

The Regular Town Council Meeting of the Town of Schererville, IN was called to order by President Robin Arvanitis at 7:45 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, Rob Guetzloff and Robin Arvanitis. Absent: Councilman Thomas Schmitt. 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, Town Engineer Neil Simstad, Director of Public Works Andy Hansen, Town Manager Robert Volkmann, 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 April 13, 2022 Public Meeting, seconded by Mr. Connelly. All in favor (4-0).

THEREUPON, Claims

- A. APV #102165 - APV #102544 on the General Docket, Totaling \$2,426,794.47
- B. APV #102162 - APV #102544 on the MVH Docket, Totaling \$98,849.19
- C. APV #102217 - APV #102505 on the Payroll Docket, Totaling \$1,108,157.92
- D. Various Funds, First National Bank of Omaha, Credit Card Charges, \$12,915.41
- E. Various Funds, Austgen Kuiper Jasaitis, April Legal, \$8,356.33
- F. Various Funds, Enterprise Leasing, May, 2022 Statement, \$3,346.64
- G. Park Non-Reverting Fund, Civicplus, Annual Fee and Document Management Module, \$8,099.84
- H. Various Funds, Lindco Equipment Sales, Repair Parts, \$387.75
- I. Deposit N/R Escrow Fund, Various Community Center Renters, Security Deposit Refund, \$1,250.00
- J. Park Non-Reverting Fund, Various Participants, Casino Trip Cancellation Refund, \$154.00
- K. Various Funds, Lowe's, April Purchase, \$749.55
- L. Various Funds, Auto-Wares, April Parts, \$7,325.36
- M. General Fund - Police, Easy Clean Car Wash, \$123.00
- N. Various Funds, Grimmer's Service, Inc., April Service, \$2,470.80
- O. Various Fund, Allen Landscape Centre, Various Invoices, \$1,957.90
- P. Park & Recreation Fund, Krooswyk Materials, K-Yard, \$795.13
- Q. Various Funds, Pitney Bowes, Postage Machine Supplies, \$113.04
- R. Cable TV Fund, The Times Media Company, ARPA Publication, \$17.17
- S. Various Funds, Menards, Parts, \$1,165.28
- T. Improvement Inspection Fee N/R Fund, Robinson Engineering, Invoice #22040317, \$2,579.50
- U. General Fund - Animal Control, Crossroads Animal Hospital, April Invoices, \$1,466.81
- V. Cable TV Fund, Rothschild Insurance Agency, Invoice 61436 & 61463, \$20,440.00

Mr. Connelly made a motion to accept the claims as presented, seconded by Mr. Johnson. All in favor (4-0).

THEREUPON, Correspondence NONE

THEREUPON, Reports

Fire Chief Robert Patterson reported that for the month of April, the Fire Department responded to 266 EMS related calls, 45 Fire related calls for a total of 311 calls for the month of April.

Chief Patterson stated that their new engine has arrived, they have it stationed at Station III, having all of the loose equipment mounted into that unit.

Police Chief Sormaz reported that on April 29th, they had six of their recruits graduate from the Northwest Indiana Law Enforcement Academy. He stated they are here this evening and he would like to introduce them:

Kenneth Galliher, Tiffany Beemsterboer, Martin Spizewski, Dennis Jashenski, Michael Osborn and Scott Karras.

Chief Sormaz stated that Tiffany was selected as our Squad A team leader in the Academy. Martin Spizewski received recognition for top criminal law exam certificate. He scored 100% on the criminal law exam. Michael Osborn graduated with the top academic comprehensive score in the academy out of 42 recruits. Scott Karras received the top recognition award for criminal law exam, he also scored 100% on that exam. Scott Karras also received the physical fitness award for the academy.

Mr. Connelly congratulated our six new officers and thanked them for choosing Schererville. The Council welcomed the new officers.

Chief Sormaz stated he sees under new business on tonight's agenda is the Ordinance prohibiting booting on motor vehicles and just wanted to share a few experiences the past couple of months. Chief Sormaz stated that over the past several months the Schererville police officers have responded to our retail district in regards to tactics being used by tow companies and applying boots to the customers that are coming to our retail district and some of those calls have turned out to be potentially dangerous. He stated he just wanted to comment that the Schererville police department is in favor of this ordinance tonight and believes that the ordinance would resolve some of those safety issues by these tow companies using these tactics to boot vehicles. He stated he would also like to thank Councilman Connelly for working with us initiating this ordinance and moving forward.

Deputy Chief McNamara stated they have their Police Memorial on May 20th, which is next Friday at 12:00 o'clock, and everyone is invited.

Mr. Novacich stated that last Friday's Party in the Park was rescheduled due to the weather and it's going to be held this Friday at Redar Park starting at 5:00 p.m.

Mr. Connelly stated that they get a lot of questions regarding the Teibel Preserve and asked Mr. Novacich if he would provide to the public the update on Phase II and for the plan for the overall existing trail.

