

The Regular Town Council Meeting of the Town of Schererville, IN was called to order by President Robin Arvanitis at 7:18 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, and Robin Arvanitis. Councilman absent: 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, Park Superintendent John Novacich, IT Robbie Hansen, Town Engineer Neil Simstad, Director of Public Works Andy Hansen, Director of Operations James Gorman, Town Manager Robert Volkmann and Recording Secretary Robin Thiel.

THEREUPON, Approval of the minutes. Mr. Schmitt made a motion to approve the minutes of the July 13, 2022 Public Meeting, seconded by Mr. Connelly. All in favor (4-0).

THEREUPON, Claims

- A. APV #103615 - APV #104123 on the General Docket, Totaling \$3,273,752.89
- B. APV #103616 - APV #104114 on the MVH Docket, Totaling \$171,093.40
- C. APV #103644 - APV #103998 on the Payroll Docket, Totaling \$1,199,191.10
- D. Various Funds, First National Bank of Omaha, Credit Card Charges, \$17,479.65
- E. Various Funds, Austgen Kuiper Jasaitis, July Legal, \$9,962.78
- F. Various Funds, Enterprise Leasing, August, 2022 Statement, \$3,346.64
- G. General Fund - Animal Control, Crossroads Animal Hospital, July Invoices, \$1,400.97
- H. Cum Cap Development, Peoples Bank, Principal & Interest Due - 2020 Ambulance, \$33,386.89
- I. Public Safety, Motorola Solutions, Principal and Interest Due - Southcom Equipment Lease, \$56,282.52 (Paid 7/21/22 to meet due date of 8/1/22)
- J. Park Bond 2018 Fund, Milestone Contractors, Invoice #228702-2, \$200,050.26
- K. Various Funds, Colby & Company, Invoice #CC102, \$21,424.00
- L. Park Bond, 2018 Fund, Homer Tree Service, Invoice #16337, \$12,000.00
- M. Fire Equipment Fund, New Pig, Spill Kit Equipment, \$3,385.77
- N. Ambulance Fund, The Accumed Group, Monthly Billing, \$5,277.73
- O. Public Safety Fund, Cender/Dalton Municipal Advisors, Study, \$5,919.77
- P. Promo Fund, Mike Columbo, Event Band, \$1,500.00
- Q. Park N/R Fund, Szany Electric, Event Electrical Work, \$450.00
- R. Promo Fund, Sunbelt Rentals, Fireworks Light, \$2,043.60
- S. Various Funds, Multiple Renters, Refunds, \$150.00

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

THEREUPON, Correspondence NONE

THEREUPON, Reports

Fire Chief Patterson reported that the Fire Department responded to 262 EMS calls and 57 Fire related calls for a total of 319 calls for the month of July. Chief Patterson stated that the 911 Board met and they will be hosting the 911 remembrance ceremony, which will be held on September 11, 2022 from the hours of 10:00 am to 4:00 pm.

Mr. Novacich stated that the Splash Pad officially opened last week. It will be open 9:00 am to 7:00 pm every day through Labor Day weekend. Mr. Novacich stated that they have their annual Pennsy Bike Ride, it is a night ride at 10:00 pm. It starts at Rohrman Park, goes to Centennial Park and then back to Rohrman Park. He stated that they are doing this in conjunction with the Munster Park Department.

THEREUPON, Public Comments Regarding Agenda Items

Mr. Michael Duhechet from 7705 Pershing Court. I'm here for a car lot. I believe its item number #1985. He said he questions, why we're here in the first place. He stated for the zoning and

primary approval, they were both on the agenda last week. He stated that his question is, when the second item is dependent on the first, how is that even something to be discussed, it's a forgone conclusion that and it has to be approved, otherwise why would it be on the agenda. He stated that after the residents spoke, Mr. Jarvis had his say and the floor was immediately closed. He stated that the zone change was approved, directly followed by primary development approval. Mr. Duhechet questions how it got fast tracked.

