

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, Thomas Schmitt, Rob Guetzloff and Robin Arvanitis. Councilman absent: Kevin Connelly. 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 Dan Gin, Director of Public Works Andy Hansen, Director of Operations James Gorman, Town Manager Robert Volkmann, Clerk-Treasurer Michael Troxell and Recording Secretary Robin Thiel.

Mr. Schmitt stated that before we continue he would like to have a moment of silence for a Town of Schererville Dispatcher, Beth Luketic. He stated she was one of the 911 Operators at our Dispatch center.

THEREUPON, Approval of the minutes. Mr. Johnson made a motion to approve the minutes of the August 10, 2022 and the August 31, 2022 Public Meetings, seconded by Mr. Schmitt. All in favor (4-0).

THEREUPON, Claims

- A. APV #104124 - APV #104702 on the General Docket, Totaling \$2,527,952.16
- B. APV #104135 - APV #104697 on the MVH Docket, Totaling \$134,441.58
- C. APV #104146 - APV #104661 on the Payroll Docket, Totaling \$1,631,703.70
- D. Various Funds, First National Bank of Omaha, Credit Card Charges, \$33,583.12
- E. Various Funds, Austgen Kuiper Jasaitis, August Legal, \$14,465.89
- F. Park Bond 2018 Fund, Austgen Kuiper Jasaitis, Pennsy Phase IV Legal, \$4,771.00
- G. Various Funds, Enterprise Leasing, September, 2022 Statement, \$3,346.64
- H. MVH Fund, Indiana Department of Workforce Development, Balance Due, \$817.11
- I. General Fund - Animal Control, Crossroads Animal Hospital, August Vet Bills, \$2,243.06
- J. Various Funds, Menards, Parts/Supplies, \$2,564.75
- K. Various Funds, Auto Wares, Parts, \$10,846.52
- L. Cumulative Capital Improvement Fund, Bolt Limited, Annual Software Agreement, \$2,502.00
- M. Cumulative Capital Improvement Fund, Chester Technology, on site services, \$1,581.25
- N. Public Safety Loit N/R Fund, Star Uniform, Officer Uniforms, \$2,164.34
- O. Public Safety Loit N/R Fund, Nelson Systems, Maintenance Contract, \$4,587.28
- P. Police Equipment Fund, Carstar Liss Auto Body, Vehicle Repairs, \$1,503.99
- Q. Ambulance Fund, The Accumed Group, Billing Service Contract, \$5,448.90

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

THEREUPON, Correspondence NONE

THEREUPON, Reports

Chief Patterson stated that the Schererville Fire Department will be holding the Annual Open House at Fire Station 2, on October 1, 2022 from 11-2 pm.

Chief Sormaz reported that their Dog Run for the Animal Control Shelter has been completed. He stated that at the beginning of the year, Councilman Johnson initiated a fundraiser to get our Dog Run as an enrichment resource for the Animal Shelter. He stated after a pancake breakfast by the Schererville Lions Club a gofundme page and they were able to fundraise about 75% of the money and the Town contributed a small portion that they did not raise. Chief Sormaz stated that we now have a full Dog Run for our Animal Control Shelter. Chief Sormaz thanked the Town Council Members for supporting this, and to Andy Hansen for getting everything installed down there.

Mr. Novacich reported that the closing of the Splash Pad has been extended through the end of September. He stated that this Saturday they have their Country Fair at Redar Park from 11-4 pm.

Mr. Volkmann stated he would like to thank Fire Chief Patterson and Police Chief Sormaz, and the 911 committee for all of their work that they did for the 911 memorial last Sunday.

Mr. Volkmann advised the Council Members that in their packet tonight is his retirement letter. He stated he would like everyone to look at that and if they are in agreement with it to please acknowledge that his last day at work will be December 28, 2022. Mr. Guetzloff made a motion to accept Mr. Volkmann's retirement letter, seconded by Mr. Schmitt. All in favor (4-0).

THEREUPON, Public Comments Regarding Agenda Items NONE

THEREUPON, Old Business

ITEM A. PUBLIC HEARING

Mr. Troxell stated he has reviewed the Proof of Publication and find them to be in order.

Ord. #1271B, An Ordinance Amending Town Ordinance No. 1271A, Being: "An Ordinance Amending Town Ordinance No. 1271, Being: 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 **(Second Reading)**

Mr. Volkmann stated that Mr. Bob Reynolds, from London Witte is here this evening. He has a short presentation to discuss with you. Mr. Volkmann stated that we have been through this before, this is reflective of the rates and schedules that are contained in this Ordinance.

Mr. Reynolds gave a short presentation to the Council.

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

Mr. Johnson made a motion to adopt Ordinance #1271B, seconded by Mr. Guetzloff. All in favor (4-0).

ITEM B. PUBLIC HEARING

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

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 **(Second Reading)**

Mr. Gorman stated that Indiana General Assembly recently adopted legislation eliminating the Utility Receipts Tax and it's about a 1.4% decrease. He stated that with this decrease we need to amend our water rates to reflect this decrease.

