

The Regular Town Council Meeting of the Town of Schererville, IN was called to order by President Robin Arvanitis at 7:12 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, Thomas Schmitt, Rob Guetzloff and Robin Arvanitis. Staff members present: Attorney David Austgen, Fire Chief Robert Patterson, Police Chief Pete Sormaz, Deputy Police Chief Steve McNamara, Park Superintendent John Novacich, IT Robbie Hansen, Town Engineer Neil Simstad, 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 June 8, 2022 Public Meeting, seconded by Mr. Schmitt. All in favor (5-0).

THEREUPON, Claims

- A. APV #103048 - APV #103613 on the General Docket, Totaling \$2,339,025.55
- B. APV #103056 - APV #103605 on the MVH Docket, Totaling \$140,946.11
- C. APV #103089 - APV #103464 on the Payroll Docket, Totaling \$1,571,518.72
- D. Various Funds, First National Bank of Omaha, Credit Card Charges, \$24,746.48
- E. Various Funds, Austgen Kuiper Jasaitis, June Legal, \$6,872.17
- F. Various Funds, Enterprise Leasing, July, 2022 Statement, \$3,346.64
- G. Public Safety Fund, Payment #2-EMT-Paramedic Education Program, \$1,300.00
- H. Various Funds, Stanley Steemer, Tile & Carpet Cleaning, \$4,325.03
- I. General Fund - Animal Control, Crossroads Animal Hospital, June Invoices, \$876.76
- J. Park Non-Reverting Fund, Eventeny, 1 Year Subscription, Invoice #Schererville-0002, \$2,580.00
- K. Public Safety LOIT N/R Fund, Star Uniform, Officer Uniforms, \$1,976.33
- L. Various Funds, MacQueen Equipment, Equipment for Fire Engine, \$20,868.62
- M. Cable TV Fund, Colby & Company, Inc. Invoice #CC101, \$27,571.00
- N. Various Funds, Rothschild Agency, Various Invoices, \$157,019.50
- O. Various Funds, Braman Insurance, Invoice #122032, \$21,646.00
- P. Various Funds, Milestone Contractors, Invoice #228702-1, \$129,889.76

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

THEREUPON, Correspondence NONE

THEREUPON, Reports

Fire Chief Patterson reported that the Fire Department responded to 305 EMS and 75 fire related calls, for a total of 375 calls for the month of June.

Police Chief Sormaz announced that the first Tuesday in August, August 2<sup>nd</sup>, we have our annual National Night Out. He stated he would welcome everybody, the hours are from 4:00pm - 8:00pm at Redar Park.

Park Superintendent John Novacich stated that they have a lot of events still coming up. He stated that they have Hocus Pocus Party in the Park on July 23<sup>rd</sup> and that they are still looking for donations for candy. Mr. Novacich stated that the helicopter comes out and drops the candy. Mr. Novacich stated that the Northwest Indiana Symphony is at Redar Park on July 24<sup>th</sup>. The Corn Roast is also going to be held at Redar Park on Friday, July 29<sup>th</sup>, and the Park Department Craft Show will be on July 30<sup>th</sup> at the Community Center.

Mr. Novacich stated that he would like to thank all of the Departments; Police, Fire and Public Works for all of their help and support for the Schererville Fest and the Fire Works. He also thanked the Town Council for their support and all of the Park Staff for the great job.

Mr. Simstad, Nies Engineering, stated that they have the 2022-1 CCMG Grant that is out to bid and we will be opening those bids on Monday, August 8<sup>th</sup>. He stated they will be ready for award at the August 10, 2022 Public Meeting.

Mr. Volkmann stated that they have been working with the Legion on Burr Street to buy a piece of property from them for right away for Burr Street Improvements in the future. He stated that they actually came in this afternoon. Mr. Volkmann stated he wasn't able to get it on the agenda, but he would look for the Council to authorize acceptance of the documents, the easement documents for Burr Street and authorize you to sign those documents and payment to the Legion for the amount.

