds, Napa Auto Parts, Parts, $729.55
L. Various Funds, Lowe's, Parts, $304.92
M. Park Non-Reverting Fund, Everlasting Smiles & Memories, Country-A-Fair, $600.00
N. Cable TV Fund, Business Purchasing Solutions, Invoice #BPS102802, $438.75
O. General Fund - Animal Control, Crossroads Animal Hospital, Vet Bills, $1,667.25
P. Ambulance Fund, The Accumed Group, Billing Service, $3,932.81
Q. Solid Waste Fund, Homer Industries, Tub Grinding Services, $10,350.00
R. Cable TV Fund, Niemeyer's Landscape Supply, Grass Seed, $1,548.00
S. Various Funds, T&M Tire, Tires, $1,639.00
T. Public Safety Fund, Rave Mobile Safety, Subscription, $7,500.05
U. Cedit N/R Fund, R&R Yard, Mowing, $3,000.00
V. Various Funds, Kiesler Police Supply, Ammunition, $24,316.25
W. Donation Fund, Gruel Brothers, Chainsaws, $6,375.92
X. General Fund - Fire, Fire Service, Inc., Tests & Repairs, $4,230.70
Y. Various Funds, Ferguson, Meters & Supplies, $19,398.62
Z. CCD Fund, Braniff Communications, COWS Repairs, $2,199.50
AA. Various Funds, Rieth-Riley Construction, Invoice #3641609-01, $51,403.99

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

THEREUPON, Correspondence NONE

THEREUPON, Reports

Deputy Police Chief Steve McNamara stated that they will be hosting their Women's Self Defense Class on November 20th at 6:30 p.m. He stated that applications are available on their website.

Deputy Police Chief McNamara stated that the FOP will be holding their annual Turkey raffle on Tuesday, November 14, 2023 at 6:00 p.m.

Mr. Johnson stated that the election yesterday went pretty nice and smoothly. He thanked all of the poll workers, the folks that were in charge and organizing everything. He stated that he was re-elected and thanked the voters for that.

Mr. Schmitt congratulated Councilman Caleb Johnson, Councilwoman Robin Arvanitis, Councilman Rob Guetzloff, Clerk-Treasurer Michael Troxell and Town Judge Randy Wyllie for their successful election yesterday.

THEREUPON, Presentation

Georgianna Glavas - Logan's Love

Elaine Rania stated she will be speaking on behalf of Logan's Love. She stated that she has the Logan's Love Committee and Nicole, Logan's mom, with her this evening. She stated that she would like to thank everybody in the Town of Schererville, the Town Council, First Responders and the community members because they have had such great fundraising for our Logan's Love events. She stated that they are here tonight not only to thank all of you, but to present one of the 53 Ben's Blue Bags that they are going to be providing to the Schererville Police First Responders. She stated that here this evening is Matt Kodice who is the founder of Ben's blue bags, he has a son on the autism spectrum. Mr. Kodice stated that he is a Lieutenant with the Crown Point Fire Recue and creator of Ben's blue bags. He stated that the program was started a little over four years ago and the Schererville Fire Department was one of the first fire departments to do the program, all Fire and EMS First Responders. Mr. Kodice stated that the Police Department is now asking to get involved. He stated that they put 53 bags in all of the Schererville Police Cars. He stated that next year he will be coming back to help provide training for all Police Officers along with retraining all of the Fire Department Staff. He stated that there are various sensory stimulation items that help with autistic and with special needs patient.

Elaine Rania stated that Mr. Kodice developed these bags and helps in the training of our friends in the community on the autism spectrum and anybody that's in a traumatic situation. They showed the Council some of the items in the bags and described how they work. She stated that they would like to present this bag and possibly have a photo taken with Deputy Police Chief McNamara.

THEREUPON, Public Comments Regarding Agenda Items

Adrien Chabot, 413 East Joliet Street, Schererville, stated that he is here to show his support on Item C under new business regarding the variance for the chickens and also to share his support in adjusting the Town's Ordinances regarding chicken keeping here in Schererville. He stated as he has watched this unravel over the last couple of years, what he feels is it is really a topic that's not important to most people in power here. He stated that you've heard the presentations on the benefits on it at the BZA meeting a couple weeks ago and it was very discouraging to see some of the ignorance from the people making decisions about it. He stated that one of the main folks who was vocal about his opposition asked how hens lay eggs if there are no roosters around, another individual cited his concerns that chickens are unhealthy but never verbalized what his concerns were regarding health and someone made comments about the noise of the chickens. He said let's come up with a way where we can allow it, yet regulate it at the same time. He stated that the checks and balances is a win-win for both the Town and the handful of people that are interested in having chickens.