Mr. Schmitt asked Mr. Duhechet if he is referring back to the Plan Commission meeting, Mr. Duhechet stated yes.

He stated that this was definitely an appearance of impropriety. He stated that some residents were so disillusioned by this behavior they chose not to come here today. They thought, what's the point, they didn't think their voice would be heard and this is a foregone conclusion that would be automatically approved. He stated that he doesn't believe a car lot fits in with the future land use guidelines for the Town of Schererville. Mr. Duhechet stated that Mr. Dan Scheid and a board member had a discussion about the lights and to make sure that they fit appropriately. He stated they show them directly down per Ordinance. He said Mr. Scheid said he would be willing to dim the lights. He would dim the lights at 10:00 pm, two hours after closing. Mr. Duhechet stated that in regards to the fencing as they show around the property, he believes they should be required to include a retention pond. He stated that pond will be almost, if not, directly behind Schererville's Fox Run Park.

Mrs. Hecht, 7713 Pershing Court, stated that they previously went to the Planning Committee and a lot of our people voiced their opinions at the Planning Committee, but it was quickly dismissed. She stated that even though their voices were heard. She stated that some of the people are not present, but she went up and down the neighborhood just to ask people, if they would like this new development in the area and she had an overwhelming response of no. Mrs. Hecht stated that she understands that Schererville is a thriving Town. She stated that Schererville is a Town that we want to attract people to live in. She stated that they went to the Town Hall and they asked a lot of questions about specifics of the retention pond and that they were met with just that they met the requirements and over exceeded the areas of that. Mrs. Hecht stated that a lot of residents asked for specifics, and they will probably be asked again, to bring it to your attention. She stated that the area of the space wasn't really addressed and she felt like it wasn't really being heard. She stated that there was a time that she got to speak, but they weren't really listened to. She stated that she appreciates you guys (Council) listening. She stated that you guys are here because people liked you and they voted for you because they liked what your opinions are and that's why we come here, because we know our voices will be heard. She stated that all they ask for is just to have a little bit of space that was open zoned to be considered in the rezoning of not of that area. She stated they don't like the rezoning of it because it doesn't meet the needs of the Town. Mrs. Hecht stated that her question to you guys is, what are you guys looking for as a future of the Town.

Mr. Jason Hetch, 7713 Pershing Court, stated that he wants to bring to your attention and ask that you keep in mind just how much commercialism do you think this Town needs. He stated that this is a great residential area to live in, the Town of Schererville in general, but when we have that commercialism starting to bleed into the resident areas, it's going to affect us, the Town in general. He stated that the man behind me who is proposing to build this Subaru dealership in what is essentially our back yards. He stated that he came here last week and claimed several times that he is a family man, he is going to listen to our needs and our concerns. Mr. Hetch stated he just ask that you take our kids into consideration. They have a ton of families in the area, it's a beautiful place to grow up and right now we just don't need this,

it does nothing for the Town, nothing for the residents. He asked the Council to vote no.

Stephen Thornton, 7645 Pershing Court, stated that they are all against this dealership the way it's proposed. He stated they don't want it the way it is, what their minimum requirement is that we don't see it. They need a ten foot berm behind the property line from east to west with three rows of trees on top, a minimum of six foot high. He stated that'll be like sixteen foot and as they grow, twenty feet or so, that would actually block the north side of us seeing it all. He stated that come six months out of the year they are going to be looking at that parking lot full of cars. He stated that right now they don't see it because of the vegetation, that's all they see. He stated if you guys really put this in, which they don't want, these are the requirements that we need to look at. He stated that he is addressing the north side, ten foot berm with three rows of trees alternating so as they grow they totally block the north side of the dealership. On the west side, what he propose there is, there is park there with a nice big hill and the property line is just scrubbed trees. He stated what he proposes is that either Subaru themselves donates the trees, two three rows of trees, plant it on that section. He stated that on the west side there are people who are going to see this 24/7, three hundred sixty five days a year. Mr. Thornton stated that they don't want to see this. He said it can be easily done, the north side with a berm and then the Town themselves putting in a row of trees in the park. He stated that this is something that you really have to think about. He stated bottom line, they don't want to see this dealership at all.

