

The Regular Town Council Meeting of the Town of Schererville, IN was called to order by President Rob Guetzloff at 6:49 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 (remote), Kevin Connelly, Robin Arvanitis, Thomas Schmitt 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, Asst. Park Superintendent Irene Mireles, IT AJ Garcia, 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. Mrs. Arvanitis made a motion to approve the minutes of the January 15, 2025 and the January 30, 2025 Public Meetings, seconded by Mr. Connelly. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

THEREUPON, Claims

- A. APV #118260 - APV #118727 on the General Docket, Totaling \$2,310,657.52
- B. APV #118264 - APV #118727 on the MVH Docket, Totaling \$124,933.30
- C. APV #118336 - Apv #118708 on the Payroll Docket, Totaling \$1,234,703.10
- D. Various Funds, First National Bank of Omaha, Credit Card Charges, \$7,471.02
- E. Various Funds, Austgen Kuiper Jasaitis, January Legal, \$24,358.11
- F. Solid Waste Fund, Invoice Cloud, Invoice #574-2025-1, \$50.00
- G. ARPA Fund, Hasse Construction, Various Invoices, \$1,009,470.00
- H. Various Funds, Rothschild Insurance Agency, Various Invoices, \$205,686.00
- I. Ambulance Fund, Peoples Bank, 2020 Ambulance - Principal & Interest Due, \$33,386.89
- J. Various Funds, Rieth-Riley Construction, Paving, \$44,799.24
- K. Various Funds, Auto-Wares, Parts, \$3,295.10
- L. Various Funds, Menards, Supplies, \$3,078.77
- M. Various Funds, Fire Service, Inc., Ambulance Repairs, \$11,028.87
- N. Various Funds, Peterson Consulting, Invoice #25-44, \$4,106.70
- O. Public Safety Loit Fund, MES Municipal Services, Turn-Out Gear, \$8,048.93
- P. L. E. Serv/Release Fee Fund, Aaron Redmond, Refund, \$35.00

Mr. Troxell stated he has a claim to add to the agenda.

- Q. Various Funds, Aerial Equipment LLC, Bucket truck, \$70,240.00

Mr. Schmitt made a motion to accept the claims as presented, seconded by Mrs. Arvanitis. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

THEREUPON, Correspondence NONE

THEREUPON, Reports

Chief Patterson reported that for the month of January 2025 the Fire Department responded to 303 EMS calls and 74 Fire related calls, for a total of 377 calls.

Chief Sormaz reported that next month on March 13th the Schererville McDonalds is hosting their "Coffee with a Cop". That will be between 9:00 a.m. and 11:00 a.m.

THEREUPON, Public Comments Regarding Agenda Items

Jeff Minard, 1279 Poppy Field, Schererville, stated he wants to talk about Family Express. He stated he knows there is a lot of concerns about traffic. He stated he would like to speak to some positive things. He stated that Family Express is a very high quality gas station, it would help give some competition to some of the gas stations in Schererville that are run down. He stated that people riding on the bike trail and they could go in Family Express, they have a nice indoor seating area and a quick service restaurant. Mr. Minard stated he sees some benefits there.

Jeff Podgorny, 7512 Fawn Valley Drive, Schererville, stated that he is also a business owner at 2342 Cline Avenue. He stated he is here to comment on the same thing Mr. Minard did, the Family Express. Mr. Podgorny stated he is going to read a brief statement so he doesn't omit anything. He stated that he is here to express his concerns regarding the proposed business of this location. He stated he supports the unanimous and unfavorable recommendation made a couple of weeks ago by the Board of Zoning on January 27th. He stated he has two main concerns that align with those raised by the Board. First, there are already a significant number of business in the overlay corridor between Austin Avenue and Cline Avenue and he believes adding another business really wouldn't be beneficial for the area. He said secondly and more importantly he is concerned with the issue of traffic, the north south flow on Cline Avenue is already problematic and is worried that another business of this type at this particular location are going to worsen the situation. Mr. Podgorny stated additionally, the upcoming Kennedy Avenue project, we can expect a significant increase in North South traffic, further stressing an already congested Cline Avenue. Mr. Podgorny stated, so for these reasons I strongly support the Board of Zoning Appeals recommendation and urges the Council to consider these when they make their decision.

