

**MERRILLVILLE BOARD OF ZONING APPEALS**  
**March 26, 2014**  
**6:30 PM**

The Board of Zoning Appeals meeting of March 26, 2014 was called to order by Vice Chairman Tim Fortier at 6:30pm and led the group in the Pledge of Allegiance. Members in attendance were Mrs. Krafft absent,, John Minchuk absent, Chuck Stojakovich here, Ric Holtz here and Tim Fortier here. Staff in attendance was Dorinda Gregor, Attorney Touchette and Sedrick Green of Robinson Engineers.

Vice Chairman Fortier said we do have a quorum of 3 so the vote will have to be unanimous to pass.

**MINTUES;: October 23, 2013**  
**January 22, 2014**

So we will need a motion on the October 23<sup>rd</sup> meeting minutes.

Mr. Stojakovich said Mr. Chairman I would like to make a motion to approve the minutes of October 23, 2013, seconded by Ric Holtz.

Vice Chairman Fortier said we have a first and a second all those in favor. Let those minutes be approved as read. The next are the minutes from January 22, 2014. Do we have a motion on those or any corrections?

Mr. Holtz replied I think that like I don't know why just on the conversation on the last one.

Mrs. Gregor said I think that we were having problems with the tape recorder then.

Mr. Touchette said I noticed that too.

Mrs. Gregor said there was a problem with the tape recorder.

Mr. Holtz said that is fine otherwise everything looks good.

Mrs. Gregor said I did point out to her that she put ride away instead of right of way and she did change that.

Mr. Holtz said there were some spelling but as long the main purpose is there. I will approve the minutes from January 22, 2014.

Mr. Stojakovich said I will second the minutes.

Vice Chairman Fortier said the minutes for the January 22, 2014 have been approved as written.

**COMMENTS FROM CHAIRMAN:**

I will call the case by case number and name of the petitioners I would ask that you come forward state your name and address for public record at which time you will be given an opportunity to present your case accompanied by any professionals that you may have with you. After that we will open the case for further comment. If you are desirous of speaking for or against any case we ask that you please sign in at the registry in the center of the isle. We will have a question and answer period followed by a staff report pertaining to each case presented this evening. We will also render a decision either for or against or a deferral for more information or other reasons which we will state. Would you please at this time silence any communication devises, cell phones or pagers. We will appreciate it. Thank you.

**OLD BUSINESS**

**Z6E4-0114 TRON-AGEK' EDUCATIONAL FOUNDATION, PETITIONER**

**NOVOGRODER/WESTLAKE LLC., OWNER,** Located at 8380 Louisiana Street for a Special Exception approval in a C-3, Highway Commercial zoning district for a proposed Charter School to be known as Northwest Indiana Science and engineering (NiSe).

My name is Dawn Dauheins an attorney here in Lake County and I represent the petitioner. President of the Board and one of the Board Members are also behind me. Dr. DeNeal and Jerry Roby. We have applied with Ball State for a stem charter school which is a science technology, engineering and mathematics charter school. Our application is pending us being able to get a facility and we have been searching all over the Town of Merrillville for almost two years trying to find a facility that would accommodate the school with the initial enrollment of 208 students. We were so happy when we found

the location at 8380 Louisiana Street. It is right next to the Geminus building to the south of the Geminus building and George Novogroder is the owner of that building and he has been really marvelous with us recognizing that we are waiting on our start up grant and the approval so that we can start giving him some money on the space. As of today he has not received no money from us but he has been so kind not to open it up to lease to anyone else pending our acceptance of our Variance that we are proposing to you today. I believe you have packets that show the actual plan of the building and it is not that much that we need to do and he has agreed to give us up to \$5000.00 so that we could modify the largest area of the school so that it can be a cafeteria, auditorium and then it can be broken down into spaces for class rooms as needed. Now we if I can approach I do have an amendment for our safety plan. We were a little concerned about how we were going to egress in and out and not affect traffic and initially we thought that maybe the parents could just drop the children off and continue around past the Geminus that little circle and come back out on Indiana but we know that would create too much congestion so we have made arrangements well we haven't technically nothing is in stone right now but we are seeking to get a contract with Merrillville the City of Merrillville to lease a few busses so that we can have a bus opposed to a bus or car that can just go in and drop the children off at the main door which is on the south side and then travel behind the building and then they could either go right or left depending upon the traffic because inside that little cubby hole there it is a hotel/motel like and they are building another motel that we pray will be completed by the time we are ready to start school and the other health care centers that are around that corner so we would think that it would be easier to just come out and make a right and just go around. It might take longer but it wouldn't cause any congestion trying to make a left hand turn on that street even though it is permissible. So we are pretty pleased with that and the building also houses a day care for seniors and it houses child care facility for toddlers so there are already children in that area. Children in our building our proposed site and children in the Geminus Center and then they have busses as well so we have made contact but we haven't secured anyone to definitely tell us that they will lease the busses. With the grant that we have proposed with Ball State we have included in our budget a smaller vehicle that maybe we could transport maybe 15 to 20 children at a time. We really are looking forward to that lease between Geminus or the Town of Merrillville. To lease a bus from them

Mr. Touchette said is that a condition of your approval from Ball State to have busses.

Ms. Dauheins replied no it is not. They recognize when you are first starting out and you're small. We have a little bit in our budget for transportation but it is not required. The only thing that is required from us right now from them because we have been working with them for almost 4 years working the little kinks out of our plan in the facility. So really our number 1 goal is for children to be able to be stimulated beyond on they normally get in school to want to learn science. Most children back there are turned off by that other than if they see the science kid on Channel 11 but generally by the time they get into elementary school and junior high they are kind of turned off from science so the beauty of the stem school that every class English, math is going to be infused with some sort of science project. It is not going to be a once a year thing it is going to be yearly everything and then we are going to have to meet and we plan to do that. The Core 40 state requirement says we have to meet the state requirements and then we have to also meet Ball State requirements as well as the genius of these ladies. Both of them are in education and almost everyone on our board is in education in some way. One of our board members is an engineer and that is a part of why he got on board because he does work with boys and they are excited about helping so we don't perceive once we get this final approval we really see the dollar signs coming in for us so that we can make this school what it should be. I understand that Merrillville has got a small grant science and I think engineering and math but it is not a stem grant that they received. We will be the first stem school and I believe that there are few that are coming up around the nation but it would really be a star in Indiana especially northwest Indiana for us to have this school and to have this location is a good location because it does give us that company with the Geminus.

Vice Chairman Fortier asked Mrs. Gregor to read her staff report.

Mrs. Gregor read her staff report. Conditions if approved for this petitioner only at this location only for this use only.

Vice Chairman Fortier asked are there any questions from the board.

Mr. Holtz said my biggest question is planning on having 208 students with only 6 teachers. Is that adequate.

Ms. Dauhein replied well yes. It will be adequate because the teachers are not just going to teach one class one subject. They are going to be teaching a combination of subjects so that the science can be infused so Dr. DeNeal would you care to expand on that.

Dr. DeNeal I am the CEO of the foundation. Our plan is to have 208 students the first year and we are going to hire 4 lead teachers these lead teachers will be trained in different subjects it is ok according to Ball State to allow a teacher to teach more than one subject. In our case the teachers will be teaching more than two probably three at the most. We keep looking at our curriculum which is modeled after the

MIT Step curriculum and so it just depends upon where we are. Right now we are looking at 6 or less with 200 students.

Mr. Holtz asked are you going to have class sizes of 35 or more.

Dr. DeNeal said if you look at what we are offering 208 students our class size will be less than 15.

Mr. Holtz said with 6 teachers.

Dr. DeNeal replied with 6 teachers.

Mr. Holtz said assuming you have 3 grades and 208 so you will have 70 per grade level.

Dr. DeNeal said remember there is a class rotation the kids just don't sit in the class all day. They sit in a class for 45 minutes and there is a rotation.