Mr. Novacich stated that Phase II consists of a connection of the two existing trails and that phase has some challenges because we have to go on top of the berm on both the Schererville and Dyer ditch. He said there's some maintenance and issues with the berm, in some spots it's washed out. He stated that they had some conversations a couple years ago with the county, they had some scheduled maintenance that was deferred so we were waiting for that maintenance to get done. Mr. Novacich stated that they are looking at revisiting that. He stated he has reached out to Bill Emerson with the drainage board to see what the status of that work is going to be from their end. Mr. Novacich stated that we had applied for a grant last year but we were unsuccessful, so we've had some preliminary engineering but we'd have to really look into the project a little bit more and address the drainage issues that we have out there before we go into the Drainage Board to get their approval. He said it's a little more complicated than what we experienced in phase I.

Mr. Hansen stated that they received a one million dollar grant from the Indiana Department of Transportation to repave 40 road segments. He stated they hope to get these going this time next year. He stated they also received a grant for 40 trees from the Little Calumet River Basin, it's worth about ten thousand dollars.

Mr. Volkmann stated, to the Groszek Family, we have met and talked about your dad's property and Bob, I've known you for years, and I've known your dad for years and like I said when we met that I have the utmost respect for you and your family and I apologize for any offense that I may have presented in my endeavors to negotiate on your property. He stated he doesn't want it to

destroy a long-term friendship that we've always shared and hope that that can be maintained. He stated he did want to reiterate a little bit. The selection of that location in downtown area was done for a couple of different reasons, first there was a study done that goes back to when Joe Kruzan was Chief here, he stated he thinks IU participated in that and they did a study of response times throughout the town on fire response to our residents.

Mr. Volkmann stated that the selection of that, you know we have the two stations that are at the far east and west ends of the town to increase response times to those areas and the selection of a central station was looked at comprehensively because of the Kennedy Avenue improvements that are that are going on right now with the bridge that's going on, to be built on Kennedy Avenue. He stated there was a method to that, and that was one of the locations that was evaluated. He stated there were other locations they looked at, trying to move it farther to the west. He stated that they plotted the whole town and that the idea of putting it there was its close access to both going east in Town, going west in Town and access to US 30 and US 41.

Mr. Volkmann stated that it wasn't highlighting any particular property, there was some open space there, some larger parcels. He stated he actually started looking at that location five or six years ago, when we started discussions on looking at sites. He stated he thinks he and Tom Schmitt talked to Bob or Adam about it, that it was in the targeted area. He stated he started looking at the different part properties but in no way did we he think that it would ever get to this level, that there would be this much anxiety for everybody involved, and stated "for that I apologize".

THEREUPON, Public Comments Regarding Agenda Items NONE

THEREUPON, Old Business

ITEM A. Ord. #1978, An Ordinance Annexing Certain Contiguous Land to the Town of Schererville, Lake County, Indiana, And all Matters Related Thereto **(Second Reading)**

Petitioner: Brian Lantz
Location: 12010 W. 85th Avenue
10300 W. 85th Avenue
Part of 10304 W. 85th Avenue

Mr. Volkmann stated that this is the final reading of this Ordinance for Mr. Lantz. This is for a small subdivision that goes off of 85th then comes into the back off of Bristol Farms.

Mr. Connelly made a motion to adopt Ordinance #1978, seconded by Mr. Johnson. All in favor (4-0).

THEREUPON, New Business

ITEM A. Ord. #1981, An Ordinance Establishing a Policy for Town Council Members to Participate in Public Meetings by Electronic Means of Communication, and all Matters Related Thereto

Mr. Volkmann stated that during COVID we changed a lot of things that we did when we were on lockdown. He stated that electronic meetings were allowed by the State and recently the State legislator passed a statute that allowed for participation in Public Hearings and voting in Public Hearings, by electronic means. He stated that this Ordinance codifies those requirements. He stated that it puts standards that we must adhere to, part of that is technology based. Mr. Volkmann stated he doesn't know if we can implement all of those things at this time because you can't get your hands on the equipment. He stated that he has been working with IT Director Dan Gin to implement that plan, he has some theories on how to how to make it happen but he cannot acquire the equipment to facilitate that at this time, but we'll have the

Ordinance on the books and following with this new statue and that opportunity as soon as we can implement the proper equipment will be afforded to all of our boards and commissions.

Mr. Guetzloff made a motion to consider on 1st reading, Ordinance #1981, seconded by Mr. Johnson. All in favor (4-0).

Mr. Guetzloff made a motion to adopt Ordinance #1981, seconded by Mr. Johnson. All in favor (4-0).

ITEM B. PUBLIC HEARING

Mr. Troxell stated that the Proofs of Publication were in both the Times and the Post on April 27th and April 29th. Mr. Troxell stated that these appropriations are for the American Rescue Plan Act (ARPA), these are allowing the funds that we received already, \$3,232,495.94 to be spent. He stated we are following the Department of Local Government Finance guidelines and this is one of the items we need to do.