Jennifer Podgorny, 7512 Fawn Valley Drive, Schererville, stated she is also here to discuss the Family Express. She stated she would like the Town Council to support the Board of Zoning appeals unanimously unfavorable recommendation for the overlay district. She stated with having a business on Cline Avenue and living in two different subdivisions off of Cline Avenue, this location cannot handle any more traffic. She stated that during rush hour it is tough getting out of the subdivisions and the businesses south of Cline. Mrs. Podgorny stated that where the Family Express wants to go, she did some research according to the gas station data. An average convenience store selling fuel has around 1,100 customers per day going through their station. They also want a car wash there and according to data from Heron gas station, a gas station with car washes in Indiana adds around 130 to 160 cars on top of the 1,100 cars daily. She spoke about the increase of traffic due to the convenience store and the average visit to a convenience store is 17.2 minutes in the State of Indiana. She stated that there is already two gas stations on that corner and you're not supposed to make a left hand turn out of Luke Gas Station but so many people ignore it. Mrs. Podgorny stated that Family Express is known for their good coffee, Java Wave and it would increase traffic of 16.67% at a gas station during the business hours of 5:00 a.m. and 10:00 a.m. She stated that they have a liquor store, a bar, a 24 hour gym and a dance studio which makes that parking lot a nightmare and now they've added Jody's Cheese Steaks in there. She stated, if you're giving the zoning overlay and their commercial development and their retail development behind it, what if that doesn't work out, are you going to let them put a tire station in there, because they have the zoning. She stated that there is a Dollar General across the street from there, if a convenience store is brought in with this gas station, you're likely to put other business out of business. Mrs. Podgorny stated that the infrastructure is not set up there, there is a better location down the road where by the Indiana Speedway.

She stated that she is asking the Town Council to reject this approval for an auto service station and reject the Family Market coming in.

Mr. Kevin Dean, 1905 Sir Richard Road stated he would like to address the Family Express idea. He stated he moved to Schererville a couple of years ago. He stated what he is hearing today is that there's interest in moving businesses into Schererville, probably because we have such good infrastructure, our roads are great, our environment is great and the people in the area seem to partake of the services that are available to them from local businesses. He stated he thinks it is fantastic that this Family Express is looking to move into Schererville.

Mike Winarski, 1767 Govert Drive, Schererville stated he could see some development there, but he thinks the gas station is too big for that area. He stated ever since the 50's that's been lumber yard and there hasn't been much traffic. Mr. Winarski spoke about how bad the traffic is on Cline Avenue and US 30 now. He stated that in a four mile length on US 30 there's seven gas stations and asked if we really need another one.

THEREUPON, Old Business

ITEM A. Confirmation of Purchase of a Perpetual Easement in The Amount of \$17,300.00 Located at 701 Kennedy Avenue From Canadian National Railroad and to Authorize the Town Manager, Director of Operations, Clerk-Treasurer And Town Attorney to Finalize Execution of Documents.
(From the January 30, 2025 Meeting - Kennedy Avenue Improvement Project)

Mr. Hansen stated that this is just for clarification, at the last Council meeting you approved us with a contingency amount in there, but it actually turned out to be the amount originally anticipated. He stated they just want to clarify that for the record.

Mr. Schmitt made a motion to approve the clarification that Mr. Hansen just gave, seconded by Mrs. Arvanitis. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

ITEM B. Clarification of Purchase Amount for the Following:

918 & 922 Kennedy Avenue from Desancic Living Trust -
\$125,195.00
910 & 918 Kennedy Avenue from Desancic Holdings, LLC -
\$24,243.00

Amounts were Transposed on the January 30, 2025 Town Council Agenda.

Mr. Hansen stated, again this is just for clarification, the amounts were transposed on the last agenda and Attorney Austgen wanted us to explain further the amounts paid for these parcels. He stated they were more than the actual appraisals but given the items that needed to be relocated, other comparable properties that were provided by the property owner and to avoid condemnation. He stated that Attorney Austgen reviewed the legalities and provided us a letter of opinion stating the sales transaction was justifiable.