Mr. Holtz said if you only have 4 teachers that is 4 classes so that would be

Dr. DeNeal said 4 lead teachers. There is a difference there will be other teachers besides those teachers

Mr. Holtz said this is only saying 6 so I didn't know you only have 6 teachers.

Dr. DeNeal said we 4 lead teachers and also additional teachers. Did you see our power point?

Ms. Dauhein said it does say 3 lead teachers.

Mr. Holtz asked if it says how many ancillary teachers.

Dr. DeNeal said you are correct there wouldn't be more than 6.

Ms. Roby replied there would be 7 additional teachers

Mr. Holtz said you would have a total of 10 teachers.

Ms. Daubein replied yes or more we are not for sure. Remember the curriculum changes and is never set in stone. It depends upon what we are offering. Right now we are offering a straight Core 40 maybe whatever they are going to call it Common Core or College Readiness type of dual credit it just depends on where we are. We are always looking at curriculum comparing to make sure we are at the right place at the right time.

Mr. Holtz said I was just looking at the one spread sheet.

Ms. Dauhein said it is not set in stone it may change.

Dr. DeNeal said the other thing is our budget we would prefer to have better teachers with good salary than to have more teachers with less salary because we want them to be excited about this program and we want to get some excellent teachers. It is going to start with excellent teachers and we want our budget so that we can pay the people that are going to be the lead teacher a substantial salary so it will be attractive to those people that are really good at being teachers.

Ms. Dauhein said the one of the things that Ball State required is the language that they use now is high quality teachers. So in order to get high quality teachers you have to compensate them and so our salary compensation is a little bit higher than charter schools actually pay their teachers and we are going to recruit from the area. Everything that we are going to do is going to start with Merrillville. If we can get what we need in Merrillville that is perfect. If we can't we will go outside of the area but everything is going to start in Merrillville. I am a Merrillville resident and I believe everything should start home and then go elsewhere if need be.

Vice Chairman Fortier said I am a little confused on the busses and how the children are going to be picked up and brought to the location.

Dr. DeNeal replied we are not going to provide daily transportation. Parents or Guardians are going to have to drop the students off. When the attorney mentioned the van or the bus that is when we have to transport a student to IU or IVY Tech for a credit or maybe our students have a competition somewhere. We are so small that we should be able to transport that number of students in a van or small bus.

Vice Chairman Fortier said so you are not looking at dropping off site and then being transported by bus off site to the campus.

Dr. DeNeal replied no we are not.

Vice Chairman Fortier said ok that is where my confusion is. That was what I was thinking that you were trying to coordinate there.

Dr. DeNeal said that would eat up our budget. We are not at that phase yet as a matter of fact we want to be at the facility here at 86<sup>th</sup> and Louisiana the first 3 years and the 4<sup>th</sup> year we plan on building a new site here in Merrillville.

Mr. Touchette said that was my question. Because I see 90 parking spaces and I see that you what to get into the high school and I have kids in high school and they are all driving. It is quite a traffic jam.

Dr. DeNeal said we are proposing to stay in that building for 3 years but things may change and we may be out of there before 3 years. Once we start the new building we don't know if we are going to remain at that site for 3 yrs.

Mr. Touchette said as a practical matter if your school is approved for this location how it could be conditioned about driving in the future and the number of cars and I know you have not thought that far down the road.

Dr. DeNeal said we really are kind of on a different page with that. I feel that like we need to get to at least 2 or 3 buses if we can in our budget so that we won't have a lot of cars of parents dropping off. That is our desire but we have to see what kind of money that they end up giving us in the end and then we also are eligible for some kind of startup grant. We have to see what the figures are going to be so we can see how much of our dream can really be realized.

Ms. Daunhein said the way it is proposed budget wise once we are approved they give us what the State Startup Fund and then we can go into what they call the common law I don't know if you know about the common law we can go into that. It just depends when the school is going to open we won't know that until we are interviewed one more time by Ball State. They may tell us hey you have to open this August and then we have to gear up and get ready for it or they might give us to next August to open which will be a longer and better time for us. It will give us the time to get the monies in write grants, train our teachers and a combination of things. It just depends on what Ball State tells us.

Mr. Touchette said so are you looking for a final approval here or like a conditional approval.

Mrs. Gregor said they are looking for a recommendation from the Board of Zoning Appeals to move forward to the Town Council.

Mr. Touchette said this is much more their pay grade than ours.

Sedrick Green, Board members I just have few comments before you make a decision. I have been in contact with Ms. Augusta DeNeal as far as giving some guidance on some of the things that she would have to meet with the Town as far as making sure whatever they plan to do is in the proper compliance with the State as far as schools with the Town and other agencies. As far as parking, parking with schools I told Ms. DeNeal that the State regulations that governs for the schools for particular size goes on the number of students and teachers and things like that so that will be one thing that they would definitely have to address if approval is given that they would have to address with the Town Council or here also one of the things with the change of use from a Commercial to a school they would have to talk to the sewer district as far as the capacity is adequate being from a commercial business to now being a school with a higher use and higher flow for that building. We talked about. I have another comment as I was going over the lay out that could help you with your traffic flow. The X's that you have on here as far as emergency that also could be a different grouping point for your students to enter that will alleviate the back up in the parking lot since you can circulate possible look at an idea like that certain groups of kids can still enter in or continue around a little bit the landlord is ok with that have them drop off on one side building and come in through one side and the others would file through the other exit that will help alleviate some of the flow of traffic and to reduce the conflict between children and vehicles and that way the parent will have a stopping point where the kids can walk past and every one can see. It can be a drop off point all kids get out and go to the building. I understand that they are going to start off with a middle school but it is still needed. As far as the layout on the inside I guess this would be the NW I know that this is just the rough but for the use of your classroom and where you are going to be is making sure that the square footage for each classroom is explicable for how many kids you are going to have in the classroom. I am pretty sure that is going to be one of the questions is going to be for your change of use. Like I said you would definitely need to talk to Merrillville Conservancy District on the use making sure adequate toilets and proper capacity. That is about it.

Mrs. Gregor replied Thank you.

Mr. Touchette asked if these children will be inside all day or is there place outside where they will go during the day sometimes.

Dr. DeNeal said it is a small area and what we see there is a grassy area between our building and Geminus and we will be talking to Geminus to see if we can use some of the space. If for nothing else for walking and things of that nature for now. There is a multi-purpose area inside the building a big area where gym will be held so everyday our kids will get some kind of activities. We suggest in our proposal 1 hour a day. We are all about stem and health.

Vice Chairman Fortier said so if I am clear here Dorinda what we are looking at here is approving a school to go into a commercial district. Being that the Geminus Center is adjacent properties that have received the same gracious variance I guess that is what we are looking at here. The rest of the layouts and the school requirements and stuff are going to be up to like you said of people of a higher pay rate than us.

Mrs. Gregor said they are going to have to make sure that they meet the safety for the children and the parents going in and out of the parking lot for the safety of the children related to fire protection and if there was an emergency that there would be adequate areas for those vehicles ambulance or whatever it may be.

Vice Chairman Fortier said the addition of the information that you gave tonight gives a fairly detailed layout of addressing those details so they have done their diligence.

Mrs. Gregor said yes they have. They have been working very hard at this.

Mr. Holtz said looking at the restrooms there are only 2 stalls for each sex.

Dr. DeNeal said there is 1 stall on the other side.

Mr. Holtz said there is enough for 200 students.

Dr. DeNeal said that according to Ball State that were ok with it and they have their facility person do a tour so they didn't bring that to our attention. I can go back and ask them that question though.

Mr. Holtz said this is showing 10 classrooms so that would give me an average of 20 students per class. So I guess 10 classrooms, 4 lay teachers and 7 other ones. Ok I just wanted to make sure.

Mr. Stojakovich said the only other thing question that I had and you addressed the restroom that was on my mind also. You said something about a cafeteria. Is food going to be prepared on site or is it going to be brought in.

