

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

Attendance was taken with the following Council Members present: Caleb S. Johnson, Kevin Connelly, Robin Arvanitis, Thomas Schmitt and Rob Guetzloff. Staff members present: Attorney David Austgen, Fire Chief Robert Patterson, Deputy Fire Chief David Meyer, Police Chief Pete Sormaz, Park Superintendent John Novacich, Town Engineer Neil Simstad, Director of Public Works Jeff Huet, Director of Operations James Gorman, Town Manager Robert Volkmann, Clerk-Treasurer Michael Troxell and Recording Secretary Robin Thiel.

THEREUPON, Approval of the minutes. Mr. Connelly made a motion to approve the minutes of the February 10, 2021 Public meeting, seconded by Mr. Johnson. (5-0).

THEREUPON, Claims

- A. APV #95029 - APV #95468 on the General Docket, Totaling \$2,053,710.87
- B. APV #95041 - APV #95456 on the MVH Docket, Totaling \$205,117.09
- C. Various Funds, First National Bank of Omaha, February Credit Card Charges, \$9,881.41
- D. Various Funds, Enterprise Fleet, Monthly Lease, \$3,346.64
- E. Various Funds, Austgen Kuiper Jasaitis, February Legal, \$14,813.09
- F. General Fund - Animal Control, Crossroads Animal Hospital, February Vet Bills, \$1,507.12
- G. Various Funds, Insperity Timestar, Monthly Usage, \$611.00
- H. General Fund - Police, Indiana State Budget Agency, Invoice# 21isd-0163, \$650.00
- I. Park Bond 2010, DLZ LLC, Invoice #702851, \$1,644.03
- J. Park Bond 2010, DLZ LLC, Invoice #408269, \$120.14
- K. Park Bond 2018, DLZ LLC, Invoice #408273, \$2,390.00
- L. Various Funds, Menards, February Monthly Invoices, \$3,995.84
- M. Various Funds, Auto Wares, February Auto Parts, \$20,739.32

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

THEREUPON, Correspondence NONE

THEREUPON, Reports

Mr. Volkmann stated that last year we had bid out to do renovations at Fire Station III, on Springvale Drive in Schererville. He stated that we put that on hold because of COVID, we had bid the project and had awarded the project to Larson Danielson. He stated that before the contract was signed we put the project on hold and told them that pending COVID responses and how the Town experienced on their budget, we would determine if we would move forward on that project on a later date. Mr. Volkmann stated that he was instructed to contact Larson Danielson to see if they would still honor their contract price from last year, but unfortunately because of the increase in material and labor cost, they are not able to do that. He stated that we will be forced to re-bid that project. Mr. Volkmann stated that he is looking for authorization to return the bid bond to Larson Danielson and to re-advertise Station III project again for renovation of that Fire Station.

Mr. Schmitt made a motion to authorize Mr. Volkmann and staff to return the bid bond to Larson Danielson and to put a new bid out for the renovation of Fire Station III, seconded by Mrs. Arvanitis. All in favor (5-0).

Chief of Police Pete Sormaz stated that he wanted to inform everyone on the CALEA process. CALEA is Commission Accreditation for Law Enforcement Agencies. Chief Sormaz stated that the Schererville Police Department was recognized in 2007, when the

administration submitted an application and after submitting the application the Police Department worked diligently to implement all of the necessary policies and improve its practices based on the CALEA standards. Chief Sormaz stated that in 2011 the Schererville Police Department was CALEA designated for the first time and the second time in 2017. He stated that this month we are doing our third re-accreditation. Chief Sormaz stated that the four year on-site assessment is scheduled for April 5th, 6th and 7th. He stated that during this time two assessors will review compliance which are policies and procedures, administration operations and support services. He stated that on April 5th there will be a phone session, and the agency and public are invited to call in and speak with our Compliance Service Managers. Chief Sormaz stated that agency employees and members of the community are invited to offer comments at a Public Information Session on April 6th at 7:00 p.m. in the Schererville Town Hall.