Mrs. Arvanitis made a motion to approve the clarification of purchase amount, seconded by Mr. Schmitt. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - Yes; Mr. Guetzloff - yes. All in favor (5-0)

THEREUPON, New Business

ITEM A. Ord. #2017, An Ordinance Amending Town Zoning Ordinance No. 2004, as Amended, the Same being an Ordinance Classifying, Regulating, and Restricting The Location, Height Area, Bulk and Use of Building And Structures and the Use of Land in the Town of Schererville, and for Said Purposes Dividing the Town Into Districts and all Mattes Related Thereto

Plan commission Case #25-2-4
Petitioner(s): Lincoln Properties, LLC - Represented
By the Town of Schererville, James Gorman, Town Manager
Location: 6909 W. Lincoln Highway
Rezone from Highway Commercial and Residential to All Highway Commercial
Plan commission Favorable Recommendation 6-0

Mr. Gorman stated that the parcel in Ordinance #2017 is up on the screen, and the next four items on the agenda are related to this same area. Mr. Gorman stated he will cover his explanation for all four of these items. He stated that this one (on screen) is the parcel the Town of Schererville bought, it's a deep parcel about 1,500 feet deep. He stated that as part of the Illiana project, we bought the back 900 feet and that was zoned as R-1. He stated that they are going to rezone that to Institutional. He stated anything along Route 30 is zoned C3. Mr. Gorman stated that what they were left with was a little piece in the middle which is still zoned R1. He stated that what they are doing with this Ordinance is combining the C3 and the R1 and making it all C3 on the CSK property. He stated that the last two items of these four on the agenda are the bottom Parcels, they are going to be rezoned from R1 to Institutional, which will match the Zoning for Illiana.

Mr. Schmitt made a motion to adopt Ordinance #2017, seconded by Mr. Connelly. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

ITEM B. Ord. #2018, An Ordinance Amending Town Zoning Ordinance No. 2004, as Amended, the Same being an Ordinance Classifying, Regulating, and Restricting The Location, Height Area, Bulk and Use of Building And Structures and the Use of Land in the Town of Schererville, and for Said Purposes Dividing the Town Into Districts and all Mattes Related Thereto

Plan Commission Case #25-2-4
Petitioner(s): Town of Schererville, James Gorman, Town Manager
Location: 6909 W. Lincoln Highway - South 900 feet
Rezone from Residential to Institutional
Plan Commission Favorable Recommendation 6-0

Mrs. Arvanitis made a motion to adopt Ordinance #2018, seconded by Mr. Schmitt. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

ITEM C. Ord. #2019, An Ordinance Amending Town Zoning Ordinance No. 2004, as Amended, the Same being an Ordinance Classifying, Regulating, and Restricting The Location, Height Area, Bulk and Use of Building And Structures and the Use of Land in the Town of Schererville, and for Said Purposes Dividing the Town Into Districts and all Mattes Related Thereto

Plan Commission Case #25-2-2
Petitioner(s): CSK Property, LLC - Represented by

Town of Schererville, James Gorman, Town Manager
Location: 6919 W. Lincoln Highway -
Rezone from Highway Commercial and Residential to
All Highway Commercial
Plan Commission Favorable Recommendation 6-0

Mr. Schmitt made a motion to adopt Ordinance #2019, seconded by Mr. Connelly. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

ITEM D. Ord. #2020, An Ordinance Amending Town Zoning Ordinance No. 2004, as Amended, the Same being an Ordinance Classifying, Regulating, and Restricting The Location, Height Area, Bulk and Use of Building And Structures and the Use of Land in the Town of Schererville, and for Said Purposes Dividing the Town Into Districts and all Mattes Related Thereto

Plan Commission Case #25-2-3
Petitioner(s): Town of Schererville, James Gorman, Town Manager
Location: 6919 W. Lincoln Highway - South 900 Feet
Rezone from Residential to Institutional
Plan Commission Favorable Recommendation 6-0

Mrs. Arvanitis made a motion to adopt Ordinance #2020, seconded by Mr. Schmitt. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

ITEM E. PUBLIC HEARING

Mr. Troxell advised that the Proof of Publications are in order.

Opening Remarks for CDBG Public Hearing - Park Projects

Each spring, the Lake County Community Economic Development Department applies to the U.S. Department of Housing and Urban Development (HUD) for new funding through the Community Development Block Grant program (CDBG).

One of the application requirements is to hold public hearings in the communities where CDBG funding is allocated in order to obtain input from the local citizens on the proposed use(s) of the new funding. For FY2025, the Town of Schererville CDBG allocation is approximately \$124,885.00.

The most common use of CDBG funds is for infrastructure, including street reconstruction, sanitary sewers, water line extensions, storm drainage improvements, sidewalks, and projects to remove architectural barriers (handicapped access), such as curb cuts and wheelchair ramps. CDBG funds may also be used to eliminate slums and blight through demolition of unsafe buildings or other clearance activities.