Dr. DeNeal said it is going to be brought in and there is a kitchen facility where they can distribute it out.

Ms. Dauheins said again we are a science school and in our canteen areas we have all health foods. So I think it is conducive to when it comes to feeding the children.

Mr. Stojakovich said I have to repeat what Sedrick said to contact MCD with the change of use. MCD might have some comments and look at your plan and there might even be an industrial pretreatment brochure that you have to fill out and document and all that good stuff.

Vice Chairman Fortier asked if there are any other questions from the board.

Mr. Touchette said there is gym for an hour or so for activities.

Dr. DeNeal said yes sir there will be some type of physical activity that is the reason why we are getting collapsible wall and Mr. Novogroder has agreed to assist us with that so that space can be opened up to its full capacity and we can use it for a number of different things.

Mr. Touchette asked if the students would take showers.

Mrs. DeNeal said there are showers in the facility.

Mr. Touchette asked will you have labs.

Dr. DeNeal said we have 3 labs. We call it the Einstein in door garden lab's. It is a simulation of the Dunes area. We have I forgot the other two but we have 3 lab's.

Mr. Touchette asked if you will have chem (chemistry) lab.

Ms. Dauheins said it is going to be a course so it is going to be an assignment.

Mr. Touchette said my daughter has Chem lab and Chemistry the course and I had that in high school too.

Dr. DeNeal said the 3 labs that we are going to have they are first of all going to be Practical Lead the Way is a wonderful engineering software. We are going to have two outdoor labs. Einstein Bio-dynamics, indoor gardening and Bio medical lab as well so kids will be able to be tracked in 3 different areas in 3 different labs.

Ms. Dauheins said there is already plumbing and electrical things that are already there that can be expanded from in the building because they had a lot of computers. I think that the Indiana Department of Environmental Management. There is a lot of items for the electronics things like but that are already there so that will assist us as well.

Dr. DeNeal said that for at least the first 2 or 3 years the one area for the labs. Our dreams are so humongous I just can't elaborate how we are going to build these 3 labs. It is going to be dynamic.

Vice Chairman Fortier said so the buildings should be conducive to the use this is a school.

Mr. Holtz asked what is the minimum number of students that you can open with.

Dr. DeNeal said we propose 208 the first year.

Mr. Holtz said I know that is the maximum.

Ms. Dauheins said the way the law is if we get less than 208 all students can enroll but anything over 208 we have to have a lottery and open it up to the public so we can start with 208.

Mr. Holtz said what if you don't meet that goal of 208 at all.

Ms. Daauehins said everybody can be admitted to the school and we can still start the school.

Mr. Holtz said what if you only get 150

Ms. Dauheins said we can still start the school but the only thing is we will get less FTE to run the school. We purpose 208 but to answer your question we can start with less than that.

Dr. DeNeal said just let me also say this that the standard for the charter schools are little bit more lenient than the regular state schools. So those type of requirements for the students the number of students to the square footage ratio in the classroom and the sizes of the hallways and the lockers and how far they are that is not going to be applicable to the charter schools.

Mr. Green said when you say the number of children to the classroom I think that you may mean academically like there may not be a cap but there will be a per space per person requirement that's always going to be there with a certain number of people in the building. That's per fire

Ms. Dauheins said what I am saying that according to Ball State there more lenient that is why we come subject to the Town of Merrillville, we come subject to the conservatory who ever we have to come subject to bring it in line. The State Health Department they have certain rules so even though Ball State has given us some leniency we still have to come into compliance but it is different than a public school that is all I am saying.

Mrs. Gregor asked if there is going to be evening activities let's say if at the end of a semester are you going to open it up for parents to come in to review their children's academic grades and if so and you have 208 students and each of them only come from a family of one you are going to have 208 cars and there is not adequate parking. Are you going to have any cross over agreement with possibly the Geminus to be able to park those additional cars for those parents or lets say you have a gym area are you going to have maybe some type of evening activity where the parents will be involved and seeing maybe a science project performed.

Dr. DeNeal said let me the answer first. We are going to have a contract with parents a missions packet and they have to participate in so many activities that is going to be part we can't make them to it but we can put it in the contract and ask them to sign it and bring it to their attention when we need to bring it to their attention especially when we are having an issue with your child. They are going to be active all academic year with the students. We are going to have a software that we call it Power School where

they can actually go on line and see the progression of the student. In addition to that we are going to have a counselor tracking so every time that student scores less than what they need to score or does not turn in a homework assignment the parent will always be informed. I hope this answers you questions

Mrs. Gregor said well to a point it does. If you have some type of activity I am not for sure like a basketball team for the kids girls against the boys and the parents are asked to come to participate for encouragement for the kids is there going to be adequate parking that is what my concern is.

Dr. DeNeal said there may have to be a relocation for certain events that the number of participants is going to exceed the amount that we can have. Graduation or anything of that nature we will have to seek an alternate site I am sure.

Mrs. Gregor said very good that kind of answers that.

Mr. Green said one example is parent-teacher night you can't have all 208 students show up within the same hour.

Mrs. Gregor said usually they are staggered.

Mr. Green said yes that is how you would do it to alleviate that was an example that came to my mind if you try and have parent/teacher all in one night.

Dr. DeNeal said we would have to have an alternate site for something like that.

Mr. Green said you could stagger it over a 3 day period 5<sup>th</sup> graders, 6 graders or 7<sup>th</sup> graders on Wednesday, Thursday and Friday nights for that just to make sure that you meet that parking.

Dr. DeNeal said keep in mind we are still in conversation with Geminus to work things out. So everything is not set in stone yet but we are aware of all those issues. So we are going to address those concerns as we talk with Geminus.

Mrs. Gregor said very good.

Ms. Dauheins said we appreciate the input as well.

Mr. Holtz said so if you have a science fair because you are a science school or technology fair on Saturday you are going to have a lot of people come in and check out the school see how the students are doing.

Mrs. Gregor said even for open enrollment for parents to see if they want to send their children to this type of academic education school.

Vice Chairman Fortier said I am sure that the Police Department would not look kindly at people parking on the roadways. Any other questions from the board.

Dr. DeNeal said again we are in conversation with Geminus and I just can't answer all those questions tonight. But we are aware.

Mr. Stojakovich said if you do get a favorable decision here the Town Council is probably going to bring up each one of these questions again so it seems like you guys have done your due diligent and meeting with the engineer and doing everything you have to do to get this going so just keep up the good work because it sounds like a good program.

Mrs. Gregor said we do have one Councilman that is sitting in the back of the audience and I am sure if I forget anything he will remind us.

Vice Chairman Fortier said at this point we will open this up to the audience that would like to speak for or against this petitioner please come up and state your name for the record. Petitioners you are welcome to stay up here.

My name is Jenny Tucker and I am really hoping that we could really work together to get this charter school up and running and I do believe that all the details can be worked out because Geminus corporation is a how should I say it is an established business and they are doing very well over there and so I think that the ladies or the team that is coming together to bring this charter school to Merrillville. We do what we can and hope that we have the support of the Town. We can't do it by ourselves so I am coming to ask Merrillville if we take care of all the business that we heard and there were great things that

were cited here today will we be able to count on your support. That is my comment. We have heard different things throughout the media we have seen it in news letters from the Merrillville schools for or against. Some are for it and then not for it but I am here to say there is room for everybody that is what makes Merrillville so profound because it is a melting pot it is not one race of people it is a host of people and there is room for charter schools here. We just hope that as we bring all the details to you and line everything up because we are more concerned about those children's safety and the parking lot or just as concerned as you are because we understand how things work but we just hope that we have the Towns support and I hope that I can be free I don't have any pretense here I am looking forward to this happening. I know that 3 charter schools have tried to come here and one of the biggest issues has been the issue that is on the table here. Are we picking the right facility are we making sure that we can accommodate people are we making sure that it is going to be safe for everybody, are we doing what we are supposed to do and when we look at this we are looking at our town. It doesn't just represent their school you are representing a Town and I hope that our town will be open to allowing this to happen.