Fire Chief Patterson reported that the Schererville Fire Department responded to 307 calls for the month of February, of the 307 calls, 250 were EMS related and 57 were fire related calls. Chief Patterson gave an update on the Safe Haven Baby Box, he contacted 1-800-BOARDUP and also with Alert Alarm. He stated he talked to the President of 1-800-BOARDUP and they are going to work with him in trying to make sure we get a quick delivery of this box, and a quick installation. He stated that he is currently working on all of the paperwork that needs to be completed. Chief Patterson stated that when talking to both companies today, they are doing this at absolutely no cost to us at all.

THEREUPON, Public Comments Regarding Agenda Items NONE

THEREUPON, Old Business NONE

THEREUPON, New Business

ITEM A. PUBLIC HEARING

Attorney Austgen stated that he has reviewed the Proofs of Publication and find them to be in order. Attorney Austgen stated that the Public Hearing will also include the consideration of the Fiscal Plan, which is the second item on this agenda item.

Ord. #1963, An Ordinance Annexing Certain Contiguous Land To the Town of Schererville, Lake County, Indiana, and all Matters Related Thereto

Petitioner(s): Timothy Foley
Location: 11245 W. 80th Avenue

Mr. Volkmann stated that this a gentleman that has approached the Town to tie into our Utilities, it is in Auburn Scenic Meadows. He stated that we have annexed the property next door, his neighbor did this years ago.

OPEN TO THE FLOOR FOR PUBLIC COMMENT
NO COMMENTS FROM THE FLOOR
CLOSED TO THE FLOOR FOR PUBLI COMMENT

Res. #2021-4, A Resolution of the Schererville Town Council to Approve a Fiscal Plan and Policy for Proposed Annexation of a Parcel of Real Property to the Town of Schererville, Lake County, Indiana.

Petitioner(s): Timothy Foley
Location: 11245 W. 80th Ave

Mr. Johnson made a motion to adopt Resolution #2021-4, seconded by Mr. Connelly. All in favor (5-0).

ITEM B. PUBLIC HEARING

Attorney Austgen stated that he has reviewed the Proofs of Publication and find them to be in order.

Ord. #1964, An Ordinance Re-Establishing a Cumulative Capital Development Fund (CCDF) for the Town of Schererville and all Matters Related Thereto

Mr. Troxell stated that the Cumulative Capital Development Fund is a fund that we are re-establishing up to a nickel per one hundred dollars of assessed valuation across our Town. Mr. Troxell stated that we use these funds to pay for our Police and Fire Vehicles. He stated that by raising this up to a nickel, this will increase over our current rate over \$17,000.00 for the year.

OPEN TO THE FLOOR FOR PUBLIC COMMENT
NO COMMENT FROM THE FLOOR
CLOSED TO THE FLOOR FOR PUBLIC COMMENT

Mr. Schmitt made a motion to consider on first reading, Ordinance #1964, seconded by Mrs. Arvanitis. All in favor (5-0).

Mr. Schmitt made a motion to adopt Ordinance #1964, seconded by Mr. Connelly. All in favor (5-0).

ITEM C. Res. #2021-5, A Resolution Authorizing the Town of Schererville, Lake County, Indiana, to Enter into an Agreement with the County of Lake, Indiana in Undertaking Community Development Activities (Community Development Block Grant)

Mr. Volkmann stated that this is our bi-annual grant we receive through the Lake County Development for CDBG. He stated that we use those funds typically to update playground equipment in our parks to ADA compliance. Mr. Volkmann stated that this year CDBG is earmarked to the Rohrman Park Playground improvements.

Attorney Austgen stated that the approximately allocation is \$122,390.00. He stated that the documents before you tonight are standard, they are the bi-annual documents.

Mr. Connelly made a motion to adopt Resolution #2021-5, seconded by Mrs. Arvanitis. All in favor (5-0).

ITEM D. PUBLIC HEARING

Attorney Austgen stated he has reviewed the Proof of Publication and find it to be in order.

Opening Remarks for CDBG Public Hearing - Park Projects

OPENING REMARKS FOR CDBG PUBLIC HEARING

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 FY2021, the Town of Schererville CDBG allocation is approximately \$122,390.00.

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 21, 2021** for review by Lake County.