Mr. Doug Pearson, 7637 Pershing Court stated that he has a concern about the watershed behind the properties on Pershing Court. He stated that frequently during the spring, we get a lot of heavy rains and the water comes up into our backyards. His concern is that asphalt doesn't allow water to slow down like it would anywhere else and there's going to be a lot more water come back there. He stated he knows they talked about a retention pond so you can gauge how bit it should be, but if the outlet from that drain isn't the appropriate size, there's going to be a lot more water in that watershed behind all of those properties there. He stated that one of the beautiful things about their property is that is that they have the woods behind them, but during the winter time when all of the foliage is gone, it's going to be pretty bright from that parking lot. Mr. Pearson stated that he has no ill will towards Subaru, but he would hope they would consider that berm that would go around the park. He stated he would ask you to consider both parties, our city representatives and Subaru to put a berm up that's high enough and plant trees that are on top of it that will mitigate the impact that it has on the people who live there.

THEREUPON, Old Business NONE

THEREUPON, New Business

ITEM A. Ord. #1271B, An Ordinance Amending Town Ordinance No.1271A, Being: "An Ordinance Amending Town Ordinance No. 1271, An Ordinance Amending the Ordinance Establishing the Schedule of Rates and Charges Collected by the Town of Schererville from the Owners of Property Served by the Waste Water Treatment Works of the Town to Raise Sufficient Revenues to Pay Bonded Indebtedness and Operate the Utility", Repealing all Ordinances, or Parts Thereof, in Conflict Herewith, and all Matters Related Hereto **(First Reading)**

Mr. Gorman stated that this is the same as the Resolution he talked about in the Utility Board Meeting. He stated that this is the first reading, there will be a Public Hearing next month and the second reading will happen at the same time.

Mr. Connelly made a motion to consider on 1st reading, Ordinance #1271B, seconded by Mr. Johnson. All in favor (4-0).

ITEM B. Ord. #1985, An Ordinance Amending Town Zoning Ordinance No. 1797, as Amended, the Same Being an An Ordinance Classifying, Regulating, and Restricting the Location, Height, Area, Bulk and Use of Buildings and Structures and the Use of Land in the Town of Schererville, and for Said Purposes Dividing the Town into Districts, and All Matters Related Thereto

Plan Commission Case No. 22-8-10
Petitioner(s): Zeigler Auto Group
General Location: North Side of U.S. 30, West of Burr Street
Rezone from Highway Commercial (C-3) and Open Land (O.S.) to all Highway Commercial (C-3) Zoning District
Plan Commission Favorable Recommendation to the Town Council 7-0 (8/1/22)

Mr. Gorman stated that this is the Schubert property located just west of Clarendale, South and East of Fox Run Estates. He stated it was used for farming and most of it is zoned open land. The 350' southern portion is zoned C-3 currently and the Ziegler Auto Group is looking to rezone it all to C-3 to make their development, so they can cover drainage, parking, etc. Mr. Gorman stated it came with a favorable recommendation from the Planning Commission.

Mr. Connelly stated they take the recommendations from the Plan Commission very seriously, but what he is hearing tonight is, and we have had very little time to discuss as a Council. Mr. Connelly stated he thinks as a Council, he thinks it would be in their best interest and the best interest of the residents if we table this now. He stated they can defer this item to discuss a little bit further as a Council and perhaps discuss some of the concerns, the asks in terms of the berm, additional trees, because making decision based on, like he said we take the recommendation very seriously of our Plan Commission, we trust them, we entrust them for representing us and gathering the information. Mr. Connelly stated that he thinks there are some open issues that they need to answer and we're obligated to do that. He said that is his opinion, not a slide against the Plan Commission, they do a great job for us, they really do.

Mr. Connelly stated with that being said, he would make a motion to defer Ordinance #1985, seconded by Mr. Schmitt.