Vice Chairman Fortier asked for a name and address sir.

My name is Dwayne Tucker, I reside at 7661 Morton Street Merrillville I am part of the board here on the NiSe schools charter here. I just wanted to say there is a lot of hard work, a lot of effort a lot of homework has been put into this and I think it shows basically to the Town Council so I think that the petition would be well placed in getting a chartered school getting a NiSi chartered school here. We have went through this for about 2 years or so or more several years. I have been on the board for about 2 years. It is something that I think that needs to come into fruition as my wife stated that was my wife Jenny. I think that we could accommodate such a facility here for the town. I look forward to making it work and working with this team that has been a symbol.

Dr. DeNeal said Mr. Tucker was employed by Boeing Aircraft and he was very instrumental in helping us plan out our curriculum. Our MIT curriculum.

Mr. Tucker said I just wanted to say my company is a component of getting a lot of STEP schools started I hope to get funding from them as well through grants and so forth. I think that we have a win, win situation here. That is all.

Vice Chairman Fortier thanked him

Good Evening Richard Hardaway 5500 Jackson Street Merrillville. I stand before you this evening not as an elected official but as a citizen in the Town of Merrillville. I have heard everything that has been said this evening. I have heard the questions the good questions, good conversation. In pursuant of what these ladies are trying to do and I stand here in support of it because if we look at the condition of our educational system in the State of Indiana right now it is deplorable and maybe we need to get outside of the box and do some different things and I think that the STEM Academy is going to be one of those things that gets us to where we need to get to. Our kids are failing in science they are failing in math and so they need some other options. I know the Merrillville Community School Corporation does an excellent job. I don't want to take anything away from them. My daughter graduated from Merrillville High School I support that system 100% but I also support what these ladies are trying to do 100% because I think that we need to be able to take our kids to another level and the only way we are going to be able to get them to that level is we do some different things so and this is one of them. My oldest daughter is doing her dissertation on the STEM program so she has told me that this is something that she believes in and she is my daughter and I believe in her so I believe in this too. I appreciate everything that you said Sedrick and anything you could do to help them I really appreciate the guidance that you have given them tonight. Great information so I just come to you guys saying that I support it as a resident in the Town and not as an elected official. Thank you.

Vice Chairman Fortier asked is there anyone else. I guess it is up to the board to make a decision for or against or defer.

Mr. Holtz made a motion to accept Z6E4-0114 for this petitioner only for this use only this location only.

Mr. Stojakovich said Mr. Chairman I would like to second the motion.

Vice Chairman Fortier said we have a first and a second. Can we get a roll call vote?

Mr. Holtz, yes Mr. Stojakovich yes, Mr. Fortier yes.  
Motion carries

Mrs. Gregor said this will move forward to the Town Council and I will give you those dates later.



Vice Chairman Fortier said also I noticed that at the end of your petition here you had some applications for a program to Ball State. Did I miss read that. It was for a management type program for public.

Mr. Holtz said it was an application to take management classes.

**Z7uV2-0114 LANDMARK SIGN GROUP, PETITIONER**

**DOUBLE UP, LLC. ( INNSBROOK CC.)**, Located at 6755 Taft Street for a Variance of Use approval in an R-1, Single Family Residential zoning district for an off premise monument sign for Innsbrook Country Club.

Vice Chairman Fortier said this is being deferred from January's meeting.

Good Evening Larry Yurko here again with Landmark Sign group on our January continuance. I believe at that time there was some questions or concerns with the placement of the sign and particularly from a visibility site line. To make sure that the sign is not going to block any site lines that it is set back far enough off of Taft Street and if there some sanitary repairs that needed to be done that the sign was going to be able to be removed and naturally we agreed to that. I don't know if Dorinda has shared with you the photograph that I had sent that shows the location of the sign.

Mrs. Gregor said there was just a small rendering that you submitted.

Mr. Yurko shown her the rendering.

Mrs. Gregor replied yes I think so.

Mr. Sedrick said the one thing that we don't have Board members is the additional markup that he had here in red as far as the distances cause that was one of the things that we asked for distances for you to be able to show us the distances from the edge of the road to where the right of way. The existing current right of way from INDOT and the placement of your sign with the distance from that right of way.

Mr. Stojakovich said I think that we have it but we just don't have it in color. You are talking to the right man as far as the sewer line and where the right of ways are and what kind of room that is there.

Mt. Touchette said we don't have this 33 feet

Mr. Yurko said I don't know where the right of ways are I just wanted to pin point the location and where we want to put the sign and work backward from that.

Mr. Green said well actually I don't know if the surveyor is one that you hired or the just one of the property owners survey report for the property. Either you of can hire a surveyor. You can go down to the surveyors office or recorders office and look for the right of way and they can show you the right of way on Taft Street what INDOT proceeds it to be at that property location and then you just check and make sure that your sign won't be within that right if way but also you would need to investigate there are easements that have been acquired along that stretch of Taft where the sewer project is getting ready to get going here soon as the weather participates.

Mr. Stojakovich said next week.

Mr. Green said that work is going to be going on and I believe the agreement was that the sign would be diverted until after the construction in that area.

Mr. Touchette said it was discussed. One thing about the easements you can't build a sign on top of an easement.

Mrs. Gregor said the sign has to be sufficiently placed behind the property line.

Mr. Touchette said those are two different questions.

Mr. Green said so actually that was one the things that the Board is looking for from the continuation. I can give you the number of who to contact at the Lake County Surveyor's Department and I can give you my card to give you a little guidance what you will need to make sure the setback of your sign is going to be and also those easements that are recorded document.

Mr. Yurko said do we know Dorinda what that easement is in that area. There has been no other activities done in this area that we kind of half a rule of thumb. Is it 10 feet, 20 feet.

Mr. Touchette said we know that MCD has a sewer line running through there and I don't know where there are other underground utilities and that is why I said for it to be nailed down it is best that you do it or hire a surveyor or engineer to help you and make sure you place your sign outside of that right of way.

Mr. Touchette said I think that is something you would want to know before you make an approval too because if that is not done now then something can just get build over something and then if it comes a time where NIPSCO has to get to their lines. NIPSCO has a lot of stuff over there. MCD is going to put a sewer line and the sign is in the way then the sign would have to come down.

Vice Chairman Fortier said one of the things that we should probably discuss before that if the sign can actually be placed on this property because my question. Mrs. Gregor do you want to read the staff report.

Mrs. Gregor read the staff report. If approved conditions are for this petitioner only at this location only for this use only and must obtain a building permit prior to installation of sign is approved.

Vice Chairman Fortier said now I can open to the board to question the Variance request that we have before us.

Mr. Touchette said I would like to make one clarification we talked about this a little bit at the last meeting about the ownership of the properties. I know your staff report says it is owned by the same owners the two properties are but really they are not. I have copies of the deeds

Mrs. Gregor said you did provide us with that documentation today.

Mr. Touchette said the one site of the sign where the sign would be is owned by Double Up, LLC. Ok and the new Innsbrook Country Club LLC owns the country club properties so just as a point of clarification.

Mrs. Gregor said thank you.

Vice Chairman Fortier said ok do we have questions.

Mr. Holtz said so the census will be billboards were told last time that you can't have a sign on someone else's property advertising.

Mrs. Gregor said well this is classified as an off premise sign. You are advertising that is down the street. The Town has never set that present to allow such. I think only one situation and that was for the Polo Club entry way over by Gordon Foods. They do have a sign that kind of circulates around the frontage road and that was the only one and that would have taken you into the apartments for the Polo Club and then there was a banquet facility and a bank but that was years ago.

Vice Chairman Fortier said and that was because they didn't have access to Rte. 30 where their entrance was.