CDBG funded infrastructure projects may only be done in areas where the neighborhood is at least **42%** low/modest income according to HUD guidelines. In most cases, an income survey must be done to qualify the area for funding eligibility. The income information taken by the survey is strictly confidential, and is used solely for the purpose of determining the area's eligibility for CDBG funding.

Handicapped access projects and demolition may be done anywhere in a community, without the need for area income determinations.

The public hearing is just the start of the application process for Lake County. There are a series of legal advertisements and comment periods that take place during the summer, prior to final grant approval from HUD in late August. New CDBG funding is released to the County and its entitlement communities on or around **September 1st** and needs to be expended by **June 15th** of the following year.

After public comment tonight, three documents need to be read and adopted: the Affirmative Action Program, Section 3 Understanding, and a Resolution authorizing the Town Executive to submit a project proposal for CDBG funding.

Finally Project Applications, and supporting documentation, need to be submitted no later than **May 5, 2025** for review by Lake County.

Open to the Floor for Public Comment

Mr. Jeff Minard, 1279 Poppy Field asked if any of those funds be used for connections to the trails and stuff like that. He stated that often times we don't have great connectivity from neighborhoods. He stated that a friend of his happens to be blind, but they walk the trails quite often and he thinks it would be nice to add some kind of indications when you come up on an intersection or rail tracks that he can feel with. He stated it is just something you might want to think about.

Closed to the floor for Public Comment

Citizen Participation Plan

The following is a detailed citizen participation plan which:

1. Provides for and encourages citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used, and provides participation of residents in low and moderate income neighborhoods as defined by the local jurisdiction;
2. Provides citizens with reasonable and timely access to local meetings, information, and records relating to the grantee's proposed use of funds, as required by the regulations of the Secretary, and relation to the actual use of funds under the Act;
3. Provides for technical assistance to groups representative of persons of low and moderate income that request such assistance to be determined by the grantee;
4. Provides for public hearings to obtain citizen views and to respond to proposals and questions at all stages of the community development program, including at least the development of needs, the review of proposed activities, and review of program performances, which hearings shall be held after adequate notice, at times and locations convenient to potential or actual beneficiaries, and with accommodations for the handicapped;
5. Provides for a timely written answer to written complaints and grievances, within fifteen (15) working days where practicable; and
6. Identifies how the needs of non-English speaking residents will be in the case of public hearings where a significant number of non-English speaking residents can be reasonably expected to participate.

Affirmative Action Program Implementing Section 3 of the Housing and Urban Development Act. Of 1968 Lake County, Indiana, Section 3, Understanding

SPECIFIC AFFIRMATIVE ACTION STEPS

TOWN OF SCHERERVILLE agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and project area businesses.

A. To ascertain from HUD Area Office Director the exact boundaries of the Section 3 covered project area and where advantageous, seek the

assistance of local officials of the department in preparing and implementing the Affirmative Action Plan.

B. To attempt to recruit from the appropriate areas the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan or the U.S. Employment Service.

C. To maintain a list of all lower income area residents who have applied either on their own or on referral from any source and to employ such persons, if otherwise eligible and if a vacancy exists.

D. To insert this affirmative action plan in all bid documents, and to require all bidders to submit a Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish the goals.

E. To insure that contract which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project area, are also let on a negotiated basis, where ever feasible when let in a Section 3 covered project area.

F. To formally contact unions, subcontractors and trade associations, to secure their cooperation for this program.

G. To insure that all appropriate project area business concerns are notified of pending contractual opportunities.

H. To maintain records including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.

I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 Affirmative Action Plan.

LAKE COUNTY, INDIANA Section 3 Understanding

The U.S. Department of Housing and Urban Development (HUD) issued regulations that provide the directive to creative job opportunities for low-income persons when HUD funds are expended on a construction project. These regulations are known as Section 3 policy. The purpose of the Section 3 policy is to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low and very low-income persons.

Section 3 covered projects are construction, reconstruction, conversion, or rehabilitation of housing, including reduction and abatement of lead based paint hazards, or other public construction which includes building and improvement assisted with HUD housing and Community Development Assistance. Section 3 covered contracts do not include contracts for purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered contract.