Ord. #1982, An Ordinance Providing for an Additional Appropriation in the ARPA Covid-19 Fund of the Town of Schererville for Year 2022, 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. Johnson made a motion to consider on 1st reading, Ordinance #1982, seconded by Mr. Guetzloff. All in favor (4-0).

Mr. Johnson made a motion to adopt Ordinance #1982, seconded by Mr. Guetzloff. All in favor (4-0).

Mr. Troxell stated for the record, that what happens now is he needs to submit this approval here by this body to the Department of Local Government Finance. They will review that we met the requirements by law regarding there's no potential appropriations and issue a confirmation that we can go ahead and move forward.

ITEM C. Ord. #1983, An Ordinance Prohibiting Booting Motor Vehicles in the Town of Schererville, Lake County, Indiana, and all Matters Related Thereto

Mr. Volkmann stated that recently we've had some incidences where some of the retail establishments have hired a towing company to boot cars in their parking lots that were improperly parked or illegally parked. He stated that basically patrons patronizing other businesses and when they returned the towing company would be standing there waiting for them, shaking them down (per say) in order to take the boot off of their car.

Mr. Connelly stated that we want visitors and residents of our Town who want to shop here be able to walk from one business to the other. He stated that there was one particular property management company who started the practice of booting cars, and then a gentleman in the parking lot would confront the owner of the vehicle. He stated that it happened about a month ago, we received an email from a Munster resident and our Police Chief did reach out to the property manager, who said they were going to stop the booting of cars.

Mr. Connelly stated that last Saturday he got a call from a business stating about five of their customers vehicles were booted, they were just trying to shop at different stores. Mr. Connelly stated he spoke with Chief Sormaz and Attorney Austgen acted very quickly to put an ordinance together.

Mr. Guetzloff made a motion to consider on 1st reading, Ordinance #1983, seconded by Mr. Connelly. Mr. Johnson asked

Attorney Austgen if they can still tow an illegally parked vehicle, Attorney Austgen advised yes. All in favor (4-0).

Mr. Johnson made a motion to adopt Ordinance #1982, seconded by Mr. Connelly. All in favor (4-0).

ITEM D. Res. #2022-7, A Resolution of the Town of Schererville, Lake County, Indiana, Approving the Interlocal Governmental Agreement with the Town of St. John, Indiana and Lake County, Indiana, for the Rehabilitation And Reconstruction of W. 85th Avenue from Alexander Street to Lake Hills Drive

Mr. Hansen stated that Schererville has been working with St. John over the past few years to get a section of the roadway paved. Schererville's cost for the portion of the road reconstruction will be \$186,000.00. Mr. Johnson asked Mr. Hansen who is handling the construction project. Mr. Hansen stated St. John is handling the project. Mr. Volkmann stated that the whole project cost is over \$603,000.00.

Mr. Johnson made a motion to adopt Resolution #2022-7, seconded by Mr. Guetzloff. All in favor (4-0).

ITEM E. Res. #2022-8, A Resolution of the Town of Schererville, Lake County, Indiana, Adopting an American Rescue Plan Act Plan and Appropriating Monies from the Town of Schererville Coronavirus Local Fiscal Recovery Fund

Mr. Volkmann stated that this is companion to what we just adopted for the American Rescue Plan Act. He stated that this allocates the funding of the ARPA to the allocation of the spending, as outlined by our committee. Mr. Volkmann stated that one of those provisions is the Premium Pay for our employees, also the Infrastructure work that was outlined in the plan done by the ARPA Committee, this is actually an overview of the spending.

Mr. Johnson made a motion to adopt Resolution #2022-8, seconded by Mr. Guetzloff. All in favor (4-0).

ITEM F. Consider Donation to Schererville Baseball

Mr. Bob Roerdink, from Schererville Baseball, stated he put together a small presentation for this year. He stated that the League is trying to do infrastructure updates so the facility remains a part of Schererville for a long time. He stated that in 2020 we completed a roofing project of all the buildings, they also had to replace a water well and in 2021 they did the perimeter fencing. Mr. Roerdink stated he put together a pie chart on what they would like to do, to name a few, Field Projects, Rookie Fence, Parking Lots and some minor fencing. He stated that initially when they thought they were going to do thee parking lot that it would be forty to fifty thousand, but the quote came in around eighty thousand. Mr. Roerdink explained how they are trying to raise money for the League. He stated that the League does have some money, but they want to keep some reserve in case something would unexpectedly happen. Mr. Roerdink stated that the League is asking from the Town almost fifty percent of the cost for the parking lot.

Mr. Johnson stated that he appreciates that they want to re-invest and that you want to make it better, because it has gone way too long, unfortunately, without that planning. He stated that from his perspective, he doesn't think as a Town we're in a position to donate this kind of money.

Mr. Johnson asked Mr. Roerdink, when they got the estimates for the parking, did you have them break it down on the different parking lots. Mr. Roerdink stated they did. Mr. Roerdink explained to the Council what the break down was.