Mrs. Gregor said absolutely.

Vice Chairman Fortier said in this situation here we are looking at hundreds of feet of frontage at the actual Innsbrook Country that could indicate what that banquet facilities are. Unless Innsbrook is going to be renting or leasing this property from Double Up.

Mr. Yurko said I am not privy to that information. I don't know what the financial arrangement or agreement between the two entities other than the fact that the same owner owns both entities. But they are separate entities.

Vice Chairman Fortier said what I was informed through the Attorney after our last meeting was that it was not within our code to allow off premise advertisement of a separate business unless it is a billboard.

Mr. Yurko said there will be no other advertisement on this sign other than Innsbrook Country unlike a billboard where it will change monthly. This will never change. A billboard is typically is 14 ft. x 48 thus the term billboard and then it gets into poster sizes. It is not a billboard by any means.

Mr. Touchette said as a matter of the Town ordinance it has a definition section in Chapter 21 article 6 section 21-187 sign definitions there is a definition for advertising signs and then under billboard it says see advertising sign or off premise sign. Then if you go to off premises sign that definition includes billboard and advertising signs. So they are synonym. You're talking a freestanding monument sign ok which is different than a typical billboard sign that has a metal post that goes up and is very permanent and things are rented out but the purposes of meeting a variance ok the variance that you would need for this sign would be the same type of variance that you would need for a billboard sign.

Mrs. Gregor said once again this is placed in a residential zoning district not necessarily where we were using the example of the Polo Club. It is in a commercial zoning district area for the direction of those apartments and what use to be there.

Mr. Green said the only thing with the Polo Club example is I am not quite sure if they didn't receive an easement to purchase that particular area where that sign is. That is one of the things that I am not quite sure of.

Mrs. Gregor said and they did.

Mr. Green said I think that in this situation I think that you are saying that you are not privy to the information that they are going to be purchasing the easement as well. Essentially the owner may own both entities is that correct.

Mrs. Gregor said can I ask something this is a monument sign and it doesn't sit very high off the ground it is going to be set probably pretty close to the residential house. Even though the Country club may own the property in some format I am not understanding why they wouldn't put something in request a second sign on the country club property closest to their most southern border where there accessory building is. That still would give the visibility of and it could be that particular sign going through just a regular variance approval could still the visibility and the adequate space to enter into the country club to tell them that there is a banquet facility there or there is golfing there or whatever it may be. So I am not understanding why they didn't go that route verses this route.

Mr. Yurko said it is very costly to put up a large on premise sign ideally what I would like to see there is a full color LED board that really allows the club to advertise affectively and to really let the people know what is going on there but that comes with a big price tag and I don't know if it is in their budget at this time. I had spoken to Mr. McColly about this a few years back and we have kicked around the idea but things have changed the economy the temperature of the economy has changed over the years so I can't speak for him in that regards other than the fact that the banquets and the importance to get the message out that it is in fact open to the public is very critical to the clubs needs at this time and we wish that the board would recognize that fact and this particular sign. I have been with Landmark I grew up in Merrillville I did your sign out here in front. We have done signs all over town and we are not here because we want to put up another sign. The cost of the sign the time we have invested to date far out ways the actual sign but it is very much needed.

Mr. Touchette said this would be a non-illuminated sign.

Mr. Yurko said correct yes sir

Mr. Touchette said people won't even see the sign at night.

Mr. Yurko said it has a reflected copy so that when headlights hit it the copy would slightly reflect but no it is not internally illuminated per say.

Mr. Touchette said I just want to point out another thing that is in your sign ordinance. Again Chapter 21 zoning article 6 signs Sec. 21-192 signs allowed in commercial zones. One of the provisions is advertising signs in accordance to the following. Advertising signs also known as off premise signs or billboard signs should be permitted within the M-1 and C-3 zones ok. That is where these signs would normally go. They are not normally permitted in a residential zoning area. That is why they are here seeking a special use for the residential area and I would note that I think that this property is being held for the development of future residential developments too. I mean right now there is just a couple of houses there or a house that is owned by the person that owns Double Up LLC I think they own the house I think that is the case but that person also wants to develop a senior citizen center living area I believe on the acreage that sits behind to the east here so the area is anticipated from the owner of the property anticipated to become more residential not less residential. I mean it is not like this area is going to become more commercial. It will become more residential.

Vice Chairman Fortier said I am just confused about location selection I guess. It just seem like an in appropriate spot to advertise something that is 800 feet down the road. It kind of reminds me of Wall Drugs for the next thousand miles you see the Wall Drug sign.

Mrs. Gregor said there is a full over growth of trees between this particular property and the country club because of the bike trail the future proposed bike trail and the property how it is kind of overgrown.

Mr. Yurko said we could cut down the trees.

Mrs. Gregor said are you in the tree cutting down business.

Mr. Yurko said we can do anything for better visibility for a sign.

Vice Chairman Fortier asked if there is any other questions from the board. Open it to the audience. Is there any one for or against this variance request? State your name and address please.

My name is Gregg McColly with Innsbrook Country Club 6701 Taft Street. I hear a lot of questions in regards to the easements and part of the problem with this sewer was there weren't any easements and they came now and have an easement in our parking lot on Innsbrook property but not the actually house we are talking about and the reason was we don't have it in that corner where you spoke about possibly putting the sign is where all the sewer work is going to be and they will need access in the future. We thought by moving it back it would be more suitable you can see it heading north and I think that the visibly is not as good to the south. That was our reason and we also stated if there is any problems in the future we are willing to move the sign. We own both properties and if it is a problem we will just take it out. It is not like a permanent billboard.

Mr. Yurko said it is not a billboard, it is not a skyscraper.

Mr. McColly said we would be willing to put it in writing that any problems that it causes we will remove it. That is all I have to say Thank you.

Mr. Touchette said if you are going to approve this Special Use Variance I would ask that somehow this be conditioned on an actual location serving being done that are there ok. MCD does have a sewer line that runs through there. The original easements were not recorded so those easement they got easements but they didn't record them and now they are lost but the sewer line is still there and so as a matter of law MCD positions is called an easement by prescription if nothing else. An easement by prescription is we have been there for 40 years and by law it is kind of like squatters rights like adverse position like regular real estate if you were going to be owning it but it is the easement part of it so we've got the right to be there we have been there for 40 years so we would want to show an actual location in relation to where your sign is and where it would be and also the IHCD will have something going through there that needs to be shown in relation to where the sign would be and whatever NIPSCO or Indiana American Water Company I don't know what they have there that should also be shown. We don't want to be in a position where you did say this sign is you have money in this sign this is not some cheap sign and you don't want to get it to where you build it one year and then the next year well we have a problem with an underground utility this sign has to come down well then it is a question of at who's cost does it come down. There have been other projects in Town here where not sufficient pre planning has been done with the location of underground utilities and road work that was done where things got all messed up and projects drug out for many times there planned duration there were a lot of extra cost involved so it is better if you are going to approve the sign here that these things settled up front the actual location. I guess the Town engineers that would be dealing with that and Dorinda.

Mrs. Gregor said the Board of Zoning appeals can request that a commitment can be placed on this that at any time that area however you want to word it is build up as a residential or if you want it to be removed then it should be removed but a commitment would have to be recorded along with this petition.

Mr. Yurko replied we have no problem with that. Those concession and I presume this board would make a favorable recommendation and then it would go on to the Town Council for the ultimate approval.

Mr. Holtz said even if we made an unfavorable

Mrs. Gregor said it would still move forward

Mr. Yurko said I would prefer the first one.

Mr. Touchette said it is the ultimate decision by the Town Council.

Vice Chairman Fortier asked if there are any other questions. I will open to the board for a yea or nay or deferral.

Mrs. Gregor said once again we only have 3 member here so they all have vote the same way. Unless you want to wait till the next meeting possibly all 5 members will be here and you can get a more favorable recommendation but that is up to the Board of Zoning Appeals.