Mr. Johnson stated that he thinks they should discuss the petition, ask the petitioners to come up and give us their presentation, ask them some questions so that they can get some answers to some of the concerns that were raised by some of our residents here today.

Mr. Connelly redact his motion, Mr. Schmitt redacted his second.

The petitioner thanked the Council for the opportunity to present their petition here. He thinks that it is important that the Council hear all sides here. He stated that they first met with the Town of Schererville many months ago. Mr. Volkmann was very helpful helping us understand a little history on the site that we're talking about and some of the uses and some of the obstacles. He stated, a little bit about themselves, they are the Ziegler Auto Group. They are based out of Kalamazoo, Michigan, they have thirty-five dealerships located through Illinois, Indiana and Wisconsin,

as well as Michigan. He stated they are very well capitalized, they are a family business. He stated that the name is on the building for a reason because they care about their customers. They care about every single employee, 2500 employees and they find it very important to own up to everything that they do. He stated that they would love for the Council to vote tonight, they would love for them to vote in their favor.

Mr. Johnson asked Mr. Scheid how he would respond to the residents comment that you left the other place because it was old and it was dilapidated and you're moving on, but you were supposed to remodel that. Mr. Scheid stated that that is not a correct statement. He stated that they acquired the Subaru located in Merrillville, just down the road a number of miles, a year ago, July and yes that was a very dilapidated building. He stated that's how they bought it and that is not how they operate their properties. He stated they had a conversation with Subaru, in fact, Subaru required them to redevelop somewhere, a new Subaru beautiful facility. He stated that they looked up and down Route 30, where the commercial is. He stated that they met with Mr. Volkmann, saw the development here, saw the dealerships that are thriving here, saw the community and they knew they wanted to be here. He stated that this became a perfect site for them. Its fifteen acres, they don't need fifteen acres to develop that. In fact, they're going to develop less than two thirds of this site. The southern half of the site is already zoned C-3. He stated that 100% of their operations, 100% of the dealership, the parts, the service, the sales, and the showroom will be on the property that's zoned C-3. He stated from that property to the neighbors to the north, there's three football fields, and from that property to the neighbors to the west, there's two football fields. He stated that the hardship on this particular development is for C-3 you have to have parking, and they are way better suited business to go on that property than just about anything else. He stated that they are operating the southern section site that is already zoned C-3. He stated that they don't run seven days a week, they don't run late hours and regarding the lights, they can dim them at 9 o'clock or whatever, all he needs is safety for their employees as they walk back to their cars. He stated that the rezone site is strictly parking, it's parking for basically their employees and their inventory. Mr. Scheid stated that the neighbors challenged them on the drainage. He stated that his engineer is here today, he's welcome to answer any questions you might have about the drainage and overflow and things like that.

Mr. Johnson asked the engineer, if he could give some specifics about what this going to do to benefit the landowners downstream or down flow to the north.

Mr. Warren Opperman from Joseph Shudt and Associates, civil engineers, land surveyors in Mokena Illinois. He stated that they have worked with Mr. Schidt on several projects. He stated in this particular site, from Route 30 to the north where the existing wetlands are located, there was approximately 20 feet of grade differential starting at the right-of-way of Route 30 to the wetland line to the north. He stated that what happens in that 20 feet of differential, right now all of that water is running straight to the north to a wetland area, unrestricted. He stated that when they develop, they have to look at what the drainage ordinances are, make sure that they meet those, but try to exceed those which we have done here. Mr. Opperman stated that what they have on the north end of our site is, we are capturing all of the runoff from our site and restricting it and controlling it, which does not take place at all right now. He stated that, of the 15.1 acres of the overall property, approximately four of those acres to the north are totally untouched. He stated they get down to a little bit under 11 acres, approximately 10.8 acres of developed property. He

stated that they have provided detention and storm water runoff which does not take place right now. He stated they have a restrictor. He stated they have a detention basin that is the ultimate high water elevation is less than three foot of depth. So, it's not a dry basin or a wetland basin at all times but when it does fill up, it will be less than three-foot depth of water. He stated that they are very cognizant of the park being right next door.