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 adopt Ordinance #1986, seconded by Mr. Johnson. All in favor (4-0).

THEREUPON, New Business

ITEM A. PUBLIC HEARING

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

Public Hearing on Proposed 2023 Town Budget Ordinance #1987 - Review and discuss (First Reading).

Mr. Troxell stated that this is the first of three hearings that will be held on the Town Municipal proposed 2023 Budget. He stated that the meeting is a Public Hearing where citizens will be given the opportunity to speak. Mr. Troxell stated that this meeting was noticed through the state gateway program at least 10 days prior to tonight's meeting.

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

Mr. Troxell stated that the proposed budget is for \$46,774,054.00. He stated that this is over 2022's budget 5.854% higher than the proposed budget from last year. He stated that the State of Indiana has a maximum grown levy of 5% and we advertised our total budget a little more than that, there will be some possible adjustments or errors that takes into place for that. Mr. Troxell stated that the adoption process will be held on October 12th.

Mr. Schmitt made a motion to consider on 1st reading, Ordinance #1987, seconded by Mr. Johnson. All in favor (4-0).

ITEM B. Ord. #1988, An Ordinance Providing for an Additional Appropriation in the Park Non-Reverting Fund of the Town of Schererville for Year 2022, and all Matters Related Thereto

Mr. Troxell stated that he has reviewed the Proofs of Publication and Find them to be in Order.

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

Mr. Troxell stated that these are additional appropriations in the Park Non-Reverting Fund. The available funds are there but need to be appropriated to cover some of the additional expenses we had this year with our park programs and to see to the end of the year that these appropriations are there. Mr. Troxell stated that they were not budgeted this year, but as you notice with a lot of our park programs, they were a little bit larger and bigger than they were in the past. He stated that with that additional expense

and the money they brought in, the money is there but the State requires us to go through this Additional Appropriation process.

Mr. Guetzloff made a motion to consider on 1st reading, Ordinance #1988, seconded by Mr. Johnson. All in favor (4-0).

Mr. Johnson made a motion to adopt Ordinance #1988, seconded by Mr. Guetzloff. All in favor (4-0).

ITEM C. Res. #2022-15 - A Resolution to Transfer Funds within
A Category of Appropriations

Mr. Troxell explained the Transfer of Funds.

Mr. Schmitt made a motion to adopt Resolution #2022-15, seconded by Mr. Guetzloff. All in favor (4-0).

ITEM D. Consider Acceptance of Quit Claim Deed from the First
National Bank of Illinois Trust #061005 for the Section
Of Service Road commonly known as 322 U.S. 41

Mr. Gorman stated that this is the frontage road that has been in front of the Council the last couple of months. He stated this is the last property owner that share that road. He stated that they had them do the complete maintenance on that road and it is now in the hands of the Town, for us to maintain.

Mr. Johnson made a motion to approve the acceptance of the quit claim deed from First National Bank of Illinois Trust, seconded by Mr. Schmitt. All in favor (4-0).

ITEM E. Consider Variance of Use to Allow Event Rental Space
(Proposed: The Private Room - August 22, 2022 Meeting)

Board of Zoning Appeals Case #22-8-20
Petitioner(s): Reginald Walker
Location: 108 E. Joliet Street
No Recommendation from the BZA (4-0)

Mr. Gorman explained that this case was in front of the BZA because it's not an allowed use, so they had to go in front of the BZA to get a variance. Mr. Gorman stated that in their letter of intent it stated that it is a private club that would host birthday parties, baby showers, divorce parties, etc. The hours of operation were seven days a week until 2:00 a.m.

The petitioner, Valerie Wakefield stated that she is here on behalf of the private room. She stated that the hours of operation are not until 2:00 a.m. every day, she believes that was just for the weekend. She stated that it is just an option for their clients. It's not a club, it is an event rental space, so any clients who wants to do a birthday party, a baby shower, the hours that were listed are the timeframe that they have in order to rent it out.

Mr. Schmitt asked how many parking spots do you have. Ms. Wakefield stated that there's parking spaces in the back of the lot that they were going to stripe of their area, and then there is parking in the front.

Mr. Guetzloff asked, what is the maximum amount of people you are allowing in the hall. Ms. Wakefield stated that they don't know, they haven't had the Fire Marshall come in to tell them their

capacity. Mr. Guetzloff asked, why the business would need to be open until 2:00 in the morning. Ms. Wakefield stated that is just an option, it doesn't have to go until 2:00 am, but the client can rent it out until 2:00 am, just on the weekend.

Mr. Schmitt stated he read the Findings of Fact from the BZA meeting, and they mention bringing alcohol in. Ms. Wakefield stated that it is an option of the customer, if they want to rent it out and if they are having alcohol for their party, they can bring it into the location, which would be up to them.

Mr. Guetzloff asked, if they had alcohol, who would be the responsible party if something was to happen. For example, if you're having a baby shower and somebody over indulges in punch and goes on the road and unfortunately gets in a bad accident, who does that fall on. Ms. Wakefield stated that would be on whoever rented it, but they as the owners would ask them to stop drinking or cut them off if they felt they were unable to drive. She stated that they would get them an Uber or call a lift in order to get them home.