Mr. Holtz said I can see us moving it on to the Town Council with an unfavorable or not unfavorable no recommendation let them decide. I don't think it would be a good chance that it would not be favorable with 3 votes here.

Mrs. Gregor said that is your motion.

Mr. Holtz replied yes. Move it on to the Town Council with no recommendation

Mr. Stojakovich said Mr. Chairman I would like to second that and for the reason of I know for a fact that within the next two weeks that whole area is going to be under huge construction. Notice to proceed from Independence Hill have been given, notice from MCD they will be getting in there taking down that fence they are going to be putting in a huge sewer connection structure within the next week to two weeks you will see heavy equipment out there ok. Maybe after this construction is done this is going to be a short construction project in that area because it is going to start there and move south very rapidly you will be able to see a better location or use that part of your parking lot inside of the fence to put up a nicer sign permanent. So I will second your recommendation Mr. Holtz.

Vice Chairman Fortier said we have a first and a second to defer this to Town Council with no recommendation and I guess we need to take a vote on it. We do let's take a vote on it them.

Mr. Holtz yes, Mr. Stojakovich yes and Mr. Fortier yes.  
Motion carries

Mr. Yurko said Thanks I think. Have a good evening

### **NEW BUSINESS**

#### **Z8E5-0314 TENDER LOVE CNA ACADEMY, PETITIONER**

**CLAIR HOCKSENA, OWNER**, Located at 7895 Broadway Suite N for a Special Exception approval in a C-2 Community Commercial zoning district for a health care training (school) facility.

Shondra Phillips and I reside at 4847 Monroe Street in Gary, Ind.

Donna Shaw 9645 W 77<sup>th</sup> Avenue Schererville, Ind

Vice Chairman Fortier said what have you got for us.

Ms. Phillips said we come this evening to get zoning approval for opening a training center. We currently operate across the street right now at 7895 Broadway Suite L as a Home Health Agency where we employ certified Nursing Assistance as well as homemakers and we send them out to the homes for people that need help with their love ones.

Being nurses and being in the Home Health field that we could open up a training center to train other individuals that are interested in being CNA because we are short of those. We look for different people to come in but there is a shortage so we figure we could open up and train some individuals the way we want them trained of nurses that people need them in the home as well. There is a vacant space next door so we use that as our home base.

Ms. Shaw said I am also a registered nurse and I am also the Assistant Administrator and there are two other young ladies and we are the owners of Tender Love Home Services where we employ skilled nurses. We send out Physical Therapy and also home health aides and CNA that go into the homes that help the elderly or else anyone else that needs services that are not able to provide the care that they need as far as with their health. We also have homemakers and attended care. People that go into the homes and clean up around the homes of the clients home that are unable to do these things after they have gotten ill. With the Home Health Agency we go out and do baths for the clients we prepare meals we help the people that are not able to help themselves. That is basically what we are here for is to help one another. We never know what can happen to us we don't know what condition we are going to be in we could leave out here today and something could happen to us and we would hope that we would have someone that will be able to come in and take care of our loved ones and take care of them the way they should be taken care of and that is why we want to open up this academy because the people that we do train once we trained them we know that they will be qualified to be able to take care of the individuals the way we want them to be taken care of. Also we will be able to help with some of the people that are unemployed out there and provide jobs for them and we know that they will be guaranteed a job once they leave out of here as long as they pass the curriculum.

Mrs. Gregor read her staff report. Conditions is approved for this petitioner only at this location only for this use only.

Vice Chairman Fortier asked if we have any questions from the board. I will start them do you know how many other facilities offer training in CNA at this time.

Ms. Phillips said I believe there was one across US 30 and they were called CNA Academy but I think that they are closed for some odd reason. No other ones around here that I am aware of.

Vice Chairman Fortier said so Purdue and IU doesn't offer a training or the hospitals don't offer training.

Ms. Phillip said I think that IVY Tech has a class in Gary.

Ms. Shaw said I don't believe that Purdue or IU no. I know they have the nursing programs.

Ms. Phillip said no CNA training program.

Ms. Shaw said registered nurse program.

Mrs. Gregor said the Town of Merrillville has approved about 5 if they have stated that one has closed across US 30 I believe it. They used to be next door and then they moved to a larger facility went through the approval process both times so there are about 4 currently within the Town of Merrillville that has been approved.

Vice Chairman Fortier said it is a 4 week program.

Ms. Phillip said we are going to start with 4 weeks and if we need to extend it to 5. We have a curriculum that we are trying to start now and we are trying to see if that is enough time. We want them to be trained adequately and sufficient so we may need 5 weeks. The state requires it to be 105 hours but we may extend ours to 115 or 120 depending on how fast the people learn and what we want them to learn. We don't want to just put them out there just the basics. We want to teach them a little bit more.

Vice Chairman Fortier said so there are certain guidelines set by the State that you would have to follow as far as training and continuing education and that type of thing.

Ms. Phillip said we can't provide any paper work until we have a place and then they come and inspect and approve.

Mrs. Gregor said these ladies are first hand experienced in the health care field they see what is needed out there and I think that they will be providing an excellent service for their clients or anyone else that may come across your program. Once again nurses see it all so they know what is needed out there.

Ms. Phillip said we both started as CNA's

Ms. Shaw said I have been in this for over 20 some years. I started out as a CNA before I got my bachelor in nursing and then I went into the administrator part of it and now we are on our own.

Vice Chairman Fortier said I just know that Home Health Care can be quite lucrative if set up correctly so I just want to make sure that we are not setting up a puppy meal. Turn people out in 4 weeks whether they are trained properly or not. It doesn't seem like it is your attitude.

Mrs. Gregor said it sounds like they want to retain the people

Mr. Holtz said with your education they can get certified.

Ms. Phillip said yes there is a State test that they have to take if they want to be certified. A lot of time people can hire them without being certified but we want them to be certified and we help them past the test and that is through the State of Indiana that they have to pass that before they can be certified.

Mr. Holtz said I know when I worked at a facility that hired CNA's they wanted them to be certified so I just wanted to make sure that with your training they should be able to get certified.

Ms. Phillips said that is one of the requirements is that they do get certified. We include that in our tuition it is included it is not a separate fee.

Mr. Green said Commissioner I just have one question. Ladies was the landlord of the building only limiting you to ten parking spaces or are you allowed to use the parking around the back as well.

Ms. Phillips replied yes the parking around the back as well.

Mr. Green said I didn't know whether they were being limited.

Vice Chairman Fortier asked if there are any questions from the board. Seeing none I will open this to the public. Anyone wishing to speak for or against this petitioner. It doesn't seem to be any interest there either so I will bring it back to the board if we have a motion for or against.

Mr. Stojakovich said Mr. Chairman I would like to make a motion to approve Z8E5-0314. It just seems like we had a school come in tonight and these ladies. That is two good additions to the Town of Merrillville.

Mr. Holtz seconded.

Vice Chairman Fortier said we have a first and a second can we get a roll call.

Mr. Stojakovich said we sure could. Mr. Holtz yes, Mr. Stojakovich yes and Mr. Fortier yes.  
Motion carries

Mrs. Gregor said there will be two more meetings that you will have to attend. I will let you know on those dates.

**Z9V2-0314 KENNETH ADAMS, PETITIONER & OWNER,** Located at 6902 Hendricks Street for a Variance from Sec. 21-77 (3) to allow a 1200 square foot second garage (detached) in an R-1, Single Family Residential zoning district for retirement hobby area and for personal storage of vehicles and motorcycle.

Good Evening my name is Ken Adams and my address is 6902 Hendricks Street and as you mentioned I am looking for a variance. Something to take my time up because I am getting ready to retire. I need a little more storage area for my vehicles and stuff like that.

Mrs. Gregor read her staff report. If approved conditions are for this petitioner only, for this location only, for this use only and cannot operate a business from the property.

