

The Regular Town Council Meeting of the Town of Schererville, IN was called to order by Vice President Michael Troxell at 7:27 p.m. in the Schererville Town Hall, 10 E. Joliet Street Schererville, IN.

Attendance was taken with the following Councilmen present: Kevin Connelly, David DeJong, Michael Troxell and Thomas Schmitt. Councilman absent: Rob Guetzloff. Staff members present: Attorney David Austgen, Deputy Fire Chief David Meyer, Police Chief Dennis Zagrocki, Deputy Police Chief Joseph Gasiorek, Park Superintendent John Novacich, Wastewater Treatment Plant Superintendent Jim Gorman, Director of Public Works Jeff Huet, Town Manager Robert Volkmann, Clerk-Treasurer Janice Malinowski and Recording Secretary Robin Thiel.

THEREUPON, Approval of the minutes. Mr. DeJong made a motion to approve the minutes of the September 12, 2018 Public Meeting, seconded by Mr. Schmitt. All in favor (4-0).

THEREUPON, Claims

- A. APV #79240 - APV #80159 on the General Docket, Totaling \$1,995,861.85
- B. APV #79257 - APV #80151 on the MVH Docket, Totaling \$273,247.71
- C. Various Funds, Austgen Kuiper Jasaitis, Various September Legal Fees \$9,949.07
- D. Ambulance Fund, Austgen Kuiper Jasaitis, Attorney Fees - EMS Collection \$128.24
- E. Various Funds, First National Bank of Omaha, September Credit Card Charges, \$15,639.52
- F. General - Animal Control Fund, Coyne Veterinary of St. John, September Invoices \$618.33
- G. Various Funds, Walsh & Kelly, 2018 Paving and Patching - Invoice #18-0878, \$343,564.42
- H. Solid Waste Mgmt. Fund - Briar Ridge Property Owners Assoc., Inc., Annual Recycling Share \$10,377.36
- I. Solid Waste Mgmt. Fund - Springvale Homeowners Assoc., Inc., Annual Recycling Share \$4,008.96
- J. Cedit Fund, Lake County Treasurer, Taxes Due - 413 Summer Drive, \$337.24
- K. Various Funds, Robinson Engineering, Invoice #18080516, \$18,491.25
- L. General Fund - Police, Pace Systems, Invoice #21650 \$2,300.00
- M. Donation Fund, Partners & Paws, Invoice #54746, \$241.38
- N. Police Equipment Fund, Star Uniform, Invoice #178057, \$2,676.29
- O. Various Funds, Staples, Various Invoices \$1,435.79
- P. MVH Fund, Wm. Walters Excavating, Invoice #13975, \$1,763.16
- Q. 2016 G.O. Bond, Administration Fee, 11-2018 through 10-2019, Huntington National Bank \$500.00

Mr. Connelly made a motion to accept the claims as presented, seconded by Mr. DeJong.

Mr. Schmitt asked Mr. Huet about line item "G" on the claims. He asked Mr. Huet if that is the final payment for our road paving for the year. Mr. Huet stated that he doesn't know the answer to that question for sure, he will get that answer to the Council by the end of the week.

All in favor (4-0).

THEREUPON, Correspondence NONE

THEREUPON, Reports

Chief Zagrocki stated that he is happy to announce that two of our newest Officers graduated from the Police Academy in Plainfield on September 29, 2018. He stated they are currently in the field training officer program.

Chief Zagrocki reported that on Monday, October 15th at the Schererville Community Center, they are hosting an event from 6:30 - 9:00 p.m. He stated it is called "Take a Stand Event", this is in reference to domestic violence awareness. Officer Chris Lopez is going to have some guest speakers there. He stated it is open to the public and they will be serving refreshments.

Mr. Volkmann stated that he received some correspondence from Steve Burton, President of the Schererville FOP, requesting the Council's consideration to withhold FOP Dues from the Police Officer's pay checks. Attorney Austgen stated that there does not need to be an ordinance, as long as the officers sign the proper forms. Mr. Volkmann stated that this would become effective on January 1, 2019.

Mr. Connelly made a motion to accept the recommendation by the Schererville FOP that the union dues be taken out of the Police Officers pay checks as long as they sign the proper paperwork, effective January 1, 2019, seconded by Mr. Schmitt. All in favor (4-0).

Mr. Schmitt stated that he had the privilege to represent Schererville down at the AIM Conference. He stated he attended several informative classes and received some up to date news from the State on how they are changing laws regarding, TIF's, taxes, Public Works, roads and streets, etc.

THEREUPON, Public Comments Regarding Agenda Items NONE

THEREUPON, Old Business

ITEM A. Ord. #1927, An Ordinance Annexing Certain Contiguous Land To the Town of Schererville, Lake County, Indiana, Commonly Referred to as the Luers Farm Parcel, and all Matters Related Thereto (Second Reading)

Petitioner(s): Stars & Stripes, 4M, LLC by
DSSIV Holding Co., LLC

General Location: Luers Farm

Mr. Volkmann stated that this is a small parcel that is located at one of the entrances where the subdivision will be. They originally were not going to annex this portion in, but when

he pointed out that they would be dealing with the Lake County Plan Commission on designing that part, they agreed that it would be prudent to bring it into the Town of Schererville.

