

**MERRILLVILLE BOARD OF ZONING APPEALS**  
**April 23, 2014**  
**6:30 PM**

The Board of Zoning Appeals meeting of April 23, 2014 was called to order by Chairman John Minchuk at 6:30pm and led the group in the Pledge of Allegiance. Members in attendance were Mrs. Krafft here, Chuck Stojakovich here, Ric Holtz here, Tim Fortier here, and John Minchuk here.

Staff in attendance was Dorinda Gregor, Attorney Touchette and Sedrick Green of Robinson Engineers.

Mr. Stojakovich said let the record show we have 5 people tonight for this BZA meeting.

**MINUTES:** March 26, 2014

Chairman Minchuk asked does anyone have any questions or comments on the minutes.

Mr. Holtz said page 10, I don't know if you want to change it. It says I have copies of the dates and I think it should be deeds under Mr. Touchette. It is the 6<sup>th</sup> paragraph. It is the very last sentence in that paragraph.

Mr. Touchette said it should be deeds.

Chairman Minchuk asked if there are any other corrections or additions. Seeing none can I get a motion to accept as read?

Mr. Fortier said I would like to make a motion that we accept the minutes from last month's meeting with the correction.

Mr. Holtz seconded the motion.

Chairman Minchuk asked all in favor  
The board replied aye.

**COMMUNICATIONS:**

Mrs. Gregor said we have one but we will wait for that petition.

**COMMENTS FROM THE 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 any 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**

None

**NEW BUSINESS**

**Z11E7-0414 ST. SAVA ORTHODOX CHURCH PETITIONER AND OWNER,** Located at 9191 Mississippi Street for a Special exception approval in an A-1, Agricultural zoning district on 15 acres at the northwest corner of the property for an orthodox cemetery.

Chairman Minchuk said we do have a letter on that.

Mrs. Gregor replied yes.

Chairman Minchuk said would you please read that Mr. Stojakovich.

Mr. Stojakovich replied I sure will

This letter is dated April 23, 2014 directed to Dorinda Gregor, Zoning Director Merrillville Board of Zoning Appeals.

Regarding the hearing of 9191 Mississippi Street Lake County Merrillville Indiana. I have recently bought 98 acres of land I feel it is inappropriate to have a cemetery on industrial commercial area. It will adversely affect the value of my property.

Sincerely  
Arshad P. Malik MD

Chairman Minchuk asked is that person here that wants to speak. He said it is a industrial/commercial. It is not industrial/commercial.

Mrs. Gregor said not the St Sava property. Their property is agricultural. This is directly south of St Sava which does turn into a M-1/M-2 zoning district. I scaled it out and they are about 3000 feet away from the most southern corner of where the cemetery would be and then I scaled it out from the residential area from where Councilman Pettit lives and that is 1300 feet. Councilman Pettit said he didn't have a problem.

Chairman Minchuk said I was there today and kind of looked over the area. You have been by there haven't you Chuck.

Mr. Stojakovich said oh yes it is a huge area and a beautiful church.

Chairman Minchuk said I don't really see a problem myself.

Mrs. Krafft asked if there would be fencing around the cemetery.

Chairman Minchuk said we will get into that when we ask them to speak. Ok who is speaking first St Sava please come forward. Who do you have with you?

I am Mike Djordjevic a member of St. Sava Church and the current Vice President of the church. I have our attorney here. Attorney Marilyn Hrnjak it is a pleasure to be here. A couple of our priests Father Marko and Father Bogdan and the engineer Mr. Georgevich. What we requested actually is the south east corner of the property. Let me put it this way it is the southeast corner of the intersection of Mississippi and 89<sup>th</sup> Ave. It is about 15 acres currently plowed with farm as it was in the past probably as many years as the plowing goes back. We are asking for that 15 acres to be rezoned from A-1 presently farm land to cemetery and we are aware that Mississippi is being widen and we do have drawings on it. We have gone through that with the Town of Merrillville people and have been compensated for the easement and we are going to stay away as far as the rules call the easement calls for and the need for the cemetery is very much so we have about easily 10 plus that work with churches in Lake County area. Those who have two cemeteries in Illinois one is by Gurney and one is in Libertyville. They are both 100 miles away from here.

Chairman Minchuk said I am familiar with the Libertyville I have been to that one.

Mr. Djordjevic said we are trying to open up something here like a I stated. We have about 10 orthodox churches we don't have a orthodox cemetery per say not that we are deviating from anybody or anything. It is just so we would like to have an orthodox cemetery and we have a lot of parishioners that would like to have their lots and plots and dear ones buried on our own property. We have had that church for the last 20 years we built that. We have all the building that is required. We had a church for prayers we have the pavilion that is coming into the picture now we have all the legal permits for that and garages and what not. We do not have any buildings on the property itself on the 15 acres itself so we are just asking for the rezoning for that 15 acres from farmland to the cemetery.