Mr. Guetzloff stated that the Council did speak about it, and unfortunately it is too large of a donation for us.

Mr. Roerdink asked the Council if it would be possible to maybe piggy back off of the work the Town is doing, they would pay for it of course, but maybe they could get a discount because of the mass project.

Mr. Volkmann stated that he doesn't know if that would help, because our projects are bid out to a contractor. He advised Mr. Roerdink that he is more than welcome to contact that contractor, because they are mobilized in the area, they may be able to work something out. Mr. Volkmann advised him to see Mr. Andy Hansen after the meeting and he can give him names to contact.

Mr. Guetzloff made a motion to donate \$5,000.00 to the Schererville Baseball League, with the stipulation that it is used for the paving work, seconded by Mr. Connelly. All in favor (4-0).

ITEM G. Consider Acceptance of LPA Supplemental Agreement No. 1
Between the Town of Schererville and DLZ Engineering
For Kennedy Avenue Improvements (\$145,260.00)

Mr. Volkmann stated that this is the Kennedy Avenue road project, this is a change to the DLZ Engineering Contract, in the amount of \$145,260.00 for property acquisition. He stated that originally they thought that INDOT would pick up these cost for us, but recently had word that they will not.

Mr. Johnson made a motion to approve the LPA Supplement Agreement No. 1, seconded by Mr. Connelly. All in favor (4-0).

ITEM H. Consider Conveyance of Warranty Deed from the Estates
At Bristol Farms Homeowner Association, Inc. to the
Town of Schererville (Outlots "A" and "B")

Mr. Volkmann stated that the Estates At Bristol Farms had an HOA when it was originally subdivided and formed. The property owners there have owned two parcels of land that are part of the subdivision, the two outlots in question. He stated that they worked through their HOA board and they want to convey those two parcels to the Town, basically so they don't have to pay property taxes on it any longer.

Mr. Johnson asked if this is going to become part of our maintenance program, where the Town will have to mow it and park department will have to maintain a park.

Mr. Volkmann stated that there are no amenities, it's just vacant land. Mr. Volkmann stated that we maintain the drainage facilities that go through the one out lot now. He stated he doesn't know if there is any mowing there, there is a concrete pipe that runs through there and there is a small retention pond that we maintain flow through. He stated in the future the Park Board may endeavor at some point to develop that parcel. Mr. Volkmann stated that he thinks in the original subdivision plan there was plans that the developer of Bristol Farms went through the first phase and then it never went into the second phase it was sold off, Jim Hawk bought it. He stated he doesn't know what the future holds for it, but the HOA has been wanting to give it to the Town.

Mr. Johnson said, so they've tried to give this to us in the past, and asked if this is something that we've rejected in the past or they just haven't been able to get things in order. Mr. Volkmann stated that they were unable to pull it together on their end of what they needed to do with their HOA. Mr. Johnson asked what is our liability risk with regard to having a retention pond that we have access to, are we going to be putting signs up there. Mr. Volkmann stated that it's no different than any other one that we own, we maintain it and there is no additional liability than what we currently have.

Mr. Johnson asked why they are not continuing to maintain it as a homeowners association. Mr. Volkmann stated that they never maintained it. Mr. Johnson stated he is just curious why we want it if they have a homeowners association. Mr. Volkmann stated that they approached us to take it, the park parcel is a pretty good size parcel, it has a few drainage issues, but overall it's a nice parcel of land. He stated the other parcel runs behind the properties on Bristol Lane, it kind of runs behind on the east side, most of it's wetland behind there

Mr. Connelly stated it sounds like there's some unanswered questions here in regard to the parcel.

Mr. Connelly made a motion that we defer this until we have further discussion, seconded by Mr. Guetzloff. All in favor (4-0).

ITEM I. Consider Variance of Use to Allow a Used Car Lot to Continue as an Existing Used Car Sale Lot under a New Owner and Lease, Motorsport Finance, Inc.

Board of Zoning Appeals Case #22-3-5
Petitioner(s): Motorsport Auto Finance, Inc. and Sandy Alahmad
Location: 7715 W. Lincoln Highway
BZA Favorable Recommendation with Conditions (3-0)
1) Property will be kept and maintained to the property standards of the Zoning Ordinance
2) Property Owner agrees to paint the building located at 7715 W. Lincoln Highway

Mr. Volkmann advised Mrs. Arvanitis that she might want to open Item J. as well, they are adjoining properties, different addresses, but same use.

ITEM J. Consider Variance of Use to Allow a Used Car Lot to Continue as an Existing Used Car Sale Lot under a New Owner and Lease, Motorsport Finance, Inc.