Fund recipients and contractors must show compliance with the numerical goals set forth by the regulations. The numerical goals for new hires apply only to the number of new hires generated because of the financial assistance of the HUD programs. The numerical goals are not absolute numerical requirements. They are goals that each recipient and contractor should try to reach. The goals, if not met, do not trigger sanctions against the recipient or contractor. However, if challenged on the issue of compliance with Section 3, the recipient or contractor should be ready to demonstrate that they tried to reach these goals. The goals are as follows:

30% of all covered new hires for the years FY 2025

In addition, recipients and contractors are required to show compliance with the goal that at least 10% of any building trade activity, which is subcontracted, and 3% of non-building trade activity (construction management, etc.), is awarded to eligible Section 3 business concerns.

Further information regarding these requirements may be found in the Federal Regulations at 24 CFR 135 and the Lake County Section 3 Plan.

Mr. Guetzloff read Res. #2025-1 by title only.

Res. #2025-1, A Resolution Authorizing and Directing the Town Council President of the Town of Schererville to Submit a Project Proposal for Community Development Block Grant Funds for Federal Fiscal Years 2025-2026

Mrs. Arvanitis made a motion to approve Resolution #2025-1, and to direct the recording secretary to incorporate verbatim the opening comments of Mr. Gorman and the content of section three and Lake County citizen participation, seconded by Mr. Schmitt. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

ITEM F. Res. #2025-2, A Resolution to Transfer Funds within a Category of Appropriations

Mr. Troxell explained the Transfer of Funds. Mrs. Arvanitis made a motion to approve Resolution #2025-2, seconded by Mr. Schmitt. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

ITEM G. Consider Variance of Use to Allow the Operation of an Automotive Service Station within the U.S. 30 Commercial Corridor Overlay District, which shall Also include a Retain Development Center

Board of Zoning Case #25-1-1
Petitioner(s): Family Express Corp. - Wieser & Wyllie, LLP
Location: 751 Lincoln Highway - Von Tobel Addition, Lot 3
BZA Unfavorable Recommendation - 5-0 (January 27, 2025 Meeting)

Mr. Gorman stated that this is a proposed Family Express located on the southwest corner of U.S. 30 and Cline Avenue. He stated it's the old Von Tobel building, to allow an Automotive Service Station within the U.S. 30 commercial corridor overlay district. Mr. Gorman stated that the petitioner and his attorney are here tonight if you have any questions.

Attorney Jim Wieser, 429 West Lincoln Highway, stated that he has the pleasure to represent Family Express. He stated with him are two representatives of Family Express, Mr. Pete Andreou who does a lot of their work and their architectural work. He stated also with him this evening is the founder and owner of Family Express, Gus Olympidis. Mr. Wieser stated he would be remiss if he didn't say something about the public comments that were made. He stated that this particular circumstance, the public hearing is conducted at the Board of Zoning Appeals, it's not conducted at the Town Council meetings. He stated that if people have information, if they have evidence, if they have documents, whatever they may have they have to bring it to the Board of Zoning Appeals. Attorney Wieser stated he understands there is public comment as permitted by the Town Council, it's appropriate to allow the public to speak at your meetings, however when there's already been a public hearing and that's where the evidence is induced. Attorney Wieser stated that Mrs. Podgorny, what she did was introduce evidence that was not introduced at the Board of Zoning Appeal, so he wants to make it clear to the Council that when you were hearing it for the first time so were we. That was never introduced, there was no discussion about how many

people use gas stations, how much traffic it creates, statistics from the State of Indiana and things of that nature. Attorney Wieser stated that comments from Mr. & Mrs. Podgorny saying that it's going to create too much traffic, there is no study to back that up. He stated that for purposes of this record, he doesn't believe it would be appropriate for this Council to consider her comments.

Attorney Wieser stated that Family Express Corporation, the purchaser of the property requested a Use Variance, because although the underlying zoning is appropriate for what they want to do there, which is to build a convenience store and the convenience store does have fuel pumps. He stated Family Express was the first locally owned, locally developed and locally founded to go get brand name items that you can purchase and you can acquire in their convenience store. However, given the nature and the terms and conditions of your Ordinance, although it was a permitted use in the underlying district, it is not a permitted use in your overlay district. Attorney Wieser stated he would like to point something out that is really critical in your consideration as they pointed out at the BZA meeting, only 18% of the entire proposed development requires that use variance, the other 82% meets your requirements. He stated the only the portion that does not is the convenience store and the pumps. Attorney Wieser stated that they are not here to bring in new evidence, the things in this particular instance your BZA, which is a great group, just simply didn't see it their way and he feels they made a mistake. He stated that they meet the statutory criteria of what a use variance requires and he believes they should be entitled to that. He stated that this is just the first step of the process, they're just looking for the designation, after that they have to go to the Plan Commission and submit full engineering details on the use variance portion and also on the other 82% which is going to be high-end commercial and retail development. Attorney Wieser stated that this property isn't going to sit unoccupied, it's a prime location and whatever goes in there is going to create traffic.