Mr. Touchette said I would like to make a correction for the record. What you are really asking for is an application for a Special Exception ok. You don't need to change the zoning. Legally you are not asking to change the zoning because that would be a totally different proceeding than what we are here for. It is easier to get a Special Exception than change zoning anyway.

Mr. Djordjevic said did we not fill out the application.

Mrs. Gregor said you filled out the application to allow a cemetery to be located in an A-1 zoning district.

Chairman Minchuk asked Mrs. Gregor to read the staff report.

Mrs. Gregor read her staff report.

Chairman Minchuk asked their Attorney Marilyn Hrnjak do you have anything to say.

Ms. Hrnjak said no I think that the request as per the petition speaks for itself and we would respectfully request that the Special exception be granted.

Chairman Minchuk said our attorney is sharp. Anybody have any questions before I go to the remonstrators.

Mrs. Krafft said the building that you had mentioned you have no plans for that as of yet.

Mr. Djordjevic said that it may not even be necessary. Like I stated we do have the pavilion that may be easily turned into probably a holding of the remains briefly but usually the deceased people will come to church and we will read the prayers over and the front road goes right into the cemetery. As per your request we have gravel there but we can go to with blacktop we have no problems with that we want to comply with the local zoning requirements so we won't have problems. That building that was mentioned there might be a garage in the future or a pole barn just for the tractors or equipment that we might acquire eventually for the digging of the graves and so on. I think that it is shown in dash lines. Usually doesn't the engineers show something in dash line for the future and that may not happen so.

Mrs. Gregor said if it becomes like a crematorium then you would probably have to come back through for another approval for that type of use on the property. If it becomes like a mausoleum where they just have interior burials then that is fine.

Mr. Djordjevic said I did get a response from the state when I asked them to submit me a form for the cemetery they send it back to me and said you don't need any forms from us because you are not building any buildings now on the cemetery itself so I left it at that.

Mrs. Gregor said you may like have to go to the State of Indiana there may be some type of forms for cemetery approval. They may have to have come out and check the soil I am not for sure how that works.

Chairman Minchuk said that has to be one of the conditions.

Mrs. Gregor said that they receive any future approvals that are brought back into our office so we have that documentation.

Mrs. Krafft asked if this building would be close to the entrance or back further or what.

Mr. Djordjevic replied that the building that is shown as it goes on the drawing is actually probably about 300 feet away from the center line of Mississippi Street east. It is not even dimension there it is just put out there just in case we need something 10,000 square feet I said for the tractors and what not the equipment but we do have a present garage that we have our tractors in and lawn equipment and what not so we may use that at present you know whatever is needed and if there is a need for a future building of course we are going to go down state and obtain the property permits as we did in the past for all the buildings that were built out there. This time they answered to me and told me you don't need any permits from us because you are not building any buildings at this time.

Mr. Fortier asked will the grounds be maintained by parishioners or a contracting group.

Mr. Djordjevic said the grounds will actually be maintained by the parishioners but the digging of the graves will be jobbed out by the professional and there are quite a few of them around here and they bring their equipment they bring their trucks and everything and covering and blankets and planking and what not that will be strictly jobbed out to them and paid by us. We will maintain the ground as far as cutting of the grass and planting the shrubbery around as fencing for now and maybe in the future we will come up with some fancy fence.

Mrs. Gregor asked if they are going to plant any landscaping or any trees in the interior of this cemetery like some cemeteries currently have to make it more tranquil or is it just going to be all.

Ms. Hrnjak said I don't know if there are any immediate plans. I think that might evolve as it develops in itself. I think that it has develops in itself. It is determined that we do need something for ecstastic's or otherwise the relatives of those

Chairman Minchuk said does that come under our environmental

Mrs. Gregor replied yes and they may look at it as a cemetery but the environmental committee will advise you to put some plantings along Mississippi and 89<sup>th</sup> Avenue and meet that requirement.

Ms. Hrnjak that won't be a problem

Chairman Minchuk said I don't think that would be a big problem we do have ordinances on that.

Mr. Djordjevic said I do understand that and are aware that you are going to have a sidewalk there for the duration from 93<sup>rd</sup> to 30 or 40 on the east side of Mississippi Street for a bike route or walkways 4 foot or 6 foot walkway so maybe for that reason it would be nice to plant something to present that looks good.

Mr. Holtz said the staff report says that the egress and everything is going to be through your current drive but the rendering shows it is going to have access directly to 93<sup>rd</sup>.

Mrs. Gregor said well their property doesn't currently access off 93rd it accesses off 91<sup>st</sup>.

Mr. Djordjevic said for our festivals we come in on the south entrance between the south entrance and 93<sup>rd</sup> there is only about 3 or 4 hundred feet of Mississippi Street that we would use for the funeral processions of the other churches you know.