Mr. David Parks, 7529 West 77th Avenue, Crown Point, IN and lives on two acres. He stated that he is the one going through

the variance process right now. He stated that he has six hens on the property and he is trying to get a variance on just a 20x20' area of the property. He stated he has had these chickens for seven years and have never had any issues. He stated that he has two adjacent neighbors that are aware of the chickens and they support it. Mr. Parks stated that he went in front of the BZA a couple weeks ago and he has a couple things he would like to address. He stated that one of the first things the BZA said is that they didn't want to set a precedence for other people to go through this variance process and think they can get chickens. He stated that he thinks everyone has the right to go through the variance process but obviously it should be a case by case basis. He stated that he is in a unique situation where he has the land and property. Mr. Parks stated that the BZA also said Health concerns, but no specifics. He stated that they are in the coop daily cleaning it, he's never had any health concerns whatsoever. He stated one member said devaluing of property, but he has had an appraisal on his property since he purchased it and it has gone up substantially.

THEREUPON, Old Business

ITEM A. Consider Variance of Use to Allow a Home business to Consist of Police/Security Canine Training (Deferred From the October 11, 2023 meeting)

Board of Zoning Case #23-8-11
Location: 510 77th Avenue
Petitioner(s): Elad Bachar and Julie M. Bachar
BZA Favorable Recommendation with Conditions

1. There will be no outdoor kennels and no Overnight boarding of canines
2. Petitioners will provide proof of liability Insurance
3. Petitioners will have planted 30 additional Trees on the east side of their property per The proposal provided by Victory Gardens and Submitted as evidence during the hearing
4. Petitioners will comply with all applicable Local, State and Federal regulations
5. Petitioners will not train, nor have on the Premises, more than 4 non-police canines per day

Mr. Gorman stated that this was deferred from our last month's meeting. The Town Council needed more information on how to secure the area so that there was safety in mind and the petitioner was going to look into fencing prices.

Mr. Wieser handed out an estimate for fencing on the property. He stated what they believe they are here for, we already had the unanimous approval of the BZA with conditions, several of which went specifically to the issue of securing of the property and protection of the neighborhood and adjoining property owners. Mr. Wieser stated that they were asked to look into a possibility of further additional manner and methods of security, particularly a fence that would be located right by the pole barn by where the dogs will be trained. He stated that the handout he passed out, his client obtained this from Reeve's Fencing and you can see the nature of the fencing and the cost. He stated that they don't contest or dispute the right of the Council to ask for this additional screening, but for the purpose for which his client is doing this and the cost and the ability to recover that cost over any reasonable period of time is just simply beyond their

capability and capacity to handle. He stated that they are here tonight asking that the Council approve Variance of Use that was approved by the BZA with the conditions.

Mr. Johnson thanked Mr. Wieser for his presentation and for the estimate at his request. He stated that he doesn't think that it's unreasonable to ask for the area to be fenced in as an additional condition. He stated he realizes that's a lot of money and he know that's a hard thing to ask of a new business like this, but it is also a cost savings to his client to have a business in his home as opposed to going out and renting a facility that is set up to allow dog training. Mr. Johnson stated that these people are dealing with problem dogs who need training and they may not be on a leash when they get out of the vehicle, most dogs are not leashed in their vehicle.

Mr. Schmitt stated that he drove down there and saw the location and he feels it's pretty secure already and with the work that they are doing already, he thinks it is going to work and be secure.

Mr. Connelly stated that he supports Mr. Johnson's concern primarily because of the location which right in the middle of a residential neighborhood, that what his concern is. Mr. Connelly stated that he doesn't think it's too much to ask, so he agrees with Mr. Johnson and his concerns.

Mr. Wieser stated that he might see this as a challenge that under Indiana Law where one of your bodies holds a public hearing, makes a decision after they've heard all of the issues, two neighbors expressed concern. He stated that one neighbor's concern was solely and exclusively that he was sick and tired of a business being there because there had been a business in that pole barn before he was objecting to the safety or concern. Mr. Wieser stated that 68 residents got notified of the hearing and two showed up. He stated that here we sit, in spite of what took place at the public hearing which, by the way resulted in the conditions you saw which are reasonable. He stated he doesn't think it is consistent with the BZA's determination and they imposed a number of conditions all of which we agreed to comply with. He stated that he feels it's appropriate that his clients are not going to change their minds. He stated that the Council can make the decision, they respect that.