Mr. Connelly made a motion to adopt Ordinance #1927, seconded by Mr. DeJong. All in favor (4-0).

THEREUPON, New Business

ITEM A. Ordinance No. 1929, Public Hearing on Proposed 2019 Budget Review and discuss

Mrs. Malinowski stated that we don't advertise Budgets anymore, but they do submit them through Gateway, which is a software program for the State of Indiana. She stated that she is required to do that ten days before the Public Hearing; she submitted it on September 28, 2018. Mrs. Malinowski stated that it looks like an increase in the maximum levy will about 3.4%, excluding debt. She stated we are looking at approximately \$325,000.00. Mrs. Malinowski stated she included the Utility Budget into the total for 2019, which is approximately \$38,000,000.00.

OPEN TO THE FLOOR FOR PUBLIC COMMENT

NO COMMENTS FROM THE FLOOR

CLOSED TO THE FLOOR FOR PUBLIC COMMENT

Mr. Connelly made a motion to consider on first reading, Ordinance #1929, seconded by Mr. DeJong. All in favor (4-0).

ITEM B. Ord. #1930, An Ordinance of the Town of Schererville, Lake County, Indiana, Approving the Issuance of Bonds of The Town of Schererville Park District, and Related Matters (First Reading only)

Attorney Austgen stated that the Park Board and Park Department Staff have been working on the improvements and various amenities that they want to work on and improve, Rohrman Park being the crown jewel of the activities right now. Attorney Austgen stated that the Park Board met and approved in two resolutions; one identity of projects generally for Capital Improvement, Capital Financing and the second resolution for approving and recommending the floating of bonds to pay for those improvements.

Mr. Connelly made a motion to consider on first reading, Ordinance #1930, seconded by Mr. Schmitt. All in favor (4-0).

ITEM C. Res. #2018-21, A Resolution to Transfer Funds within a Category of Appropriations

Mrs. Malinowski explained the Transfer of Funds. Mr. Connelly made a motion to adopt Resolution #2018-21, seconded by Mr. DeJong. All in favor (4-0).

ITEM D. Consider Variance of Use to Allow a Non-Conforming
204 sq. ft. Tiny House on Wheels on a Non-Conforming lot

BZA Case #18-9-17

Petitioner(s): Jake T. Markiewicz & Erica N. Velasquez

Location: 108 W. Joliet Street

BZA Favorable Recommendations with Conditions (3-1)

- 1) Structure to remain on-site a minimum of 2 years/maximum of 4 years from date of placement on-site
- 2) The Variance of Use to terminate with the removal of the Tiny House from the lot
- 3) The structure to be anchored to a slab
- 4) The structures wheels to be removed
- 5) A base to be applied around the structure
- 6) If the structure is vacated, it is to be removed from the Property and the Variance of Use terminates
- 7) Granted to Petitioners: Jake T. Markiewicz and Erica N. Velasquez

Mr. Volkmann stated that Tiny Houses are kind of a trendy thing right now, although our Ordinance does not deal with them, which is why it went through the variance process. He stated that the BZA was willing to try it. He stated that there were remonstrance from both in support and opposition of the project.

Mr. Troxell stated that this is for a maximum of four years; what happens after that four years? Mr. Volkmann stated that it has to be gone. He stated they could come back and reapply, but he doesn't think that is the petitioner's intention to be there that long.

Mr. Troxell stated he would like to hear from the petitioners. Mr. Jake Markiewicz and Erica Velasquez approached the Council. Mr. Troxell asked the petitioner why they want to do this. Mr. Markiewicz stated that they are both college graduates of Indiana University, they are both working towards their careers right now and they have accumulated student debt and they are getting married next June. He stated that they really got into Tiny Houses as you see them on TV, they think it is a way to save money and to live minimally. Mr. Markiewicz stated they wanted to put it in their home town, they want to live close to their family and friends.

Mr. Troxell asked Mr. Markiewicz if they get manufactured off site and brought in. Mr. Markiewicz stated that it is currently being built in a barn in Cedar Lake right now and then it will be moved to Schererville.

Mr. Schmitt asked Mr. Markiewicz if this house will be placed on a slab. Mr. Markiewicz stated that their intention is to impact the lot as minimally as possible, there used to be a house on the

lot, so all of the utilities are there, they are just buried. He stated that they intend to put down a plot for their cars to park on as well. He stated they are planning on removing all of that once they are gone after four years.

Mr. Troxell asked Attorney Austgen what is the recourse if they don't take the slab away after four years. Attorney Austgen stated that the best remedy would be available to the property owner.

Mr. DeJong stated that he did attend the BZA meeting when this was discussed. He stated that the presentation that Jake and Erica did was impressive, it is clearly a well thought out plan. Mr. DeJong stated he thinks this could be something really interesting for the Town.

Mr. Schmitt made a motion to approve BZA Case 18-9-17, subject to the conditions of the BZA, seconded by Mr. DeJong. All in favor (4-0).