Mr. Johnson asked if the three foot high is at the restrictor pipe, if the restrictor pipe is plugged then it goes to the overflow berm?

Mr. Opperman stated that if the restrictor is open and operating, it is approximately two foot depth of water elevation in the pond, which is very low for a detention pond. He stated that because they have the opportunity for the space, that property is approximately 530' wide, east/west. He stated that they do have the opportunity to provide, what they have provided for the actual Subaru Building Improvement site itself for the parking that Subaru requires for this size facility. Mr. Opperman stated that one of the residents indicated that some of that water does not run to the north, it definitely all runs to the north. He stated that they provide all of the calculations. He stated that Mr. Simstad has reviewed those calculations and all that water. He stated that they do understand that there is drainage coming to them and we actually will be controlling that. He stated that sounds like the existing homes may have been built, possibly, not in accordance with the regulations, but they are controlling the storm water and holding that back from what's taking place now.

Mr. Johnson asked our engineer, what are the calculations they have to meet? He said something along the lines of 2.04 acre foot storage. Mr. Johnson stated that his understanding is the your guys (Mr. Opperman) detention volume is over that and you reach 3.83 acre feet of storage, which is almost twice as much as the minimum requirement. Mr. Opperman stated that that is correct, and above that they have an ultimate overflow, you have to have some type of an overflow on a detention basin. He stated that you don't want it to reach the top without any kind of a spillway, so they have an emergency spillway that provides four acre feet of detention.

Mr. Johnson stated that he wants our residents to hear that what we require is two acre feet and what you've come in, in response to their concerns. He stated that we've done these calculations and we are looking at how we can help to alleviate the downstream concerns and you guys have done that.

Mr. Opperman stated that another item is the lighting. In addition to what Mr. Scheid indicated as far as dimming lights or lights off except for safety lights for employees. He stated that there are very strict requirements as far as what kind of lights spill over the property lines and they have been very cognizant of that. He stated that they understand that there are neighborhoods in the nearby vicinity. He stated that they did look at that and the closet home to the west is approximately 700 feet from their property line and the north there is approximately 1000 to 1100 feet.

Mr. Johnson stated that he kind of liked the gentleman's comment about just, we don't want to see this. He asked Mr. Opperman if it is possible for you to put in a natural green barrier to the north and a natural green barrier to the west around the park, so that we don't have residents being able to see your parking lot and the lights. He asked if they can work that in without ruining our drainage system and plan and help these residents.

Mr. Scheid stated that they can work with the site plan, we can work with the plan that they are putting in some trees, and stated they can move them around. They can switch them to

evergreens, whatever it is. He stated that they have a substantial tree count and if you want them put on the berm, they can work with you on that. Mr. Scheid stated that they don't have any variances, they didn't come in looking for variances. He stated that property is huge, it's far away from the neighbors. He is stated that he is developing less than one half of the site that we are talking about today as it relates to rezoning. He stated that it is already zoned commercial that is where his operation is.

Mr. Schmitt stated since they are talking about the actual development itself and not so much strictly on the zoning change, he stated he is looking at the print and can see that they are talking about 1050 feet of open area to the north and 750 feet to the west. Mr. Schimtt stated that everything to the north of your detention pond is already wooded. Mr. Schmitt stated that you are right about your type of development about your business is all in the front, it's in the commercial area, and the back part would be strictly for parking. Mr. Schmitt stated that the part about the tree lines and the berm for the people by the park it would be nice to have a large tree berm so they don't see your business in the fall and winter. Mr. Schmitt stated that he would like to hear from his engineer to talk more about the drainage part of it.