Mr. Johnson made a motion to deny the Variance of Use considering the petitioner is unwilling to comply with his concerns to make the drop off and pick up facility safe and based upon his concern that the variance would be unhealthy and unsafe for the area as currently proposed, seconded by Mr. Connelly.

Mr. Schmitt asked Mr. Troxell for a Roll call vote:
Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis - No; Mr. Guetzloff - No; Mr. Schmitt - No Motion denied (2-3).

Mr. Guetzloff made a motion to approve the Variance of Use BZA Case #23-8-11, along with the conditions, seconded by Mr. Arvanitis.

Mr. Schmitt asked Mr. Troxell for a roll call vote.
Mr. Johnson - No; Mr. Connelly - No; Mrs. Arvanitis - Yes; Mr. Guetzloff - Yes; Mr. Schmitt - Yes Motion carries (3-2)

THEREUPON, New Business

ITEM A. Ord. #1998, 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 proposed 2024 Salary Ordinance we do every year. He stated that it does include a 3% increase.

Mr. Schmitt asked Attorney Austgen to approve it and to adopt it, it would have to have a unanimous vote. Attorney Austgen advised yes.

Mr. Johnson made a motion to approve Ordinance #1998 on 1st reading, seconded by Mr. Connelly.

Mr. Schmitt asked Mr. Troxell for a roll call vote. Mr. Johnson - Yes; Mr. Connelly - Yes; Mrs. Arvanitis- Yes, Mr. Guetzloff - Yes: Mr. Schmitt - No. Motion carries (4-1).

Mr. Schmitt stated that the only reason he voted no is that there are several things he has not had a chance to look at. He stated he was sorry, but due to the election and stuff, he hasn't had a chance to go through the whole Ordinance and therefore he would like to adopt it next month.

ITEM B. Res. #2023-14, A Resolution of the Town of Schererville, Lake County, Indiana, Approving the Town Joint Interlocal Cooperation Agreement with the Town of Dyer, Lake County, Indiana, and the Town of Munster, Lake County, Indiana, For the Asphalt Patching of Main Street, and all Matters Related Thereto

Mr. Hansen stated that Dyer, Munster and Schererville have been working together to get an area from roughly the Dyer Ditch to Cypress Drive patched. He stated that Munster is working on a project to do some widening in the future. He stated the road is in pretty bad condition so this is a temporary fix to get us by until that big project come through.

Mr. Connelly stated that this is a much needed deep patchwork that should last at least a few years. Mr. Hansen stated that this work is supposed to occur next week.

Mr. Connelly made a motion to accept the Joint Interlocal Cooperation Agreement, seconded by Mrs. Arvanitis. All in favor (5-0).

ITEM C. Consider Variance of Use to Allow 6-10 Hen Chickens to Be Raised and Kept On-Site on a 2-Acre Residentially Zoned (R-1) Property

Board of Zoning Appeals Case #23-10-20
Petitioner(s): David Parks
Location: 7529 W. 77th Avenue - Lincoln Parkway Acres, Lot 29
Unfavorable Recommendation to the Town Council (3-1)

Mr. Parks stated that this was addressed earlier this evening at Opening the floor for agenda items. He stated that you heard

the concerns of the BZA. He stated that the BZA said they did not want to set a precedence, to have other people think that they could go through this variance process and they could just get chickens. He stated that he doesn't think many people will want to go through this process. He stated that he has a unique situation, he has the room and the property and the acreage. Mr. Parks stated the BZA address the devaluation of property. Mr. Parks stated that the coop is well-maintained, it's hidden on his property. He stated that his property butts up against another property that's 10 acres and there is nobody that lives on that property. Mr. Park stated that for seven years he has never had any issues with anything. He stated that regarding health issues, the BZA had no specifics to what they meant. He stated that he has a daughter and they are in the coop every day and they have never had any health issues, they eat the eggs, the clean the coop daily. Mr. Parks stated that he doesn't feel they are setting a precedence here because he feels going through the variance, it should be a case by case basis.

Mr. Connelly stated that Mr. Parks gave a great presentation, he went through the variance process and he plans on supporting this.