Mrs. Arvanitis asked Ms. Wakefield if they have security for these events. Ms. Wakefield stated they do, they plan on hiring security to be at the door and the perimeter and also to ensure that the guests get in their vehicles and go home immediately afterwards instead of lingering around after their time is up.

Mr. Schmitt stated that our Zoning Ordinance doesn't allow this type of business in our Zoning District there. He stated that the petitioner hasn't demonstrated that the need for the need for the variance arises from an existing condition on the property. Mr. Schmitt stated that this request is not in conformance with our Town comprehensive plan, which we've worked on for years. He stated that the petition would be detrimental to the public health and safety and the general welfare of our community in that area. Mr. Schmitt stated that the petition would affect in a substantial manner the use and the value of the adjacent properties and would affect them tremendously.

Mr. Schmitt made a motion to deny this request, seconded by Mr. Johnson. Mr. Johnson stated he would like to add to include the minutes of the Public Hearing from the BZA, as well as their findings of fact into your motion. Mr. Schmitt amended his motion to include the minutes and the Findings of Fact from the BZA, seconded by Mr. Johnson.

Attorney Austgen stated that the certification of no recommendation by the BZA should also be included.

Roll call vote: Mr. Johnson - Yes, to deny; Mr. Schmitt - Yes, to deny; Mr. Guetzloff - Yes, to deny; and Mrs. Arvanitis - Yes, to deny. Motion carries (4-0).

ITEM F. Proclaim the Week of September 19, 2022 - September 23, 2022 as *National Rail Safety Week* in the Town of Schererville

Mrs. Arvanitis read the proclamation into the record. Mr. Schmitt stated he would like to complement our Tri-Town Safety Village that teaches our young kids about National Safety every week.

Mr. Schmitt made a motion to proclaim the week of September 19, 2022 - September 23, 2022 as *National Rail Safety Week* in the Town of Schererville, seconded by Mr. Guetzloff. All in favor (4-0).

ITEM G. Consider Donation to Schererville Baseball in the Amount Of \$5,000.00 for Parking Lot Sealcoating

Mr. Gorman stated that this was a donation that was already made by the Town Council to the Schererville Baseball League for paving their parking lot. He stated that they changed directions because they didn't raise enough funds to actually pave the parking lot, so they ended up seal coating it. Mr. Gorman stated we are looking for your approval tonight to make sure we donate that money for the seal coating, rather than the repaving.

Mr. Schmitt made a motion to approve that the \$5,000.00 donation be made out to Site Services for the Schererville Baseball League, seconded by Mr. Johnson. All in favor (5-0).

ITEM H. Consider Approval to Purchase Property located at 30 W. Joliet Schererville, IN from Michael Joseph Grummer And Daniel Gary Martin in the amount of \$127,500.00 and To authorize the Town Manager, Director of Operations, Clerk-Treasurer and Town Attorney to Finalize Execution Of Documents.

Mr. Gorman stated that this is the last property of for a total of five properties so far that the Town has already purchased just west of Town Hall. He stated that will be future Economic Development going in there.

Mr. Johnson made a motion to approve, seconded by Mr. Schmitt. All in favor (4-0)

ITEM I. Consider Waiving Permit Fees for Crossroads YMCA for Remodel of Interior 2nd Floor Located at 221 U.S. 41

Mr. Gorman stated that the YMCA reached out to us to see if we would waive their permit fees. He stated it is approximately \$16,390.00.

Mr. Johnson asked Mr. Gorman, in the past we have only waived permit fees for Churches and Schools. Mr. Gorman stated that is correct.

Mr. Johnson made a motion to deny the waiving of permit fees for the Crossroads YMCA, because in the past we have only waived permit fees for Churches and Schools seconded by Mr. Guetzloff. All in favor (4-0)

ITEM J. Consider Acceptance of Donations - \$4,998.00

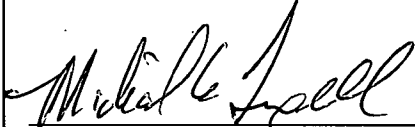
Mr. Troxell read the list of donations for the month of August. Mr. Guetzloff made a motion to accept the donations as read, seconded by Mr. Schmitt. All in favor (4-0).


THEREUPON, Business from the floor

Mr. Bill Jarvis, Tri-Town Safety Village Executive Director, thanked the Council for supporting the National Railway Proclamation. We stated that they do a great job teaching the children Operation Life Saver. Mr. Jarvis stated that he did approach the Lake County Council to help support the Safety Village and they came through and donated \$20,000.00 to the Tri-Town Safety

Village. He stated they also took a donation from NIPSCO and Enbridge.

Meeting adjourned.


MICHAEL A TROXELL, CMO
TOWN CLERK-TREASURER


ROBIN ARVANITIS
TOWN COUNCIL PRESIDENT

A TRUE COPY