Mr. Johnson made a motion to approve the recommendation by our Town Manager to move forward with the acceptance of those documents and allow the Town Council President to sign those documents and execute the payment for the easement, seconded by Mr. Schmitt. All in favor (5-0).

Mr. Johnson stated that on May 30<sup>th</sup> Larry Tucker passed away, he was our Town's appointment to the Lake County Convention and Visitors Bureau. He stated that the Town Council scheduled a Special Council Meeting to appoint a successor to the Board that was scheduled for June 21<sup>st</sup>. He stated that we were assured by at least two sources that we had additional time to make the appointment at our next regular meeting, which would be this meeting today. Mr. Johnson stated that he was personally assured by Andy Quirnel, who is President of the Board, that the deadline would not be enforced against us, and to make that appointment today. He stated that he was under the impression that Mr. David Uran, Director of the Visitors Bureau that also assured others on the Council of the same extension of time.

Mr. Johnson stated that he was told by Mr. Volkmann that the special meeting for June 21<sup>st</sup> was being cancelled because we were in no hurry, that we had the time to make that appointment, and we had time to make that appointment at the meeting.

Mr. Johnson stated that for some strange reason, despite these assurances that we had that extension of time, a decision was made unilaterally on June 29<sup>th</sup> by our Town Council President, Robin Arvanitis, to appoint a replacement for Larry Tucker to the Lake County and Visitors Bureau. Mr. Johnson stated that when that appointment was up for renewal last year, in 2021, it was decided as a Council, as a whole, not to replace Mr. Tucker, we were going to keep Mr. Tucker on the Lake County and Visitors Bureau. That was a vote that was made as a Council, not as a President. Mr. Johnson stated that he wants to talk about our appointment as well, Mr. Bushemi, who was appointed on June 29<sup>th</sup> by Mrs. Arvanitis. Mr. Johnson stated that he is not qualified, there are certain criteria in the statute, Indiana Code. Mr. Johnson stated that Mr. Bushemi, a very nice gentleman, a local attorney, he's a prominent democrat politician in his own right, but he is not involved in any of the businesses or industries which meet the criteria. Mr. Johnson stated that he is opposed to this appointment and he thinks they should, as a Council, replace Mr. Bushemi on the Lake County and Visitors Bureau with someone who is qualified.

Mrs. Arvanitis stated that we were replacing Mr. Tucker, who passed away, his seat was open and it is stated that we have thirty days to make that appointment. Mrs. Arvanitis stated that we received information that we had more time, verbal information is not good enough, because if we did not make the appointment according to the Code, they could appoint someone for us. She stated that she is not comfortable with our Town appointment being appointed by someone else. Mrs. Arvanitis stated that she felt she had the authority as the executive of the Council to make the appointment. She said she spoke to our Attorney, she made sure that Mr. Bushemi was qualified, she made sure that she was able to make the appointment. She stated she received counsel from our

Town Attorney and he said you need to make this appointment today, before the thirty days is over. Mrs. Arvanitis stated that she reached out to everyone via email and made sure that you knew that's what I was going to do and she respectfully asked for the Council's support on that.

Mr. Johnson stated that he expressed that he was going to raise this at the Public Meeting. Mrs. Arvanitis stated, no Mr. Johnson, you said "be ready".

Mrs. Arvanitis stated that Mr. Bushemi is already in the position, he has already been sworn in. She advised Mr. Johnson that if he is proposing something else, you have to ask the Attorney what we do from here. Mr. Johnson stated that we have made this appointment collectively as a Council for years, yet we chose not to do it at the last meeting, out of respect for Mr. Tucker in his passing.

Mr. Schmitt stated that Mrs. Arvanitis's appointment has already been sworn in at the Convention Bureau, so that part of it is over with. He stated to Mrs. Arvanitis that he thought she did her research very well in finding out that the gentleman that you wanted to appoint was qualified. Mr. Schmitt stated that the appointment requires that the individual is going to be knowledgeable about, and Mr. Bushemi is a thirty five to forty year attorney that's been a real estate attorney his whole career.