Mrs. Arvanitis stated her question is, if he has had this for several years how did you end up asking for a variance? She asked if someone complained about his chickens.

Mr. Parks stated that when they first moved in, their address is Crown Point, IN so he went by the Crown Point regulations. He stated that he received a citation and asked the gentlemen that gave him the citation how they found out he had chickens. He stated that nobody lives around him to turn him in. He stated he does not 100% know how, the only thing he knows, and this is just speculation, the Town was doing work at the end of the road during the summer. He stated someone may have seen the chickens while they were running around.

Mr. Schmitt stated that he has to disagree with Mr. Connelly about setting a precedence because our Ordinance states that chickens are not allowed in the town limits and your property is in town limits. He stated that in the Zoning Ordinance it states no chickens, and he feels we need to stick by the Zoning Ordinance.

Mr. Johnson made a motion to approve the Variance of Use, BZA Case #23-10-20, seconded by Mr. Connelly.

Mr. Schmitt asked Mr. Troxell for a roll call vote.
Mr. Johnson-Yes; Mr. Connelly-Yes, Mrs. Arvanitis-No; Mr. Guetzloff -No; Mr. Schmitt-No. Motion denied (2-3).

Mrs. Arvanitis made a motion to deny the Variance of Use, BZA Case #23-10-20, seconded by Mr. Guetzloff.

Mr. Schmitt asked Mr. Troxell for a roll call vote.
Mr. Johnson-No; Mr. Connelly-No; Mrs. Arvanitis-Yes; Mr. Guetzloff -Yes; Mr. Schmitt-Yes. Motion carries (3-2).

ITEM D. Consider Acceptance of Cell Tower Lease Agreement for the 91st Avenue Water Tower between the Town of Schererville and T-Mobile Central LLC, a Delaware Limited Liability Company **(From Waterworks Board Agenda.)**

Mr. Gorman stated that is was approved by the Waterworks Board earlier this evening. Mrs. Arvanitis made a motion to accept the Cell Tower Lease Agreement, seconded by Mr. Guetzloff. All in favor (5-0).

ITEM E. Consider Acceptance of Agreement between the Town of Schererville, Lake County, Indiana and the St. John Township, Lake County, Indiana, for Operation of a Gas Card Assistance Program, and all Matters Related Thereto.

Mr. Gorman stated that St. John Trustee, Cathy Lareau, is here this evening and she can explain the program. Ms. Lareau stated that it is her understanding there is a little history a few years back that there was a ministerial group that took donations and they gave police departments in our Township gift cards so if they came across someone stranded or needed gas, they could provide these people gift cards, to help them. Ms. Lareau stated that this group disbanded at the end of 2019 and since then she will occasionally get phone calls from the police departments or police officers saying that they came across someone that needed gas and her office was able to provide a gas gift card to give these people. Ms. Lareau stated that she was at a Township conference in September and she found out that she can actually enter a community service agreements with the towns in our Township and she can provide these gas cards to the police departments. She stated they can go ahead and provide them to people in need, they wouldn't have to call her every time. Ms. Lareau stated that once she enters the agreement with the towns, she will give gift cards to the police departments based on the size of the department. She said that Schererville would receive 51 gift cards.

Deputy Chief McNamara stated that these cards will be kept in the police department. The cars will not have a gift card in them. So when they come across a situation where they need a gas card they would contact their sergeant in charge of that shift and the sergeant would distribute the card to the officer, or deliver the card to the officer where the car is stranded. He stated that there will be internal controls within the Police Department.

Ms. Lareau stated that the gift cards are going to be $25.00 each, Schererville will receive 51 cards and if they run out they can contact her for additional cards.

Mrs. Arvanitis made a motion to accept the Agreement between the Town of Schererville and the St. John Township, seconded by Mr. Johnson. All in favor (5-0).

ITEM F. Consider Acceptance of Donations - $8,620.00

Mr. Troxell read into the record the list of donations for the month of October 2023.

Mr. Guetzloff made a motion to accept the donations as read, seconded by Mrs. Arvanitis. All in favor (5-0).

THEREUPON, Business from the floor NONE

Meeting adjourned.

THOMAS SCHMITT
TOWN COUNCIL PRESIDENT

Michael A. Troxell, IAMC, CMC, CPFIM, CMO
TOWN CLERK-TREASURER

A TRUE COPY

TOWN OF SCHERERVILLE SEAL LAKE COUNTY, INDIANA