Board of Zoning Appeals Case #22-3-6
Petitioner(s): Motorsport Auto Finance, Inc. and Sandy Alahmad
Location: 7725 W. Lincoln Highway
BZA Favorable Recommendation with Conditions (3-0)
1) Property will be kept and maintained to the property standards of the Zoning Ordinance
2) Property Owner agrees to paint the building located at 7725 W. Lincoln Highway

Attorney Adam Sworden stated he is here on behalf of the petitioner, Auto Sport Motor Finance. He gave a brief history of his client. This is the same family that was here a little over a year ago that is in the process and has actually opened the former Hillside Motors location and Northwest Indiana Finance. He stated that they have a couple more of the landscaping items there, they removed some curb accesses, but this would be another site for them, again utilizing a location that has traditionally always been a Used Car Lot in the Town even before the change of the Zoning Ordinance a little over a decade ago. Attorney Sworden stated that they are looking at this location because of some of the size constraints they had at the other location, because they are doing so well at that spot, this opportunity presented itself, where the former tenant vacated. He stated that they're going to assume that lease but we still have to go through this process to get the use to continue under the current Zoning Code. He stated that it is a C-3 District, the parcels just for reference are between the Cummings Landscape and the Luke Gas Station, just east of Cline on the south side.

Attorney Sworden stated that they didn't know coming in to the BZA that there were some of the historical concerns with landscaping in the rear of the buildings because everything in front of the buildings is a complete paved parking lot. He stated

that as part of this process even before getting full approval, just as they have done at the other site, they've gone through and taken the financial resources that they want to put at this property and they have cleaned up the landscaping. He stated they do have a little bit more to do, there is a detention pond that is in the southeast corner, because of how it has been it's presenting some challenges for their landscaper to get in there and finish cleaning that up. He stated that the big issue is at the site for the cleanup. The condition was that there were a lot of junk cars, junk car parts, dozens of tires, things that have been getting dumped there from whenever the former tenant vacated that property, that we were unaware of. Mr. Sworden stated that they have now taken it upon themselves, they've cleaned up that site, all those things are gone. He stated when they were here before the BZA last month on the continuance, the additional condition was painting, there is actually a little house that is in the middle of the site between the two lots. He stated that they just received today a quote to paint that building, that is being scheduled, so they hope to have that done here in the next six weeks, weather permitting.

Attorney Sworden, stated with that, the process they envision seeing is they have some things they want to do, similar to what they've done at Hillside Motors. They want to come in and improve the parking lot, condition a little bit, restripe, because right now there's very few designated parking spots. The site plan that was put before the BZA has formerly 55 spots in there, they may be able to configure parking a little bit differently given the trapezoid nature of the parking where there is kind of a lot of dead space. One of the other concerns that wasn't a condition, but they are going to maintain, is there is another business owner that actually does auto body repair on the far east side in a different building, they are maintaining cross access through that parking lot where they're going to be parking some of their cars.

Attorney Sworden stated they are looking for Favorable Approval tonight, so they can continue the work and hopefully get the business open come July.

Mr. Johnson stated that he was at the BZA Hearings for this Variance of Use and he had a few questions and follow-ups. He stated that he wanted to confirm for the record that Attorney Sworden has the power of attorney for the owner in regard to these improvements and the conditions and things. Attorney Sworden stated yes, he does, he stated the owner is actually here tonight just in case there are any other concerns that came up over ownership for some of these unique pieces here because the property does have multiple tenants.

Mr. Johnson stated that he wants to make sure this variance, should only apply to this user, obviously if they decide they don't like the location, this owner doesn't own this Variance and cannot use it on the next potential tenant, that it's going to apply to this user and in this name, and for this situation. He stated that he personally believes that these improvements might need to be a little more clarified on what they're going to do. He stated that Attorney Sworden indicated that they are looking for, and have an estimate for painting the house in the middle. He asked what is happening with that garage that is on the east side, he asked if there are going to be improvements to make this garage at least match the other buildings, anything to maybe make it look a little better and conform with the rest of the lot.

Attorney Sworden stated if the building you are referring to is the one in the southeast, it's the auto mechanics business. Mr. Johnson stated yes, the garage. Attorney Sworden stated that they had that discussion last month and that wasn't a condition that was placed on there and given the history of that gentleman operating there, he has already cleaned up that property, removed all of his other vehicles.

Mr. Johnson stated that cleaning up the vehicles is appreciated, but the building itself looks dilapidated and certainly dated. He stated that if we're bringing up the Auto Dealer building and bringing it up to standards, the center house, the third building on the lot ought to also be improved. Mr. Johnson stated that he wants to make sure that one of the conditions that we have in this approval of this variance, if we approve it, is that no disabled vehicles are allowed to be maintained anywhere on this premises. He stated that obviously if a car is being repaired at the body shop and it's parked for a short period of time while a part is coming in, fine, but he thinks that a car dealer and an auto repair body shop shouldn't have disabled vehicles and parts of vehicles as laying around for a period of time. Mr. Johnson stated that he doesn't remember from the hearing, but asked if there a discussion with regard to bringing landscaping into conformance with the Comprehensive Plan there.