ITEM E. Consider Variance of Use to Allow the Operation of an Auto Repair Center and Used Car Sales

BZA Case #18-9-18

Petitioner(s): Robert Colbert - Import Auto Group

Location: 700 U.S. 41, Suite A

BZA Favorable Recommendations with Conditions (4-0)

- 1) Limited to 12 cars for sale at any given time
On-site
- 2) Variance of Use restricted to this Petitioner
Only

Mr. Volkmann stated that this is the property just north of the bridge on US 41 on the west side. Mr. Volkmann stated he thinks it will be a nice improvement to this area. He stated that the BZA restricted this Variance just to this petitioner.

Mr. Volkmann stated that there is two auto repair places there now, but not two licenses. Mr. Volkmann stated that you see a lot of cars there but they are in there for repairs. This will be for car sales in conjunction with repair.

Mr. Connelly made a motion to approve BZA Case #18-9-18, based on the conditions of the BZA, seconded by Mr. DeJong.

Mr. Troxell asked Mr. Volkmann if there are currently car sales going on there now. Mr. Volkmann stated that this is a new used car sales license that we are granting. Mr. Troxell stated he has some concerns regarding the additional used car sales.

Mr. Colbert stated that he has had an auto body repair shop there for the last twenty five years. He said he is going to close his doors and this gentlemen is going to come in and repair cars and he wants to put a car lot there.

Mr. Troxell stated that his concern is that we are issuing another used car license. Mr. Volkmann stated it is a new one, not an additional one.

Mr. DeJong stated that he was at the BZA meeting for this case also. He said this is a gentleman who is relocating his business from Illinois, so it is already an operating business and he sells higher end import luxury cars.

Mr. Schmitt stated that Mr. Colbert states that he is going to have a limit of twelve cars, Mr. Schmitt asked if that is twelve cars out front. Mr. Colbert stated yes, that is what the BZA approved, a fenced area with twelve cars for sale.

Mr. Troxell asked for a roll call vote. Mr. Connelly - Yes, Mr. DeJong - Yes, Mr. Schmitt - Yes and Mr. Troxell - Yes. Motion carries (4-0).

ITEM F. Consider Variance of Use to Allow the Operation of an Aluminum Repair and Auto Body Repair Center

BZA Case #18-9-19
Petitioner(s): David Hubbard - Aluminum Auto Body
Repair Specialist
Location: 750 U.S. 41, Suite A
BZA Favorable Recommendations (4-0)

Mr. Volkmann stated that this is on the same site, but not in the same building. Mr. Hubbard specializes in aluminum body repairs, that's kind of a specialty market. Mr. Volkmann stated that the only condition he would put on here that he didn't see come from the BZA is that the variance be limited to the petitioner.

Mr. DeJong stated that he was at this BZA meeting as well, and he thinks it will pair well with the used car lot that is going there since it's the European luxury cars.

Mr. Connelly made a motion to approve BZA Case #18-9-19, with the condition that this will be limited to the petitioner only, seconded by Mr. Schmitt. All in favor (4-0).

ITEM G. Approve Purchase of Parcel 16 for the Pennsy Greenway Trail, Phase 2 in the amount of \$61,500.00 (Park Board Approval 4-0)

ITEM H. Approve Purchase of Parcel 34 for the Pennsy Greenway Trail, Phase 2 in the amount of \$60,000.00 (Park Board Approval 4-0).

Mr. Volkmann stated that these are the maximum amounts, but he doesn't know if the final amount has been determined yet.

Mr. Connelly made a motion to approve the purchase of Parcel 16 and parcel 34 for the Pennsy Greenway Trail, Phase 2, seconded by Mr. Schmitt. All in favor (4-0).

ITEM I. Consider Approval of Massage Establishment Employee Application for the following per Board of Safety Recommendations:

Shou Ling Zang (Joy and Spa - 344 E. U.S.30)

Mr. Volkman stated that the way that our Ordinance reads is that every employee in the establishment has to go through the same review process. He stated that this is adding another employee to the Joy and Spa.

Mr. Schmitt made a motion to approve the application of Shou Ling Zang, seconded by Mr. Connelly. All in favor (4-0).

ITEM J. Consider Approval of Payment in the amount of \$2,725.00 To the Schererville Chamber of Commerce for Partial Completion of the Façade Improvement Program (From Redevelopment Commission Agenda)

Mr. Schmitt made a motion to approve the payment in the amount of \$2,725.00 to the Schererville Chamber of Commerce for Partial Completion of the Façade Improvement Program, seconded by Mr. Connelly. All in favor (4-0).

ITEM K. Consider Acceptance of Donations \$1,302.00

Mrs. Malinowski read the list of donations into the record. Mr. Connelly made a motion to accept the donations as read, seconded by Mr. DeJong. All in favor (4-0).

THEREUPON, Business from the floor NONE

Meeting adjourned.

ROB GUETZLOFF
TOWN COUNCIL PRESIDENT

JANICE M. MALINOWSKI
TOWN CLERK-TREASURER

A TRUE COPY