

The Regular Town Council Meeting of the Town of Schererville, IN was called to order by President Robin Arvanitis at 7:30 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, Deputy Fire Chief David Meyer, 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, Clerk-Treasurer Michael Troxell and Recording Secretary Robin Thiel.

THEREUPON, Approval of the minutes. Mr. Schmitt made a motion to accept the claims as presented, seconded by Mr. Johnson. All in favor (5-0).

THEREUPON, Claims

- A. APV #104703 - APV #105080 on the General Docket, Totaling \$1,546,162.70
- B. APV #104707 - APV #105080 on the MVH Docket, Totaling \$129,348.05
- C. APV #104809 - APV #105060 on the Payroll Docket, Totaling \$1,071,003.26
- D. Various Funds, First National Bank of Omaha, Credit Card Charges, \$16,821.83
- E. Various Funds, Austgen Kuiper Jasaitis, September Legal, \$8,885.65
- F. Various Funds, Enterprise Leasing, Statement, \$3,346.64
- G. Various Funds, Menards, Parts/Supplies, \$2,207.14
- H. Various Funds, Auto Wares, Parts, \$7,477.30
- I. Park & Recreation Fund, Lowes, September Expenses, \$17.04
- J. Various Funds, Napa Auto Parts, September Parts, \$1,252.26
- K. Solid Waste Fund, Republic Services, September Invoice, \$176,607.20
- L. Park Bond, Series 2018 Fund, NuToys, Playground Benches, \$16,336.00
- M. Park Bond, Series 2018 Fund, DLZ LLC, Invoice #704859, \$29,349.84
- N. Various Funds, Indiana Grocery Group, September Purchases, \$235.09
- O. MVH Fund, Newman Traffic Signs, Sign Poles & Anchors, \$8,455.94
- P. General Fund - Police Department, Cintas, Cleanings, \$2,299.16
- Q. Cumulative Capital Development Fund, MES Services, Nozzles, \$5,780.56
- R. Ambulance Fund, The Accumed Group, Monthly Billing, \$3,832.85
- S. Cumulative Capital Development Fund, Cender/Dalton, Study, \$1,827.25
- T. General Fund - Police Department, ATN Technology, Door Access, \$2,457.70
- U. Various Funds - Colby & Co., Town-wide Concrete, \$47,372.00
- V. Various Funds - Milestone Construction, Various Invoices, \$988,372.36

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

Mr. Gorman stated that they did apply for a Federal Railroad Administration Grant. He stated that was submitted yesterday. This would help fund the bridge going over the tracks at Kennedy Avenue. He stated that they applied for a little over eight million dollars.

THEREUPON, Public Comments Regarding Agenda Items NONE

THEREUPON, Old Business

ITEM A. Ord. #1987, Adoption of 2023 Civil Town Budget (**Second Reading**)

Mr. Troxell stated that last month we had a public hearing on this Ordinance and it was approved by the Council to move forward of preparing of documents for the Adoption for this evening. He stated that since that meeting he did not receive any remonstrations against our proposed budget that passed last month. Mr. Troxell stated that the adopted tax rate on the property tax is being proposed as .6959. He stated that is high and they expect

that to be lowered by the Department of Local Government Finance once we submit this within the next five days after it is adopted. Mr. Troxell stated that last year at this time when we adopted it, the adopted budget was at a rate of .7434. He stated that what we are adopting this evening is a little bit lower than what was adopted last year. Mr. Troxell stated that our proposed rate last year of .7434 came back from the DLGF at .5482. He stated that we do expect that to happen again this year.

Mr. Connelly made a motion to adopt Ordinance #1987, seconded by Mr. Guetzloff. All in favor (5-0).

THEREUPON, New Business

ITEM A. Consider Release of 2-year Maintenance Surety (\$3,007.50) And Issuance of Certificate of Release for Borsh Addition

Mr. Gorman stated that this is a one lot subdivision that is basically a refund to the homeowner for the cash surety they had for minor public improvements.

Mr. Schmitt made a motion to approve, seconded by Mr. Connelly. All in favor (5-0).

ITEM B. Consider Release of Irrevocable Letter of Credit No. CL7450LC and Issue Certificate of Release for Apple Tree Estates, Phase One

Mr. Gorman stated that this is release is for a subdivision. He stated that it has been two years as well. He stated that all of the punch list items are done and all of the public improvements have been done. He stated that we are taking ownership of those public improvements.

Mr. Schmitt made a motion to approve, seconded by Mr. Guetzloff. All in favor (5-0).

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

Mr. Gorman stated that the COVID cases are going up, he stated that we have had eight cases since October 1, 2022.

Mr. Guetzloff made a motion to approve the Extension of Families First Coronavirus Response Act until December 31, 2022, seconded by Mr. Schmitt.

Mr. Johnson asked how we are administrating this. Mr. Gorman stated that they can use up to eighty hours. They have to be out of the office for 10 days. He stated that we require a PCR Test to show that they are positive.

All in favor (5-0).

ITEM D. Consider Proposal from NIES Engineering for Engineering Services for the Schererville Wastewater Treatment Plant Improvements for the American Rescue Plan Act Projects
(From the Utility Board Agenda)

Mr. Connelly made a motion to approve the Proposal from NIES Engineering, seconded by Mr. Schmitt. All in favor (5-0).

ITEM E. Consider Variance of Use to Allow a Drive-Through within The U.S. 30 Commercial Corridor Overlay District

BZA Case #22-9-25

Petitioner(s): Sumac, Inc. Nick Georgiou

Location: 275 U.S. 30

Favorable Recommendation to the Town Council (4-0)

Mr. Gorman stated that this is a commercial lot, just on the east side of Dairy Queen at Route 30 and Austin Ave. He stated that they are looking to put a drive-through in, it is a small building with four units in it and the drive-through window would be on the west side of that building.