Mr. Connelly stated that in terms of traffic issues, he would trust our Plan Commission to address those and make those recommendations. He stated there absolutely is a process and tonight we are talking about the variance use, so let's focus on the mechanics of that. He stated that he was at the BZA meeting, he saw the presentation but one thing that was lacking that he didn't hear one of the key elements of a variance which includes demonstrating a hardship. He stated just running through them, the unique property characteristics of this development, having minimal impact on the neighborhood, and the public interest considerations which he thinks we've heard. Mr. Connelly stated he would like to hear from Attorney Wieser, to address these key elements of the mechanics of a variance, especially on the hardship side.

Attorney Wieser stated that he feels that they addressed all of them, they might not have said, hey this is a hardship or this is the orderly development, but in the terms of the hardship it is always the toughest element to prove. Attorney Wieser different terms of a hardship.

Mr. Johnson stated he will respond to the hardship issue. He stated to Attorney Wieser that it sounds like you're telling the Council that there's a hardship on Family Express as far as how they can develop this property and a hardship to find a more perfect location. He stated those are hardships on the petitioner not related to the property itself, and to find a developer or a business to go into that property, there are lots of uses for that property that fall within the overlay district, restrictions that can easily go into that property. Mr. Johnson stated that the overlay district was adopted by the Plan Commission, if it's in conflict with the zoning that was because there were things that they wanted to restrict, they

wanted to take away the freedom of just simply putting those businesses in there and there's a reason for that. He stated he's looking for a little bit further clarification on what the hardship that actually relates to this property, not to the petitioners.

Attorney Wieser stated that the reason that they have to get a use variance is because you have a zoning overlay district that says you need a use variance for an automobile service station. He stated the term automobile service station was used years ago when cars were actually serviced at a service station. He stated this is not a service station, it's a convenience store that does happen to have gasoline pumps, but they don't provide any automobile service.

Mr. Johnson stated would like to address another criteria that he thinks wasn't addressed at the BZA meeting. He stated that he was at the meeting and you've called it speculative, you've called it a number of different things. He stated that traffic and safety concerns are legit, this intersection, this property of itself and the proposed concept that you have presented to the BZA and to the Council to retain the eastern parts of the building. They are a canopy with pumps on the east side of that building and then add a through lane or driveway, whatever you want to call it to get around on the east side and then on the north side of the building over to the track. Mr. Johnson stated that the new businesses that you guys are planning to put in on the west side of the building, his concerns with these things are public health and safety concerns. He stated that people are going to be driving around this property at speeds that may or may not be appropriate, it's a very narrow pathway on that northeast side of the building between the lot line and the building. Mr. Johnson stated there was no proposal on how to deal with that sort of safety concerns and traffic on Cline Avenue and U.S. 30, that intersection, that roadway is difficult and he thinks that the concept that Attorney Wieser has proposed does not allow for any expansion of that road. Mr. Johnson stated he appreciates this is just a use variance but when you're presenting things that are challenging but your burden of proof to say that this development is going to be safe. He stated they are coming in asking for this use and not addressing any of those issues.

Mr. Pete Andreou stated that he just wants to reiterate what Attorney Wieser was talking about, the items that Mr. Johnson spoke specifically about. He stated that things can be worked out during the process as they progress the project, should they be awarded the variance. He mentioned the tanks and said those tanks could be located somewhere else on the site. He stated that Mr. Johnson mentioned about the access on the south side of the building, he said certainly that could be eliminated and still have the access off of the north street. Mr. Andreou stated that Family Express will be celebrating their 50th year and they are very proud of the safety culture, safety is their number one priority at all times. Mr. Andreou stated they are not creating additional traffic, they are actually helping the traffic, and they are pulling people off the eastbound traffic on U.S. 30.