Attorney Sworden stated that it's paved all the way up to the edge of the right-of-way, so what they were proposing to do was at each of the parking stall ends next to the gates, is to put planters in there to kind of define that space, because right now when you come into the site from off of Lincolnway, you can literally turn right into a parked car. He stated that if they have the stall with elevated planters that they can put out in that paved area to define each of those spaces and then utilize that same approach for the interior parking spaces between the first row along Lincolnway and the space between there and the building where they're going to have designated row of parking as well. He stated that they were also going to on the front of the building that they're utilizing, which is a large pole barn building that has large garage bays, they're doing similar style planters on either side and improving the landscaping between that building and the building that's also getting painted.

Mr. Johnson stated that it was indicated that there was going to be 55 parking spaces, and asked if those parking spaces are for cars that are for sale, or that is going to include customer parking as well. Attorney Sworden stated that would include customer parking, so right now the only parking that is striped there is actually in front of the building which complies with what they are going to need for employees and customers.

Mr. Johnson asked how many spaces are they intending to utilize for cars for sale. Attorney Sworden stated similar to what they have at Hillside, they've got about 30 spaces over there and the rest reserved for employee parking and circulation.

Mr. Guetzloff asked Attorney Sworden, that the cars that are for sale, how long will they remain on the lot, is there a time span before they would move them out. Attorney Sworden stated that based upon their other locations, the cars don't sit long. Mr. Guetzloff asked what the model and years of the cars are. Attorney Sworden stated they're all newer range models, prices range anywhere from fifteen thousand, they have some vehicle that are upwards of twenty thousand. Attorney Sworden stated that they are catering to what is based off their location because Schererville's market is a little bit different than Valparaiso, Porter County areas. Mr. Guetzloff stated he needs some clarification on the building that Mr. Johnson was talking about. He asked Attorney Sworden if there is going to be any work done on that building. Attorney Sworden stated that there wasn't a plan to as far as the concern with what he does from a business over there for auto repair, he has been there over twenty years. He stated he doesn't know if he has a special use for that location, but he thinks his use as an auto repair is permitted as he's doing it in C3, but obviously the issue of him with keeping all these parts and things on that portion of the property closest to his building was an issue that we've cleaned up. Attorney Sworden stated that where his client's going to primarily be operating once they're in there, that's not going to happen because they're going

to be open, it's going to be lit, they are going to have security cameras like they do at their other locations.

Mr. Johnson made a motion to approve the Variance of Use to Allow a Used Car Lot to continue, this is Item I. and Item J., incorporating the Findings of Fact and conclusions by the BZA, as well as the two conditions that the BZA proposed and placed on this approval which were; 1) property will be kept and maintained to property standards of the zoning ordinance and 2), the property owner agrees to paint the building located at 7715 West Lincoln Highway.

Mr. Johnson stated that he proposes to add additional conditions that

3. These variances of uses allowed only to this user;
4. That all improvements proposed would be completed within six months, proof to be provided to our Planning and Building Department;
5. No disabled vehicles or parts to remain on the premises longer than seven days;
6. No vehicle repairs to be made on the premises other than performed within the garages;
7. Landscaping to conform with our comprehensive plan and as represented by Council here today;
8. The garage on the east side of the building, that garage needs to be brought up into conformance with the center house and the building where the car dealership is going to be housed

Mr. Johnson asked Attorney Sworden if they are in a position to agree with those conditions. Attorney Sworden explained to the property owner and Used Car Dealer the conditions that Mr. Johnson stated. The Car Dealer had some questions for Mr. Johnson, just to make sure she understood the conditions. A brief discussion took place between Attorney Sworden, the Car Dealer and the owner of the property.

Mr. Connelly seconded Mr. Johnson's motion. All in favor (4-0). Mrs. Arvanitis stated that the motion and second was for Item I. and Item J.

ITEM K. Consider Variance of Use to Allow Construction and Operation of a 16,402 sq. ft. Indoor, Climate-Controlled, Pod Storage Facility to be Operated within the U.S. 30 Commercial Corridor Overlay District

Board of Zoning Appeals Case #22-4-8
Petitioner(s): U-Haul Co. of Northern Indiana and South
Cook County Rick Rottweiler, Area District Vice
President & Craig Wilson, Marketing Company President
Location: 5048 W. Lincoln Highway
BZA Favorable Recommendation (3-0)

Mr. Mike Cook, stated he is here representing U-Haul tonight, along with Mr. Rottweiler and Mr. Wilson. He stated that they are here to request the Variance of Use for the subject property at 5048 US 30. He stated that currently they are focusing on the west third of the site. He stated that back in 2015 U-Haul was before this Council to get another variance of use for warehousing and truck and trailer rental leasing and vehicle storage on the property. He stated that they are coming before the Council to improve the property on the west side by constructing a sixteen thousand four hundred and two square foot indoor climate controlled pod storage facility that basically creates opportunities for either people moving in or out of the community, which basically creates drop-off components to their driveway where they would load up and then it would be taken back to the facility like this where it would be stored for a period of time, either coming in and out of the community. Mr. Cook stated that the location where it's at is within the US 30 overlay district. At the BZA meeting that they were at back in April they presented an approximately 48' tall building. They are going to basically take down two of the three

buildings that are on the west side to relocate the existing operations of the facility. Right now there is a building that kind of operates the leasing operations in the office that is going to get moved into an existing building that's been vacated and then the two buildings on the west side where this building is going to be, will be raised. He stated they are here before the Council to answer any questions.