OPEN TO THE FLOOR FOR PUBLIC COMMENTS
NO COMMENTS FROM THE FLOOR
CLOSED TO THE FLOOR FOR PUBLIC COMMENTS

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 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 performance, 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.

Res. #2021-6, 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 2021-2022

Mr. Johnson made a motion to adopt Resolution #2021-6, seconded by Mr. Connelly. All in favor (5-0).

AFFIRMATIVE ACTION PROGRAM IMPLEMENTING SECTION 3 OF THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968

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.

Mr. Connelly made a motion to approve the Affirmative Action Program, Section III of the Housing and Development Act of 1968, and to authorize the Town Council President to execute, seconded by Mr. Schmitt. All in favor (5-0).

Lake County, Indiana, Section 3 Understanding

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 2021

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.

Mrs. Arvanitis made a motion to approve entry into the Lake County Section 3 understanding, and to authorize the Town Council President to execute, seconded by Mr. Schmitt. All in favor (5-0).

Mr. Johnson made a motion to append all of the documents that have been approved tonight into the minutes, seconded by Mrs. Arvanitis. All in favor (5-0).

ITEM E. Consider Request from the Park Board to Serve Beer and Wine at the following events:

- Party in the Park - Cinco De Mayo - Redar Park - Friday, April 30
- Party in the Park - Rhythm & Rock - Redar Park - Friday, May 28
- Party in the Park - Be Our Guest (Movie)-Redar Park - Friday, June 4th
- Celebrate Schererville Fest - Redar Park - Wednesday, June 9 - Sunday, June 13
- Party in the Park - Arachnophobia (Movie) - Redar Park - Friday, June 25
- Fireworks - Rohrman Park - Friday, July 2 (Rain Date - Sunday, July 3)
- Corn Roast - Redar Park (Chamber Event) - Friday, July 30
- NWI Symphony - Redar Park - Saturday, July 31
- Party in the Park - Rhythm & Rock- Redar Park - Friday, August 20

Mr. Connelly made a motion to approve the request of the Park Board to serve beer and wine at the eleven events noted on the agenda, seconded by Mrs. Arvanitis. All in favor (5-0).

ITEM F. Consider Variance of Use to Allow a Drive-Through Service Area

Board of Zoning Case #21-1-4
Petitioner(s): 1902 US 41, LLC
Location: 1906-1912 US 41 (Plaza Heights Addition, Lot 2)
Favorable Recommendation by the BZA with Conditions (5-0).

Mr. Volkmann stated that the petitioner originally had two drive-throughs in the plan, but one was eliminated at the BZA Meeting. He stated the BZA had a recommendation for a drive-through.

Mr. Connelly asked Mr. Volkmann what were the conditions by the BZA.

Attorney Jim Wieser stated he is the Attorney for the project and can answer any questions the Council may have.

Mr. Johnson stated that he thinks he saw in the Findings Of Fact and determination that there was no end user yet, he asked if there is an end user, do we know what sort of traffic is going to be going through this drive-through and how do we approve it if we don't know if there is enough stacking and design prepared for the end user.

Attorney Wieser stated there is no end user.

Mr. Connelly stated that he thinks what was approved was the stacking of nine cars.

Attorney Wieser stated he thought nine or ten cars was the design of the plan that was approved.

Mr. Connelly stated that he is fine with it, he would probably just add a condition if the BZA approved, that if there was a higher stacking that they would have to come before the BZA again.

Attorney Wieser stated that the information and documentation that was presented to the Board of Zoning Appeals when they conducted a public hearing was, his clients own several retail plazas already in the area. His clients operate several of the Anytime Fitness Centers, they own those Anytime Fitness Centers, and so they are very familiar with their market and who their market is. Attorney Wieser stated that they are owner operators, they are not absentee owners. The anchor tenant in this retail center is going to be their concept when it comes to fitness. It is called Base Camp, it will be approximately 3,000 square feet. He stated that what they are hoping to achieve is a business that

compliments their business. Attorney Wieser stated that when they had the discussion at the BZA, the reason they withdrew their request for a drive-through on the north building, because there is going to be a standalone building on the north, evidentially. He stated that the BZA and they agreed that the traffic flow would facilitate a use of that nature on the south side.