Mrs. Arvanitis stated that just because we received phone calls or a handshake advising we had time to make this appointment, we don't do things that way, we follow the law, and we followed the thirty days. Mr. Johnson stated that if a verbal assurance wasn't sufficient then we should have asked for something more. Mr. Johnson asked Mrs. Arvanitis if our Town Attorney told her that this person was qualified for this position.

Mr. Guetzloff stated that he called Attorney Austgen when this came out, about appointing Mr. Bushemi to this position. He stated he asked Attorney Austgen about the President having that right. Mr. Guetzloff asked Attorney Austgen to tell for the record why Mr. Bushemi is qualified to do the job. Attorney Austgen stated that Mr. Bushemi is a well-recognized and experienced Attorney, practicing real estate law in this County.

Mr. Connelly stated that he understands the legalities and Mrs. Arvanitis has the authority to make that appointment. He stated that in all of his years on the Council, the President never acted, we always made that decision as a Council. He stated he just doesn't agree how it was handled.

THEREUPON, Public Comments Regarding Agenda Items NONE

THEREUPON, Old Business NONE

THEREUPON, New Business

ITEM A. Res. #2022-10, A Resolution Establishing an Investment Policy and Procedures for the Town of Schererville, Lake County, Indiana, and all Matters Related Thereto

Mr. Troxell stated that this is a Resolution to establish an Investment Policy. He stated that we currently have an investment policy, but in his review, it had been expired and we needed to renew it. Mr. Troxell stated that he looked at the current investment policy and straightened it a little bit. He stated, where the purpose is to establish an Investment committee, provide investment objectives and guidelines for the management of public funds, to safeguard funds on behalf of the Town of Schererville, to assume the availability of funds when needed and at all times invest according to and consistent with State Law. Mr. Troxell stated that this policy will expire in four years, which we will renew it again. Mr. Troxell stated that the Committee will meet quarterly to give advice to him on where the investment should be and timing of everything and when they should come due.

Attorney Austgen stated that the work that Mr. Troxell and his team do, as well as your predecessor Clerk-Treasurer, having established or worked with the parameters of established investment policies has paid off and does pay off when the Town is financing capital projects, when you are raising capital funds for infrastructure or the circumstances that exist. He stated that it is the barometer by which financial advisors monitor and aide this Town.

Mr. Schmitt made a motion to adopt Resolution #2022-10, seconded by Mr. Connelly. All in favor (5-0).

ITEM B. Res. #2022-11, A Resolution to Transfer Funds within a Category of Appropriations

Mr. Troxell stated that this is an annual item this time this year, for six months to clean up some of our transfer needs and a lot of our funds that we've done for the first six months and to anticipate what transfers we made have in the future six months. He stated that in his review of this, he noticed there could be some better housekeeping on our end to keep these from happening at this time every year. Mr. Troxell stated that there are funds in all of these categories, it's just moving them in the right line item. He stated that moving into 2023 we will have less of these because we will be addressing things differently in our housekeeping.

Mr. Schmitt made a motion to adopt Resolution #2022-11, seconded by Mr. Guetzloff. All in favor (5-0).

ITEM C. Consider Acceptance of Memorandum of Understanding and Agreement between the Town of Schererville and the Association of Indiana Counties Tax Refund Exchange And Compliance System

Mr. Troxell stated that this program has been around since the legislature passed it in 2017, which allows local governments to collect old bad debts. He stated that what it allows then is those that are identified that these debts are still owed, that it can be offset by any of their Indiana Department of Revenue tax refund. Mr. Troxell stated that in cleaning up some of our old bad debt that we have in our Utility Bills, we've identified quite a few old accounts where somebody may have been a renter or left or sold their property, they had a final bill that they never paid. He stated that this will allow us to contact those that owe us some money through this company and if they do not pay and they have an Indiana Department of Revenue Tax refund due to them, that money will be withheld. He stated that we would receive 100% of what's owed and there is no cost to us for this program, it is run through the Indiana Associations of Counties that put this program together. Mr. Troxell stated that the Memorandum of Understanding allows us to move forward with this program.