Mr. Connelly asked Mr. Cook that when the pods are picked up or delivered, is this the receiving and pickup done at the rear of this new building or in the front of the building right on US 30.

Mr. Rick Rottweiler stated that they have a flatbed vehicle that comes into the facility and would drive up in between both the proposed building and our proposed showroom location and unload at that spot and then just forklift the pods into the facility through the front of the building. He stated that they have it in the front because the maneuverability of the site of where it's at, plus there was some concerns also that was brought up at the BZA meeting of residents on the back side to have it on the opposite side or north side. But right now it shows the loading area on the south side of the building.

Mr. Johnson stated that he drives by that facility quite often and there are a lot of trucks and trailers already present on the premises with the big U-Haul Sign. He asked where are those trucks and trailers going to be located now that you have another operation of loading and unloading these pods and this giant building.

Mr. Craig Wilson stated that those trucks that are currently there, move around a lot. He stated they can actually control the volume of trucks and equipment in that area. We have another facility in Schererville and one in Glenwood, Illinois where we were allowed more drop-offs. He stated that those trucks that are currently on the front of that premise would be off to the side further and it wouldn't be that many trucks. Mr. Johnson asked, off to the side further where? Mr. Wilson stated in front of the second warehouse across from where the new one will be built, off to the east of the showroom. Mr. Johnson asked where customers are going to come in and park then. Mr. Wilson stated in between the two buildings, one building that is currently there, which would be the showroom and then the building that we would construct. He stated there will be customer parking there, right in front of the showroom. Mr. Johnson asked if the new building that is 16,402 square feet, is a single giant warehouse. Mr. Wilson stated yes. Mr. Johnson stated that already on the premises you have how many storage buildings. Mr. Wilson stated that they have the two warehouses.

Mr. Johnson stated that there is an access road on the south side of the premises that appears to be constantly full of the U-Haul trucks and asked if that is planned to continue, the parking of trucks Mr. Wilson stated that no, they would not be there. Mr. Johnson asked Mr. Wilson what is the number of trucks and trailers, portable vehicles and trailers that you plan to continue to maintain on premises on a day-to-day basis. Mr. Wilson stated that that location has fifteen pieces of equipment, that's trucks. Then the trailers and the other one-way equipment is transient so it moves in and out all the time, but we're probably talking about ten more one-way trucks. Mr. Cook stated that they have about fifteen pieces of equipment designated on-site for what we call local rentals, basically moving within the community, somebody's just moving down the street, they're moving to another neighbor and those are what we plan on being there. We have an additional fleet that we call a one-way fleet, basically that can move between facilities between states.

Mr. Johnson asked, the flatbed truck that is going to be delivering and picking up these pods, or these storage containers, who operates them. Mr. Cook stated that they have a local driver that operates our equipment that delivers to the local area, the

ones that come from other areas, those would be operated by drivers from other companies. Mr. Johnson asked how frequently are these boxes being dropped off or picked up. Mr. Cook stated it depends because their product is storage at your door, so you can actually utilize one of those u-boxes and it might be delivered for home renovations to your house for a week, a day or three weeks, or you could be moving from here to Texas and we would deliver it to your house, it would never go to that facility, it would just be picked up and delivered cross country. He stated that some of them, it's hard to say, they go out in the morning and then come back in in the evening. Mr. Johnson asked how many pods are you anticipating storing at this facility. Mr. Cook stated 800 to 1,000.

Mr. Guetzloff asked if it's 24 hour operation. Mr. Cook stated that their business hours are 7:00 am to 7 pm, and on Fridays they are open until 8:00 pm. So, it's not a 24 hour business.

Mr. Johnson asked why they can't handle these deliveries on the side of the building or somewhere other than right on US 30, right in front of the building. He asked why it can't be handled in the south or the northeast corner of the building or somewhere that's a little bit off of US 30. Mr. Wilson stated that in addition to the logistics of how the building's laid out, when the trucks coming in and backing up there, they are trying to minimize that and that is not going to jam up the rest of operations of the facility. He stated in the best way for that truck to actually access the facility and minimize driving across any areas where customers would be walking or driving by any other customer vehicles. Mr. Cook stated that the leasing is going to happen on the south side of the building, the one that's getting remodeled, on the southeast side and then the showroom space on the west side of that will be our customer parking. He stated they are trying to minimize having semis driving further north to conflict with the customer parking on the west side of the showroom. He stated that they will have to go past the truck, but the movements of a passenger vehicle is going to be a lot easier than it would be if you're putting a 60 foot truck coming back and forth along where those customers are at.