Mr. Opperman stated that there is a small amount of drainage to the west of them. He stated that there is some additional property, he believes is owned by Mr. Schubert that is for sale. Mr. Opperman stated that part of that property drains on the south side of the park and drains around to the north and drains through their site. Mr. Opperman stated that their property is controlled up to the detention pond because the north is not developed, but everything up to and including the detention pond is controlled and restricted. Mr. Opperman stated that the property to the west, because that low spot comes through there, it will be difficult to provide a berm across there because that is already the low. He stated that as high as the parkland is, as you get closer to the west and closer to the actual park equipment that is over there. He stated that a berm wouldn't be possible but they could put a green barrier through there on the high side so that we don't have a blockage of the flow of drainage but we can still block the light and block the view.

Mr. Connelly stated that he is not opposed to the business, he is not denying it, but he would like to pump the brakes a little bit and take a little more time to see what the final planning is going to look like. Mr. Connelly stated that it sounded to him that there was some unanswered questions.

Mr. Johnson stated that he has some thoughts on what he would like to see changed about you plan in order for him to feel comfortable granting a variance. It sounds like others have concerns as well. Mr. Johnson stated after he states his thoughts, we could then defer and if you guys agree to those changes, then next month we could present your changed plan and we can go forward with the variance then. Mr. Johnson stated that he is uncomfortable just changing the zoning for this entire property without some concerns by the residents being met. Mr. Johnson stated that he is afraid that our Plan Commission didn't listen to them and didn't address those concerns in the development plan. He stated that he thinks that this is our last opportunity here today to be able to address those residents' concerns.

Mr. Johnson stated that he would like to see a landscaping addition to include some sort of all year long green barrier between your lot and the detention pond to the north. He stated he would like to see some sort of green barrier plan, some evergreen trees and things to the west, and that may have to include some cooperation with the Parks because if the trees are going to go on the high side, they will be going on the Park side, because your property is where the drainage is. Mr. Johnson stated that he would like to see a turn lane in US 30 at the intersection, because he thinks that is going to be necessary if you guys are going to have eastbound traffic turning north into your road, that has to be

there. He thinks that's something that you have to apply to INDOT, you have to get that going. Mr. Johnson stated that one of the conditions he would want to put on you guys as part of the zone changes is that you would share in the cost of a light, if a light is warranted at some point in the future. He stated that he has concern about the detention pond itself, he stated that the neighbor that spoke earlier about some sort of security, some sort of protection for our children that are playing at the park is warranted. He stated that he doesn't know what is necessary to do that but he thinks that some sort of a security or safety plan there. Mr. Johnson stated he would also throw out the possibility but is there is a way for that north six acres to remain zoned open land, and the only thing we change in zoning is the parking lot south. Is there a way to do that as a town, or are you guys allowed to limit the zone change request. He stated if there is a possibility where we can pull back the zone change to only what is absolutely necessary.

Attorney Austgen advised Mr. Johnson, that in regards to his last point, you can require under the Indiana Code, a contractual commitment limiting the use of that north piece that you just talked about, to storm drainage facility to what is identified on the site plan, reportable runs with the land, it would impose that condition forevermore. Mr. Johnson stated is he clear that that can never change. Attorney Austgen stated not with them coming back here.

Mr. Scheid stated that generally speaking, most of that works. He stated he is sure they can work with the Town on readjusting the landscape plan to shift the trees over. He stated they are adding a lot of landscaping so it would be no problem putting in there. Mr. Scheid asked the Council if they would vote tonight, he would ask the Council for a favorable vote tonight. He stated that their closing is contingent on this happening, and as business works, you have to keep moving and they have obligations to Subaru and another other interested parties. He stated that they have worked with the Town to come up with a plan. He stated they have no variances, they have met all of the requirements and has sealed them. Mr. Scheid stated they started the process many months ago and they would like to continue.

Attorney Austgen stated that your agenda reflects that this is a two reading Ordinance. That's the law in Indiana, it is a one reading Ordinances for his zone map amendment. Attorney Austgen stated if you do it tonight, that's one thing, but if you wait until next month's meeting or a meeting to be scheduled, this is takes a single reading. Mr. Schmitt asked Mr. Volkmann if he could explain what would be the next step in the process. Mr. Volkmann stated that they have already been granted primary approval based on their site development plan and contingent upon the action of this Council. Mr. Volkmann stated he would like to clarify that their current landscaping plan has 75 trees on it. He stated that they have met all of our landscaping requirements and the drainage requirements. Attorney Austgen stated that the Plan Commission still needs to grant ultimately before any permits are issued, a final plat approval.