Mr. Guetzloff made a motion to accept the Memorandum of Understanding and Agreement between the Town of Schererville and the Association of Indiana Counties Tax Refund Exchange and Compliance System, seconded by Mr. Connelly. All in favor (5-0).

ITEM D. Consider Variance of Use to Allow a Drive-Thru Lane Within the U.S. 41 Commercial Corridor Overlay District

Board of Zoning Case #22-6-12  
Petitioner(s): Kenneth Drenth  
Location: 7707 U.S. 41  
BZA Favorable Recommendation 4-0

Mr. Gorman stated that this is a new development going in on US 41, just south of 77<sup>th</sup> Avenue on the east side. He stated that the petitioner applied for a Variance to the BZA and it came back with a 4-0 Favorable Recommendation for that tenant. He stated

that the drive-thru will be Boss Man Taco and the petitioner is here tonight if anybody has questions for him.

Mr. Johnson stated that he had some questions in regard to the plans that were proposed. Mr. Johnson asked Mr. Drenth, along US 41 is there a plan for a turn lane to enter into the development. Mr. Drenth stated no there isn't. Mr. Johnson asked that along US 41 is there a plan for a sidewalk. Mr. Drenth stated yes, there is a sidewalk. Mr. Drenth stated that there is one on Jenny Lane. Mr. Johnson asked if there is one along US 41. Mr. Drenth stated he does not believe so. Mr. Johnson stated that there's two buildings proposed and asked how many tenants are in the south building. Mr. Drenth stated three to four units. Mr. Johnson asked how many units will be in the north building. Mr. Drenth stated four units. Mr. Johnson asked if the drive-thru that he is asking for the variance for is on that north side of the building, and the drive-thru will enter from the back and then exit out of the front to the west side of the building. Mr. Johnson stated that just north of the drive-thru it looks like there is a two lane driveway that doesn't go anywhere. He stated that his concern is, that people heading east on that driveway are not going to have anywhere to go other than turn around in those parking spots or back out.

Mr. Schmitt asked Mr. Gorman, that the variance that he was allowed at this point is just for the one drive-through, in the northern development. Mr. Gorman stated that is correct. Mr. Schmitt asked if it has been approved at the planning stage. Mr. Gorman stated that it has gotten primary and secondary on this development.

Mr. Connelly stated that Mr. Johnson mentioned the northbound lane and asked Mr. Drenth if anything can be done to reconfigure that. Mr. Drenth stated that this is the way the engineers set it up. He stated he would suppose that that they could have discussion about that. Mr. Johnson stated that easy way would be to make it all westbound on that driveway and then everybody who wants to park in that spot has to come north and go west.

Mr. Johnson made a motion to approve the Variance of Use to allow a drive-thru within the US 41 commercial corridor overlay district, BZA Case 22-6-12, Petitioner Kenneth Drenth, location 7707 US 41, BZA Favorable recommendation 4-0, and would add the following conditions, if possible.

- 1) That this Variance is only for the North Building
- 2) That the eastbound traffic, just north of the drive-thru be only westbound
- 3) That a sidewalk be added to the west side of the development along US 41
- 4) He would like a turn lane for that entrance to be eliminated

Mr. Johnson also added to his motion the Findings of Fact from the BZA and any conditions imposed by the BZA.

Mr. Drenth stated that ingress egress is existing so this is a matter of going to the State to get their permission to do that.

Mr. Guetzloff asked Mr. Drenth if he is going to abide by those conditions. Mr. Drenth stated he can't abide to adding a turn lane on US 41 into the property. Attorney Austgen stated that this would require a highway permit issued by the State. Mr. Johnson asked Mr. Drenth if there is a turn lane or a deceleration lane into Jenny Lane. Mr. Drenth advised no.

Mr. Johnson stated that he will withdrawal Item 4.