Mr. Connelly made a motion to approve BZA Case 21-1-4, based upon a favorable recommendation by the BZA (5-0) with conditions, seconded by Mr. Schmitt. Motion carries (4-1). Mr. Johnson voting no.

ITEM G. Consider Variance of Use to Allow a Used Car Sales Lot

Board of Zoning Case #21-2-5
Petitioner(s): Just Us Auto Finance/Northwest
Indiana Auto Finance;
Jamal Kamleh - Owner, Operator
Location: 1212 W. Lincoln Highway
Favorable Recommendation by the BZA with
Conditions (5-0).

Mr. Volkmann stated that this is the corner of Janice Drive and US 30. It was called Hillside Motors, it had been there for several years. He stated that Hillside Motors went out of business and the property became available. He stated that this petitioner is taking over that property, so he needs a new variance to continue the use as a Used Car lot. Mr. Volkmann stated that the conditions the BZA placed on it was to remove to the old driveway cuts, and that curb be poured back on both US 30 and Janice Drive.

Mr. Johnson stated that his recollection of the conditions was there were other things as well.

Attorney for the petitioner stated that there was one more condition and it had to do with the ascetics of the building, the building itself is actually in real good shape, it's a combination of earth tones, browns, tans and beiges, so they wanted to see something done to the ascetic of the building. He stated that they are looking to have some dark blue and white and working with the brick façade that is there.

Mr. Johnson asked if there was going to be a sign improvement. The Attorney stated yes, they are going to use the existing sign in that location and they were going to be coming in, because it is a new business, there is a going to be a new license that has to be filed with the State of Indiana for their operation.

Mr. Schmitt stated he was at the BZA Meeting and just wanted to confirm there is no mechanic work that will go on there.

The Attorney stated that is correct.

Mr. Schmitt made a motion to approve BZA Case 21-2-5, with conditions, seconded by Mr. Connelly. All in favor (5-0).

ITEM H. Award Bid for Road Materials

Mr. Huet advised the Council they have the bidding information in their packets. He stated the bids are as follows:

Mr. Huet recommends the following:

Road Material, stone gravel, black dirt and sand be awarded to Walter's Excavation.

Concrete Disposal Services be awarded to Walter's Excavation.

Asphalt, materials and services go to Rieth Riley Construction.

Mr. Johnson made a motion to award the bids as reported by our Public Works Director, seconded by Mr. Connelly. All in favor (5-0).

ITEM I. Award Bid for Community Crossing Grant Project 2020-2

Mr. Simstad stated that he has a bid report and tabulation for the 2020-2 CCMG Award. He stated they had three bidders and the lowest bid was \$289,655.20. He stated that after reviewing the bids there were no irregularities in the bid. He stated the recommendation is to the lowest most responsive and responsible bidder of Rieth Riley Construction Company Inc., in the amount of \$289,655.20.

Mr. Schmitt made a motion to approve the award for the Community Crossing Project 2020-2, as recommended by Mr. Simstad, seconded by Mrs. Arvanitis. All in favor (5-0).

ITEM J. Proclamation - Greek Independence Day (March 25, 2021)
In the Town of Schererville

Mr. Troxell read the proclamation in its entirety. Mrs. Arvanitis made a motion to proclaim March 25, 2021 as Greek Independence Day in the Town of Schererville, seconded by Mr. Johnson. All in favor (5-0).

ITEM K. Consider Donation to Lake Central "*Dollars for Scholars*"
\$1,200.00

Mr. Connelly made a motion to donate \$1,200.00 to the Lake Central "*Dollars for Scholars*", seconded by Mr. Johnson. All in favor (5-0).

ITEM L. Consider Acceptance of Donations - \$200.00

Mr. Troxell read the list of donations into the record.

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

THEREUPON, Business from the floor NONE

Meeting adjourned.

ROB GUETZLOFF
TOWN COUNCIL PRESIDENT

MICHAEL A TROXELL, CMO
TOWN CLERK-TREASURER

A TRUE COPY