Mr. Johnson stated that he is not excited about the plan. He stated he is only one voice, but he thinks it's a large large facility that you're adding with an unknown amount of truck traffic coming in and out of there, in addition to the already pedestrian truck traffic because you have people coming in and off the roads renting these giant trucks to move their stuff around town or across country. Mr. Johnson stated that the improvement likely would help the look of it, adding a new building and remodeling the sales offices, but he's not excited about having the amount of traffic and truck traffic particularly, right there, right in front of everything on US 30.

Mr. Johnson made a motion to deny the Variance of Use to allow construction and operation of a 16,402 square foot indoor climate controlled pod storage facility, Board of Zoning Appeals Case 22-4-8, despite the favorable recommendation, because I don't find there to be any presentation of a hardship with regard to this property. He feels the safety and welfare of the public are hurt by adding the amount of traffic and facility, and overall it's a detriment to the values of the properties in the neighboring areas, seconded by Mr. Connelly. Motion denied (4-0).

ITEM L. Consider Approval to Extend Families First Coronavirus Response Act (FFCRA), which expired April 30, 2022, to Compensate up to Eighty (80) Hours of Paid Leave to Employees that are off Work due to Covid-19, Retroactive To May 1, 2022 and expiring July 31, 2022

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

ITEM M. Award Bid for HVAC System for the Police Department/
Town Court Building

Mr. Volkmann stated he would recommend to award the contract to Quality Mechanical Incorporated, in the amount of \$478,600.00.

Mr. Johnson made a motion to award the bid to Quality Mechanical Incorporated, seconded by Mr. Connelly. All in favor (4-0).

ITEM N. Consider Acceptance of Conveyance of Property Listed Below to the Town of Schererville for the Pennsy Greenway Trail:

8781 Calhoun Place
8787 Calhoun Place

Mr. Volkmann stated that these are for the Pennsy Trail project that we're currently embarked on completing this year.

Mr. Guetzloff made a motion to accept the conveyance of property listed above, seconded by Mr. Johnson. All in favor (4-0).

THEREUPON, Business from the floor

Laura Lacniak, 8944 Matthew Street, Crown Point, stated that the Code Enforcement Officer, who was very kind, came to her door yesterday and said she had to get rid of her chickens. She stated that she just keeps a few hens, they're very clean and very quiet. She stated she has a few suggestions for maybe improvement to the complete ban on owning chickens. She stated instead of an outright ban, she'd like to suggest that they be allowed, but may be regulated in the same way that cats and dogs currently are. She stated that they would need to have adequate coop or run space for the number of chickens. That you limit the number of hens that one family can own and they must be bought at least four at a time, so maybe eight or less hens per family. No roosters, because of the noise. She stated that a lot of her neighbors would like to have chickens and they share their eggs with them. She said there is a lot of interest and most people don't seem to mind. She stated that they are great pets for her kids, they eat harmful bugs like ticks and mosquitoes, so they cut down on pests in the neighborhood. She stated that she wanted to put this out there for the Council's consideration.

Mr. Johnson stated that for clarification purposes, his understanding from Mr. DeCero is that she was not ordered to remove the chickens, that she was issued a warning is all. Mr. Johnson stated that it is for us to decide what we want to do with these chickens. Mr. Johnson stated that his thought is, as a temporary means we can provide Ms. Lacniak with a stay so to speak, of enforcement until we can make a decision one way or the other or maybe we can grant her a limited variance of use for a short time or something along these lines, so maybe we can avoid her having to get rid of her daughter's chickens.

Attorney Austgen stated that to Mr. Johnson's point, perhaps it would be better for the Council to direct Mr. Volkmann and his staff to withhold continuing enforcement pending review, research, process and then notice.

Mr. Johnson made a motion to instruct staff to withhold enforcement until the Council can evaluate this, or she can apply

for a variance of use on her own part, and then go through the process, seconded by Mr. Guetzloff. All in favor (4-0).

Mr. Huet, 313 King Henry Drive Schererville, stated that it has come to his attention that the Town had received proposals a few months ago, we listened to some residents of Elizabeth Drive complaining about speeders on their street. He stated the first thing he would like to say is what he listened to that night was grossly overstated. He has lived in the neighborhood for almost twenty years and he very rarely sees anybody using Elizabeth Street driving at the rates of speed that they described. He stated that his opinion is that the use of speed bumps to slow down traffic doesn't work, when you have speed bumps on streets, the people that are speeding tend to hit the gas harder in between the speed bumps to make up the time they lost. He stated the same is true with putting stop signs at intersections. Mr. Huet stated that he doesn't believe that these speed bumps are a viable way to slow down traffic. There are only a few offenders and he believes the police department should be searching these out and doing something about them and not inconveniencing every citizen of the Town that uses these streets.

No other Business from the floor.

Meeting adjourned.

ROBIN ARVANITIS
TOWN COUNCIL PRESIDENT

MICHAEL A TROXELL, CMO
TOWN CLERK-TREASURER

A TRUE COPY