Mr. Doug Rettig, DVG Engineering, stated that they are working with Sumac Inc., on this project. He stated that it is a proposed retail center with four units, with Dunkin Donuts being the primary anchor on the west side. He stated they need a drive-through in order to make this project worthwhile, he stated that the project will not advance if they don't get the drive thru.

Mr. Johnson stated that he likes the development, he likes the plan and he thinks Dunkin Donuts is a good fit there. He stated that his concern is traffic and parking, particularly with the unknown of the other three users of that building, the time they are going to be there and open and busy and hopefully having a successful business run. He stated that if they coincide, timing wise with Dunkin Donuts it is going to be a nightmare. Mr. Johnson stated that there is only one entrance and exit to the facility. He asked Mr. Rettig if there was ever discussion of a second driveway to allow for a little bit access and egress from the site. Mr. Rettig stated that the original plan had two, both on the south side, but the one entrance is so close to the other access road, it didn't work well for traffic flow.

Mr. Johnson asked Mr. Rettig if there is any thought of a smaller building to allow for less congestion on the site. Mr. Rettig stated not that he is aware of. He stated that these are not real big units, they don't need a lot of other parking, but they don't have any other tenants. He stated that they have the required 41 parking spaces with 45 parking spaces provided, so they have a few extra parking spaces. Mr. Johnson asked Mr. Rettig if there is a way to double stack and get more cars behind the building there. Mr. Rettig stated that the plan right now is that they want to have a by-pass. Mr. Johnson asked Mr. Rettig if he knows how many cars they anticipate being able to stack. Mr. Rettig stated that they could easily accommodate twelve.

Mr. Connelly stated that Dairy Queen is going to be busy when Dunkin Donuts is not, so that is a benefit in ways of traffic.

Mr. Schmitt asked Mr. Rettig if the owner of this Dunkin Donuts the same owner as the other Dunkin Donuts in Town. Mr. Rettig stated he is quite sure it is. Mr. Schmitt stated you can't put an entrance to the east of there, is that because they are concerned about the curve. Mr. Rettig stated it is too close to the traffic coming off of Route 30.

Mr. Johnson asked Mr. Rettig where the loading and unloading is going to be, is there a loading dock there. Mr. Rettig stated it's not really a loading dock, it's really unique because the rear of the building is going to face Route 30, the front where the parking lot is, will be to the south, but delivery will be on the north side by the rear doors.

Mr. Johnson stated there is no sidewalk plans here and asked if that is required for a development here. Mr. Rettig stated that there are none planned, it's a private road and the property line goes right up to the edge of the road.

Mr. Schmitt made a motion to approve the Variance of Use to Allow a Drive-Through within the U.S.30 Commercial Corridor Overlay District, seconded by Mr. Connelly, with a condition to include the widening of the driveway, 25' to 30'. Mr. Schmitt amended his motion to include the widening of the driveway, seconded by Mr. Connelly. All in favor (5-0).

ITEM F. Consider Variance of Use to Allow Fifteen (15) 20' x 10" Portable Storage Containers to be Placed Yearly within The Fenced Garden Center and to be placed on or after September 15 and removed no later than January 31 of the Following year

BZA Case #22-9-26
Petitioner(s): Wal Mart Stores, Inc.
Location: 1555 U.S. 41
Favorable Recommendation to the Town Council (4-0)

Mr. Gorman stated that Wal Mart has a garden area on the south side that is fenced in. They are looking to put fifteen of the storage containers to store all of their summer merchandise. He stated they would put it there September 15th and make sure it is gone by January 31st. Mr. Gorman stated that they will also need to get permits every year for these containers.

Mr. Schmitt asked Mr. Gorman if the storage containers are going to be painted or a certain color. Mr. Gorman stated no, he doesn't think they will be painted. Mr. Schmitt stated, but they will be visible from the chain link fence. Mr. Gorman stated yes.

Mr. Johnson stated that at the BZA Meeting they indicated that they had screening on the fence previously but they took that down and don't plan to put that back up.

Mr. Guetzloff stated that he thinks they should do something because it's not the prettiest site. Mr. Johnson stated that in the garden center he thinks it is better than in the parking lot. Mr. Johnson stated he thinks they should screen it or have some sort of uniform color. Mr. Johnson stated that when you use their online order area, or if you're coming from Sophia's out on to that road and you go west, toward the Dunkin Donuts, towards the parking lot and you try to make a turnout of the that road onto the service road that goes out to Route 30, it is really difficult to see to the right.

Mr. Johnson made a motion to approve the Variance of Use to Allow Fifteen (15) 20' x 10' portable storage containers to be placed yearly within the fenced garden center and to be placed on or after September 15th and be removed no later than January 31 the following year, with the two following conditions:

- 1) Pull back the southwest corner of the garden center so that it is safer for traffic and drivers to pull out from that driveway, at least 4' so that they have more visibility there at that corner
- 2) That the regarding the portable containers, you can screen the fence of the garden center again or screening the containers themselves on the left and south side.

Mr. Guetzloff seconded by motion. All in favor (5-0).

ITEM G. Consider Acceptance of Donations - \$5,281.92

Mr. Troxell read the list of donations for the month of September 2022.

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

THEREUPON, Business from the floor NONE

Meeting adjourned.

ROBIN ARVANITIS
TOWN COUNCIL PRESIDENT

MICHAEL A TROXELL, CMO
TOWN CLERK-TREASURER

A TRUE COPY