Mr. Johnson stated that he's having a difficult time with the Plan Commission process. It is not a public hearing process, so when there are negotiations between Family Express and the Plan Commission, public comment is no longer involved, the Town Council's involvement is gone. Mr. Johnson advised Mr. Andreou that when they come to the Town Council and present a concept that creates a concern for him, he has to address it. Mr. Johnson stated what he would like to see is if Family Express would present a new concept that shows more right of way being designated to the Town so that the intersection can be improved. He stated he would love to see a concept where there's enough room on that northeast corner and he would be 100% in favor of redeveloping this corner. He stated he is not

excited about a gas station but he thinks its fine, he wants this corner redeveloped. Mr. Johnson stated he want's there to be investment into the community, he wants property tax improvement. He stated he thinks it's great but he also doesn't want to approve the use when he has safety concerns.

Mr. Andreou stated that they could certainly have options during the design process, we could move things around on their property, and they have flexibility on that. He stated that we need to work together, we haven't had that discussion because this is early on. He stated that they understand that the traffic is an existing situation, but no matter who goes in there you're going to have that concern, you're going to have the same discussion, if it's not Family Express it is going to be someone else.

Mr. Schmitt read the following comments into the record. "I was at the BZA meeting where the petitioner presented their overall plan seeking the variance to have a fuel service station on Route 30. I was quite impressed with the development, but I know we are here tonight to only rule on the Variance to allow the 6 sets of gas pumps at a fuel station due to our Ordinance we have on the Rt. 30 & Rt. 41 Overlay District. I thought the layout of the project was good, where I also feel 75% of the traffic would go into and out of the development off of the eastbound traffic on Route 30 at the huge entrance area that is there. I also feel that the Northeast corner of the property is ideal for the 6 sets of gas pumps. I know traffic is a big concern on the Cline Avenue entrances and the road design itself. Those issues that would be worked out at the Plan Commission level and I'm confident that the Planning Commission would be against the project if those issues are not all worked out. The gas part, convenience store and food store are a small percentage of the development, like 18% or so. If you drive down Route 41 or Route 30 at any given time, the most cars you see at any of our gas stations at a time, maybe six to eight at the most. As I see it, this is a low key development. Family Express, possible Medical offices and maybe other offices or small retail. This will be better than other possible developments. But, a twenty million dollar investment in our Town at one of our prominent intersections, an area that is also in our TIF District to help financially for our Illiana project. This is also at a prime spot of our bike trails and a potential area to sit, have a sandwich or a drink would be great. They could possibly put a bike rack on the west side or storage for bikes, which was brought up at the BZA meeting by Mr. Minard.

Therefore, I (Mr. Schmitt) would like to make a motion to approve Board of Zoning Case 25-1-1 to allow the gas station pumps and to continue the work that the developer will do at the Plan Commission level, this is a perfect development to get that Cline Avenue situation updated and improve that area. I would also like to incorporate my comments into my motion." Seconded by Mrs. Arvanitis.

Roll call vote: Mr. Johnson - no; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. Motion carries (4-1).

ITEM H. Consider Acceptance of contract between the Town of Schererville and Burke Costanza & Carberry LLP
Attorneys at Law

Mr. Gorman stated that this is a yearly contract between the Town of Schererville and Burke Constanza and Carberry LLP. They represent our Board of Safety, Park Board, Plan Commission and BZA.

Mr. Schmitt made a motion to accept the contract, seconded by Mr. Connelly. Roll call vote: Mr. Johnson - yes;

Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes;
Mr. Guetzloff - yes. All in favor (5-0)

ITEM I. Consider Approval of Engagement Letter between LWG
And the Town of Schererville for a Water Rate Study
(From Waterworks Board Agenda)

Mr. Connelly made a motion to approve the Engagement Letter, seconded by Mrs. Arvanitis. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

ITEM J. Consider Approval of Engagement Letter between LWG and
The Town of Schererville for a Municipal Advisory
Services **(From Redevelopment Commission Agenda)**

Mr. Connelly made a motion to approve the Engagement Letter, seconded by Mr. Schmitt. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

ITEM K. Appoint Fire Department Merit Commission Attorney

Mr. Schmitt made a motion to appoint Attorney Alfredo Estrada of Burke Constanza and Carberry LLP, seconded by Mrs. Arvanitis. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

ITEM L. One Appointment by the Town Council President for the
Fire Department Merit Commission (R) - Term ending
December 31, 2026

Mr. Guetzloff stated that his appointment is Roger Florkiewicz.

ITEM M. One Appointment by the Town Council President for the
Fire Department Merit Commission (D) - Term ending
December 31, 2028

Mr. Guetzloff stated that his appointment is David Turoci.