Mr. Guetzloff stated he will second the motion with the three conditions that were added on.

Mr. Drenth stated he could do these conditions Mr. Johnson added.

All in favor (5-0).

ITEM E. Consider Acceptance of Local Roads and Bridges Matching Grant Agreement between the Indiana Department of Transportation and the Town of Schererville for the Community Crossing Match Grant Fund 2022-1 (\$1,000,000.00)

Mr. Gorman stated that this is what Mr. Simstad reported on earlier. We received a million dollars from INDOT for road work, curbs and sidewalks. Mr. Gorman stated that since we got the full amount of the grant, we will not be applying for a second one this year.

Mr. Connelly made a motion to accept the Local Roads and Bridges Matching Grant Agreement as described by Mr. Simstad. All in favor (5-0).

ITEM F. Consider Release of Maintenance Bond in the Amount of \$3,659.46 and Authorize Issuance of Certificate of Release for Deer Crossing, Unit 1 (5101 W. 73<sup>rd</sup> Avenue)

Mr. Gorman stated that this is a couple who built a new home right on 73<sup>rd</sup> on the east end of Town and they did run a sewer to the existing subdivision just to the west in Foxwood. He stated that this their surety bond we are releasing back.

Mr. Schmitt made a motion to approve Release of Maintenance Bond in the amount of \$3,659.46, seconded by Mr. Connelly. All in favor (5-0).

ITEM G. Consider Release of Cash Maintenance Surety in the Amount of \$644.25 and Authorize Issuance of Certificate of Release for AP 2<sup>nd</sup> Addition (Medical Billing - Carolina Avenue)

Mr. Gorman stated that this is for a medical building that went on Eagle Ridge Drive and Carolina Avenue. They've met all of the standards and we're returning the surety.

Mr. Schmitt made a motion to approve Release of Cash Maintenance Surety in the amount of \$644.25, seconded by Mr. Johnson. All in favor (5-0).

ITEM H. Acceptance of Deeds for Properties Listed Below (Pennsy Trail)

Kimberly Riis	8795 Calhoun Place
Mark Montoro	8787 Calhoun Place
Bryan & Rachel Fields	8781 Calhoun Place
William and Debra Larson	8779 Calhoun Place
Travis and Roberta Harwood	8771 Calhoun Place
Jeffrey Rains	8763 Calhoun Place
Don and Kim Cheney	8755 Calhoun Place

Mr. Gorman stated that now that the paperwork is complete, this will allow us to continue the Pennsy Trail South to Clark Street.

Mr. Schmitt made a motion to accept the Deeds for Properties listed above (Pennsy Trail), seconded by Mr. Johnson. All in favor (5-0).

ITEM I. Proclaim July 22, 2022, as "AHEPA Centennial Indiana Day" In the Town of Schererville

Mrs. Arvanitis read the proclamation in its entirety.

Mr. Schmitt made a motion to proclaim July 22, 2022 as "AHEPA Centennial Indiana Day" in the Town of Schererville, seconded by Mr. Connelly. All in favor (5-0).

ITEM J. Consider Acceptance of Donations \$12,591.92

Mr. Troxell read the list of donations for June 2022, into the record.

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

THEREUPON, Business from the floor

Mr. Bill Peronto, 1750 St. George Drive, stated to Mr. Johnson that his attack on Robin Arvanitis was uncalled for, this should have been handled differently. Mr. Peronto stated his complaints about the fireworks that took place in front of his property. He stated that this is a Public Safety issue and asked the Town Council to look at this.

Mr. Nick Kavadas, 237 Turin Drive, thanked the Council for the Proclamation that they passed this evening. He stated that he has been a resident for 35 years and he thinks it's a very well-run Town, he thinks the Town Council does a good job, the administration and all the department heads do a great job, so keep it up.

Meeting adjourned.

---

ROBIN ARVANITIS  
TOWN COUNCIL PRESIDENT

---

MICHAEL A TROXELL, CMO  
TOWN CLERK-TREASURER

A TRUE COPY