Mr. Volkmann asked Mr. Novacich if they can accommodate planning in the park. Mr. Novacich stated yes.

Mr. Volkmann stated that we've addressed most of the issues, the development issues of screening the site. It's certainly going to provide almost double the amount of drainage that exist there currently.

Mr. Connelly asked the residents for a show of hand if they are comfortable with what they heard tonight. No one raised their hand. Mr. Connelly asked if we should open it to the floor again.

Crystal Hecht, said first of all she wants to say thank you to everyone that's actually letting our voices heard. She said that you guys are taking your time to listen to us, our needs, our

concerns, the concerns of the future. She stated her main concern is she would like to see it on paper before she actually confirms to anything. She said she would like to see it versus hearing it, hearing is one thing, seeing it is another thing.

A couple of residents spoke again, voicing their concerns regarding this development.

Mr. Connelly stated that he would like to see everything documented and that we have a chance to review it. He thinks that we owe it to the residents that we are answering their questions.

Mr. Connelly made a motion to defer, seconded by Mr. Johnson. Roll call vote: Mr. Johnson - Yes; Mr. Connelly - Yes; Mr. Schmitt - Yes; Mrs. Arvanitis - Yes. All in favor (4-0).

Mr. Schmitt asked if we could schedule a special meeting, before our next Town Council meeting. It was decided to hold a special meeting on August 31, 2022 at 5:00 pm.

Mr. Johnson asked if we could have an updated plat ready at 4:30 pm, a half hour before the meeting, so that our residents can review it.

ITEM C. Ord. #1986, An Ordinance Adopting Legislation Recently Promulgated by the Indiana General Assembly Eliminating the Utility Receipts Tax for Water Rates Imposed Upon the Town Municipal Water Utility Rate Payers, Amending the Rates and Charges Collected by the town of Schererville Municipal Water Utility from its Rate Payers, and all Matters related thereto **(First Reading)**

Mr. Gorman stated that the Indiana General Assembly recently adopted legislation eliminating this tax, which comes out to about a 1.4% decrease. He stated that we will have to refund some of our ratepayers for that decrease.

Mr. Connelly made a motion to consider on 1st reading, Ordinance #1986, seconded by Mr. Johnson. All in favor (4-0).

ITEM D. Consider Approval to Extend Families First Coronavirus

Response Act (FFCRA), which Expired July 31, 2022, to Compensate up to Eighty (80) Hours Paid Leave to Employees that are off Work due to Covid-19, Retroactive to August 1, 2022 and Expiring September 30, 2022.

Mr. Gorman stated that we are looking for an extension on this, we have done it in the past and with the recent up rise in COVID we have had several cases with the Town Employees.

Mr. Schmitt made a motion to approve Extending Families First Coronavirus, seconded by Mr. Connelly. All in favor (4-0).

ITEM E. Consider Acceptance of Right-Of-Way Dedication Easement Agreement between Toy RE 41, LLC (Toyota) And the Town of Schererville (Service road commonly Known as 400 Indianapolis Blvd.)

Mr. Gorman stated that this is a service road that is behind Buona Beef and McCallister's. He stated there are three property owners that own part of the service road and we are looking for Right-A-Way. He stated that Team Toyota has already paved this and we are looking to take ownership and put that road in our inventory.

Mr. Connelly made a motion to accept the Right-A-Way as identified, seconded by Mr. Schmitt. All in favor (4-0).

ITEM F. Consider Approval to Purchase Property Located at 396 Kennedy Avenue, Schererville, IN from Broderick Benjamin, LLC in the Amount of \$195,000.00 and to Authorize the Town Manager, Director of Operations, Clerk-Treasurer and Town Attorney to Finalize Execution of Documents (**Kennedy Avenue Extension**)

Mr. Gorman stated that this property came up for sale north of Oak Street on Kennedy Avenue. He stated that we do need right-of-way for Kennedy Avenue.