Vice Chairman Fortier said I will open to the board for questions.

Mr. Stojakovich said one of the main questions that we ask is that you are not going to operate a business out of this.

Mr. Adams replied by no means.

Vice Chairman Fortier asked if he is going to be doing body work.

Mr. Adams said no possible something for my own use other than no.

Mr. Touchette said I see the pictures of the vette in here on the hoist is that in your current garage.

Mr. Adams replied yes.

Mr. Touchette said you have a hoist in your current garage

Mr. Holtz said so you are currently on 2 ½ acres is that the way I am reading it.

Mr. Adams replied yes.

Mr. Holtz said 5 acres wouldn't be a problem.

Mrs. Gregor replied right.

Mr. Holtz said so the existing shed is still going to be there or is it going to be removed.

Mr. Adams said it is going to stay like I said my bother passed away he lived on the south side of me. Him and I built that shed prior to his passing and we used that for our tractors, rotor tillers.

Vice Chairman Fortier said I do think that you were the only one along that stretch that didn't have more than 3 buildings on it.

Mr. Adams said I am the last of the bred just about on that street.

Vice Chairman Fortier said it is a good area for that.

Mr. Holtz said it says that it would be paved per code. I also noticed on Google map that your brothers existing building was paved partially and gravel the rest.

Mr. Adams said it is gravel. Both of us paved our driveways at the same time and added a horseshoe so we could turn around in our driveways. His driveway is paved to just west of the house. Actually there is a swimming pool behind the house and after that it goes to gravel to the back building.

Mr. Holtz said so it is gravel

Mrs. Gregor said as you know we don't permit gravel driveways. So we are not here to address what is existing on his neighbor's driveway.

Mr. Holtz said his will be paved.

Mrs. Gregor said yes it will be paved once we issue the permit provided the work is started within 6 months of issuance of the permit he has up to 2 years to complete. He did make mention that he will lay gravel down but he will want to make sure it is compacted enough before he paves it. So we are going to give him a little bit of time in that 2 year period.

Mr. Holtz said and if it is not done..

Mrs. Gregor said then we will go after him.

Mr. Holtz said I just wanted to know what the Towns ramification against residence that don't adhere to

Mrs. Gregor said we will go after him. He can be fined.

Vice Chairman Fortier asked if there are any other questions from the board. Anyone in the audience care to remonstrate against this petitioner. If not I will open it up to the board for a suggestion.

Mr. Holtz said I would like to approve case number Z9V2-0314 for this petitioner only for this use only for this location only and no business operated from this property.

Mr. Stojakovich I will second that Mr. Chairman

Vice Chairman Fortier said ok we have a first and a second. If we can get a roll call vote please.

Mr. Holtz yes, Mr. Stojakovich yes and Mr. Fortier yes.  
Motion carries

Mrs. Gregor said you can come in an apply for your building permit.

**Z10E6-0314 MC AMUSEMENTS INC., PETITIONER**

**EIGHTIETH PLACE LLC., OWNER,** Located at 40-44 West 80<sup>th</sup> Place for a Special Exception approval in a C-2 Community Commercial zoning district for a restaurant/bar with entertainment.

My name is Mike Dowd

Vice Chairman Fortier said tell us what you want to do.

Mr. Dowd said we would like to open up a restaurant/bar. The restaurant will consist of pretty much American food. Hamburgers. Chicken sandwiches, salads not a real large menu. Then the sports bar is more of our theme. So if we have entertainment it will be on Friday and Saturday perhaps on Sunday afternoon or Sunday evening. I don't think that we will go beyond 1:00am. Three piece band or sometimes maybe a 4 piece band and I am not saying every week.

Mrs. Gregor read her staff report. Conditions if approved for this petitioner only at this location only for this use only.

Vice Chairman Fortier said alright open it to the board for questions.

Mr. Green said commissioners I just have one question just want to clarify. The Thursday, Friday and Saturday evening from 8:00pm until 2:00pm do you mean to 2:00am.

Mrs. Gregor said did I put 2:00 pm I meant 2:00 am. I am sorry.

Mr. Touchette asked if you have the liquor license already

Mr. Dowd replied yes.



Mr. Holtz said 3 way

Mr. Touchette asked if he has pizza ovens there.

Mr. Dowd replied not yet. We are waiting for the approval then we can do some.

Mrs. Gregor said in the past we have never given a business an open blanket to have whatever kind of entertainment so you may want to limit some of the entertainment, the nights of the entertainment and the times of the entertainment so.

Vice Chairman Fortier said I was just going to ask if have given approval for lots of restaurants/bars to stay open to 2:00am with entertainment.

Mrs. Gregor said a couple.

Mr. Touchette said I think where that is there isn't really any residence.

Mrs. Gregor said there is no residence surrounding this.

Mr. Holtz asked if that was the old God Fathers pizza that was years ago.

Mrs. Gregor said once again we did have a problem in the past with patrons throwing their garbage as they left the premise. Maybe whatever garbage they had in their car that they didn't want any longer and so the other tenants really did complain. We want to make sure that area is keep clean. So you may want to be cognitive to that fact.

Vice Chairman Fortier asked if there is any additional security required in a business this size with 3 way liquor.

Mrs. Gregor replied no. If they choose to have security but we have never regulated what the 3 way liquor license requires.

Vice Chairman Fortier said since it was a similar facility prior to this except for a different owner it should be pretty well set up to hold this type of establishment.

Mrs. Gregor said I think that it is pretty well set up they may want to bring in tables and re paint put their own flare on

Vice Chairman Fortier said we are just over riding the Pettit ordinance here.

Mrs. Gregor said also the previous tenant has been closed for more than 180 days. This would have had to come forward anyway.

Mr. Touchette said so if you were going to approve this would you want to do this has a condition that the entertainment take place as described in Dorinda's staff report.

Mrs. Gregor said or he had mentioned Sundays. I was only given the idea that it would be Thursdays, Fridays and Saturdays. If the members would want to approve Sundays that is up to you.

Mr. Touchette asked would you like to have Sundays.

Mr. Dowd said I would like to have Sundays but it would probably be earlier and end earlier. It wouldn't be going to 2:00am it would probably go to 12:00 or 1:00 and I don't know how many Sundays but I would just like to have that option. Our big night would probably be Friday and Saturday night. In again the biggest band we would have would be a 4 piece band. Three piece bands would be probably be thinking of.

Mrs. Gregor said are we talking a band like a guitars and drums.

Mr. Dowd said a 2 piece could be one person could do a whole setup. You have the organ the music and a 2 piece would maybe have a guitar with an organ. The 3 piece could be with a drum, a bass player a horn or a flute. It is not heavy rock n roll it is not heavy metal.

Mrs. Gregor said that was my concern that it would be attracting 21 year olds and come in just to hang out because you are bringing in these bands.

Mr. Dowd said we would like to cater more to 30, 40 or 50. We don't want to discourage the younger kids. You may get these families and come up the other nights and have sandwiches and the parents go home and the kids come up later. It is more for the older group.

Mr. Touchette asked if you have run this type of operation before.

Mr. Dowd said I have I have been in the bar business twice. One was a large place that was actually in Illinois and another place that was more of a restaurant than bar. It was in Glenwood, Ill. It is called Margareta's now but it was called Sidelines back then. Both were run well but I don't have police calls or nothing like that. You can go back in my records. I understand the parking lot and cleaning up things.

Vice Chairman Fortier asked would you have 2 separate entrances so that children would not be able to enter through the bar entrance correct.

Mr. Dowd said it will I think that it will always be 21 and over in this particular bar.

Vice chairman Fortier said but you do have seating by the kitchen and a separate front entrance correct.

Mr. Dowd said that is correct.

Vice chairman Fortier said you would have family

Mr. Dowd said in the kitchen area you could set that up and that would be an entrance for the families and the other side is where the bar is at and that would definitely be 21 and over.

Vice Chairman Fortier asked if there are any questions from the board.