ITEM N. One Appointment by the Town Council for the Fire
Department Merit Commission (D) - Term ending
December 31, 2026

Mr. Schmitt made a motion to appoint Tom Fulk to the Fire Department Merit Commission, seconded by Mrs. Arvanitis. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

ITEM O. Award Bid for Community Crossing Grant Project
(2024-2) - Burr Street Improvements

Mr. Simstad stated that there were five total bidders for the Burr Street Improvement Project. He stated that after review of the submitted bids, he would recommend that the project be awarded to the lowest and most responsive and responsible bidder. He recommends that the bid be awarded to M&J Underground Inc., in the amount of \$2,418,020.50.

Mr. Schmitt made a motion to award the bid to M&J Underground Inc., seconded by Mrs. Arvanitis. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

ITEM P. Award Bid for Road Materials

Mr. Nondorf stated he is looking for the Council's approval for the 2025 contract for Road Materials which consist

of asphalt paving services and stone, gravel and black top for the Public Works Department. He stated that the bid opening was February 7th and there was two bids for the asphalt paving services portion of the contract and there was four bids for the road material services. Mr. Nondorf stated that the lowest and most responsive bidder for the asphalt paving services portion was Milestone Contractors, Inc., and the stone, sand and black dirt lowest and most responsible bidder was B & D Sewer Co.

Mr. Connelly made a motion to award the road materials as recommended by Public Works Director Chad Nondorf, seconded by Mr. Schmitt. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

ITEM Q. Consider Acceptance of Utility Reimbursement Agreement between Enterprise Pipeline Company and the Town of Schererville in the amount of \$62,160.00
(Kennedy Avenue Improvement Project)

Mrs. Arvanitis made a motion to accept the Utility Reimbursement Agreement, seconded by Mr. Schmitt. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0)

ITEM R. Consider Donation Request of \$50,000.00 to the Lake County Parks Department to Purchase Ten (10) Acres From the Harvest Ridge Church Property at the SE Corner of Austin Avenue and 77th Avenue for Future Connection to the County Park

Mr. Gorman stated that this is consistent with the donation that we provided a few years ago for the parcel east of this, which is shown on the map (on the screen). He stated that we anticipate connection to the Pennsy Trail in the future which would tie into this property. Mr. Gorman stated that as part of this donation the County will provide right of way for any future intersection improvements or connection to the bike path at the corner of 77th Avenue and Austin Avenue.

Mr. Craig Zandstra, Lake County Parks and Recreation Department, stated he would like to give a quick overview. He stated that they approached the church after they acquired the SOS track. He stated they went ahead and got a yellow book appraisal and the church paid for one as well, which came up with an average purchase price of \$295,000.00. Mr. Zandstra stated that after that they applied to the Lake Michigan Coastal program for Federal Funds through National Oceanic and Atmospheric Administration. He stated they got approved for \$105,000.00 and also Indiana DNR through their State Parks out of the Recreation Division and the President, Benjamin Harrison Conservation Trust, they put in \$45,000.00. Mr. Zandstra stated that they also have an application in front of the Little Calumet River Basin and Development Commission and potentially the Town of Schererville Funds could match the Federal Funds to make the project whole, as far as the acquisition. Mr. Zandstra spoke about the benefits of this project moving forward.

Mr. Connelly asked Mr. Zandstra if he would be ok with the condition of the right of way, granting that to the Town of Schererville for future intersection improvements and future Trail extension. Mr. Zandstra stated yes he would.

Mrs. Arvanitis made a motion to approve with the condition that the right of way be granted for future intersection and Trail connections, seconded by Mr. Schmitt. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - yes; Mr. Guetzloff - yes. All in favor (5-0).

ITEM S. Consider Acceptance of Donations \$3,192.50

Mr. Troxell read into the record the list of donations for the month of January 2025

Mrs. Arvanitis made a motion to accept the donations as read, seconded by Mr. Connelly. Roll call vote: Mr. Johnson - yes; Mr. Connelly - yes; Mrs. Arvanitis - yes; Mr. Schmitt - Yes; Mr. Guetzloff - yes. All in favor (5-0)

THEREUPON, Business from the floor NONE

Meeting adjourned.

ROB GUETZLOFF
TOWN COUNCIL PRESIDENT

MICHAEL A TROXELL, IAMCA, CMC, ACPFIM, CPFA, CMO
TOWN CLERK-TREASURER

A TRUE COPY