Mr. Schmitt made a motion to approve the Purchase of property as described above, seconded by Mr. Connelly. All in favor (4-0).

ITEM G. Consider Approval to Purchase Property Located at 7425 W. 77th Avenue, Schererville, IN from the Wilson Living Trust in the amount of \$308,000.00 and to Authorize the Town Manager, Director Operations, Clerk-Treasurer and Town Attorney to Finalize Execution of Documents

Mr. Gorman stated that this is the Wilson Property that is just west of the current Illiana Property that the Town owns. It consists of approximately 6.66 acres and we would like to use this property to extend the park amenities that we plan on building there someday. Make that park a little bigger.

Mr. Schmitt made a motion to approve the purchase of property located at 7425 W. 77th Avenue, seconded by Mr. Johnson. All in favor (4-0).

ITEM H. Award Bid for Community Crossing Grant 2022-1

Mr. Simstad, Nies Engineering, stated that we had three bidders. The range of the bidders was from \$2,471,643.79 to \$3,094,916.22. The bidders all submitted the required bid security and non-collusion affidavit, and there were no errors on the bids that were submitted. Mr. Simstad stated that their recommendation would be to the lowest, most responsive and responsible bidder, which would be Rieth-Riley Construction Company in the amount of \$2,471,643.79.

Mr. Schmitt asked Mr. Simstad if this goes along with the fact that the town was awarded one million dollars of that from the State through the CCMG, correct. Mr. Simstad stated that is correct.

Mr. Schmitt made a motion to Award the Bid for the Community Crossing Grant 2022-01, seconded by Mr. Connelly.

Mr. Johnson stated that we talked about the million dollars this year and the grants, but that means we have to come up with 1.47 million to pay for this paving. Mr. Volkmann stated that is correct. He stated obviously we are higher than our 2 million dollar proposal for the CCMG. He asked if we are in line, are we able to do this, are we able to fund the 1.47 million.

Mr. Volkmann stated that the process for doing that is that we are in line for funding the one million dollars currently, but some projects won't be done until next year. So, we will have part of the funding pulled, set aside from this year and then we will be refunded next year. He stated that may require us to reduce our request for 2023 request for projects. Mr. Volkmann stated that we are splitting this between two budget years.

All in favor (4-0)

ITEM I. Award Milling and Paving Bid for Realignment/
Improvements at the Intersection of Burr Street and
91st Avenue (\$146,212.50)

Mr. Simstad stated that they solicited proposals to realign Burr Street, along with paving it and that's included with moving the Pennsy Trail to follow this new routing. He stated we received one proposal and we are looking to grant the award to Milestone.

Mr. Schmitt asked Mr. Simstad where exactly on Burr Street. Mr. Simstad stated that they are going to be moving the intersection from a 45 degree angle at 91st Street to a 90 degree angle with Burr Street at 91st Avenue. He stated that will be a couple hundred feet to the west and then they will come back just north and west of that first driveway north of 91st.

Mr. Schmitt made a motion to Award the Milling and Paving Bid to Milestone, seconded by Mr. Connelly. All in favor (4-0).

ITEM J. Consider Donation to Campagna Academy for the 75th
Anniversary Celebration Occurring on September 8, 2022
(\$1,000.00) - Restoring Hope

Mr. Schmitt made a motion to donate to Campagna Academy for the 75th Anniversary Celebration, Restoring Hope, seconded by Mr. Connelly. All in favor (4-0).

ITEM K. Consider Acceptance of Donations \$6,320.00

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

THEREUPON, Business from the floor NONE

Meeting adjourned.

ROBIN ARVANITIS
TOWN COUNCIL PRESIDENT

MICHAEL A TROXELL, CMO
TOWN CLERK-TREASURER

A TRUE COPY