Mrs. Gregor said if the members are concerned with larger types of bands coming in there I would probably recommend security because as you know the nightclub up on 83<sup>rd</sup> Ave of course it was a larger facility than this

Mr. Touchette said they have had bad experiences with large bands.

Mrs. Gregor said even though you may be catering to the more mature audience or clientele.

Vice Chairman Fortier said alcohol even mature audiences and the other concern I have is we are not looking at any outdoor activities.

Mr. Dowd said no dancing in the street.

Vice Chairman Fortier said we have had tents go up and beer kegs opened and parties in the parking lot.

Mr. Dowd said I have nothing in my plans thou it is an idea. No I am not doing a block party type of thing. If I had a facility much, much larger that would be a thought but not in this. This is 60 people would be the occupancy of this location.

Vice Chairman Fortier said we have a concern with security after large groupings or certain time. We have a concern about the type of entertainment being available. Things that need to be discussed or addressed.

Mr. Holtz said I was just thinking I realized 60 is including the family area.

Mr. Dowd said I would have to wait for the occupancy on that.

Mr. Holtz said you are only going to have so many with the fire code.

Mr. Dowd said 60 would be the maximum number in there. Personally I think 40 when.

Mr. Holtz said I know with some entertainment you may have...

Mr. Dowd replied 40 to 60. You can only have so much.

Mr. Holtz said you may have to turn some away

Mr. Dowd said I am not trying to draw a thousand people to this location. It makes bars last a long time if you can get neighborhoods to like the bar. It is the people in the area that really draw. I am not trying to draw from all over the place. So if I have good reasonable food and I don't have a big menu but if it is good, if it is reasonable people come in and get a sandwich and a beer or two and go back to their homes

and then have something for the evenings and weekends they may want to sit around and listen to the music.

Vice Chairman Fortier replied I was just thinking that the previous restaurant had a midnight entertainment stoppage and we are looking for a two hour difference here it would possible be suggested if you have anything after midnight you have security for those two hours. It would be about an 8 hours commitment.

Mr. Dowd said if you think that you need it for 40 or 50 people I always have some type of security that I hire. When you are really talking security from someone on the outside that is in security business. I just know that from a legal point of view I am always going to have someone in the evenings to look over beside myself or one of the other people. When you put that ok we will get a security person from a security company that does those 2 hours it does run more. I don't think I am going to have those situations. I don't picture but we don't know what the future holds but I am not picturing a brawl or fight like that. There will be staff there that will calm them down.

Vice Chairman Fortier said it was just a thought since we are looking at until 2:00 in the morning. Usually at 2:00 in the morning those are the ones that people go to because the other ones are closed down so.

Mr. Stojakovich said I don't know the bar across the street doesn't get going until 1:00 in the morning 2:00 in the morning it is jam packed. Hy Dads been known to draw their crowd at 2:00 on.

Mr. Dowd said I don't know if there is any 2:00 or 3:00 license or 4:00 license.

Mr. Touchette said 4:00 is it. The last call is always at 3:00.

Mr. Dowd said I wasn't requesting a 3:00 or 4:00 license. I don't want to be up that late/

Vice Chairman Fortier asked if we have any more questions from the board.

Mr. Sedrick said board members I have a question. Will smoking be allowed?

Mr. Dowd said if I had it my way none. Smoking could be in the bar area but not in the restaurant part. The part for the eating.

Mr. Sedrick said and the only separation would be a door.

Mr. Dowd said there is a little banquet place that we call it.

Mrs. Gregor said isn't that regulated by the State now. If restaurants can have smoking verses non I thought that I read somewhere that casinos can have smoking but I wasn't sure that bars could do that anymore.

Mr. Touchette said I think that Hy Dad's has a sign on the door that it is a smoking bar don't they.

Mr. Sedrick said I know that some are grandfathered in.

Mr. Dowd said I am going to encourage no smoking. I think that the whole state should go smoke free personally.

Mr. Touchette said I think that without smoking their business is in proved.

Mr. Holtz said is that a hallway leading to the restaurant on this drawing.

Mr. Dowd said there is coming from the back there.

Mr. Holtz said I was just curious if the family area how the kids get to the restrooms if they have to go through the bar.

Mr. Dowd said you are right about that.

Mr. Holtz said so that is a hallway.

Mr. Stojakovich said would you be interested in putting in a 3 piece combo on a limit.

Mr. Dowd said I don't think that there will be a lot of 4's because it cost money. Again you are going to be 40-to 60 people. I would like to have 4 I know there will never be 5 but most of it will be 2 or 3.

Mr. Holtz said I could go with 4.

Mr. Touchette said a Jazz Quartet.

Mr. Dowd said it won't be 5.

Mr. Holtz asked are you charging a cover.

Mr. Dowd replied no. We may have a special band I shouldn't say that I don't know that for sure. Right now I don't have a cover charge right now. But if we get a nice band then yeh we could have a \$5.00 cover charge or \$10.00 cover charge.

Mrs. Gregor said should we limit it up to a 4 piece musician DJ's permitted. Now are we going to do the days of the week?

Vice Chairman Fortier said this is your opportunity if you want Sunday lets us know that you want Sunday.

Mr. Dowd said I would like to have Sundays that would be fine if set that maybe at 1:00 or 12:30 I don't mind. Friday and Saturday I would like to have it we have closing at 2:00 and we go to 1:30 with the band they would have to shut down and that is when I would start to work everybody out anyway. Thursdays I don't mind if we go to 12:00 or 1:00 would be the very latest. If I can pick something also I would like to go to 1:00 on Thursday, Friday and Saturday 1:30 and we close on 2:00 and Sunday say 12:00.

Vice Chairman Fortier said Thursday through Saturday give them the 2:00 and then Sunday at midnight.

Mr. Dowd said with the band and liquor License we have until 2:00 but I wouldn't have a band after midnight if you want.

Mr. Holtz said right.

Mr. Touchette said you will probably be pushing them to pack up at 1:30 no matter what.

Mr. Dowd said I will I want everybody out the door. You know how it is sometime.

Mr. Touchette said you get talking sometimes and you lose track of time.

Mr. Dowd said when you shut the band down they get the idea.

Vice Chairman Fortier asked if there is anyone from the audience that would like to petition for or against. Seeing none I will put it to the board for a recommendation.

Mr. Stojakovich said Mr. Chairman that we do approve Z10E6-0314 with the exceptions that I am going to speak of right know.

Hours of operation from Thursday to Sunday for the entertainment will be from Thursday through Saturday till 2:00am Sunday till midnight that was for entertainment

Mrs. Gregor asked if you are going to have a starting time.

Mr. Stojakovich said and no more than a 4 piece combo.

Mr. Stojakovich said entertainment will start at 8:00

Mrs. Gregor said that was so that the tenants would be gone.

Mr. Dowd said Sunday but we are going to close early. But I would like to have permission to start at 4:00 on Sunday. That whole mall is closed up on Sunday and it really wouldn't be affecting anybody then in that situation.

Mrs. Gregor said 4:00 to midnight.

Mr. Stojakovich said 4:00 to midnight sounds good to me. We will change those hours of entertainment on Sunday from 4:00 in the afternoon until midnight. For this petitioner only, at this location only for this use only.

Mr. Holtz seconded the motion.

Vice Chairman Fortier said we have a first and a second with a bunch of conditions. Would you like to take a roll call vote?

Mr. Holtz yes, Mr. Stojakovich yes and Mr. Fortier yes.  
Motion carries.

Mr. Dowd said Thank you.

Mrs. Gregor said you have 2 more meetings and I will call you on those.

Mr. Stojakovich said seeing no other business I would like to make a motion that we adjourn.

Mr. Holtz replied I will second.

Vice Chairman Fortier said all in favor say aye. Motion carries to adjourn.

Meeting adjourned at 8:45pm

Respectfully Submitted  
Janet Rosko