Mr. Holtz said I guess according to the one rendering it shows that you are going to have an entrance off of Mississippi.

Mr. Djordjevic said into our property that is our present entrance.

Mr. Holtz said in Phase 11 you have the circle and then you have a driveway going into Mississippi.

Mr. Djordjevic I am unaware of what drawing that you are looking at. Can I see that if you don't mind?

Mrs. Gregor said yes you sure can.

Mr. Holtz said it shows that you are going to be accessing Mississippi Street here (drawings).

Mr. Djordjevic said that is the rendition of Tribute Company that we are not dealing with. We are taking this upon ourselves so it is more like a manual sketch made. We are absolutely not going to come in from there we are not. The Town of Merrillville highway committee will not allow us...

Mrs. Gregor said they are not going to allow them.

Mr. Djordjevic said that is totally wrong I am sorry about that. I should have scratched it off of the drawing because we already went through that and we have drawings on the widening of Mississippi and we know where the entrances our and stuff.

Chairman Minchuk said the circle drive from Mississippi St.

Ms. Hrnjak said that would remain the same. No change to that.

Chairman Minchuk asked if there is anybody else.

Mr. Fortier said I am not sure if it falls under the same regulations as waste landfills. They have to have a 30 year trust fund set up so that maintenance of the property continues even if the business closes. Have you considered?

Mr. Touchette replied I think that there are laws governing cemeteries and there probably be some kind of bond that has to be taken out for long term care of the

Mr. Djordjevic said we do have the fund for that we could channel some of the money toward that we have no problem with that. At the beginning we were advised that we might need 60'Gs or

Chairman Minchuk said the shrubbery that you are planning on putting around. Are you planning on putting a fence up for security? How are you going?

Mr. Djordjevic said Dorinda and I talked about it. Eventually we will do that I am not so sure we have to see how Mississippi Street goes through first and we will see how that looks first. We will probably come up with something in the beginning it might just be a cattle fence like forgive me for saying that but I mean in the future we are going to put up something sturdy and better

Chairman Minchuk said I don't think that we are allowed to have cattle fences.

Mrs. Gregor said you are not allowed cattle fences.

Chairman Minchuk said both cemeteries that I have seen in this area they all have some type of security. A fence or security or something there.

Mr. Djordjevic said we will have that on Mississippi and 93<sup>rd</sup> Avenue for the duration of the cemetery on both sides.

Mrs. Gregor said you can have light screening for that purpose too. Maybe if the bushes may be planted close together that people can't get through.

Mr. Touchette said like Calumet Park.

Chairman Minchuk said hedges around there or a fence.

Mrs. Hrnjak said and we do have gates at those entrances.

Chairman Minchuk said I would like to see that in the specifications for that.

Mr. Holtz said did you ever look at the west side of that retention pond on the east side of the retention pond so instead of being on Mississippi and 89<sup>th</sup> it would be more on 89<sup>th</sup> and the end of your property on the east side.

Mr. Djordjevic replied no we actually were just taking the first 15 acres of the intersection of Mississippi and 89<sup>th</sup>. We have 40 acres there the first 40 and the second 40 where the church is and the west 60 acres south that spans about 2600 feet from Mississippi Street

Mrs. Gregor said we have a rendering showing future expansion going east to your property line.

Mr. Djordjevic said that may be in the future but trust me I hope that anyone that lives that long. Just to tell you that in the last 100 years St. Sava has not buried more than 900 people.

Mr. Touchette said the occupancy here is probably 15,000 graves is that right

Mr. Djordjevic said exactly right so

Mr. Touchette said it will be a while before you fill that one up.

Mr. Djordjevic said I hope we will live to see that but chances are very slim you know.

Mr. Holtz asked if the gravesites are going to have monuments or is it all going to be flat.

Mr. Djordjevic replied it is going to have monuments. But we do have those in Grays Lake and Libertyville which by the way allows the crosses too which is a Serbian

Chairman Minchuk said if you have monuments that is why I say you need some kind of gated security or something. Again with monuments in there you want to cover from the outside to stop people from entering and destroying your monuments.

A gentlemen from the audience said we do have it gated now we close the gates at 9:30 or 10:00 both entrances. The U shaped entrance..

Chairman Minchuk said yes but I am talking about the cemetery entrance.

A gentlemen from the audience said we are starting off with evergreens and the fencing that we are looking at or thinking about is something that will match the church.

Chairman Minchuk said before you do that if everything goes through would you please see Dorinda on our ordinances for environmental

Mrs. Gregor said they will have to go through the environmental committee anyway which is an informal meeting. When they choose to put up a fence they will need a permit too.

Mr. Stojakovich said in the near future is there going to be any signs naming this cemetery or anything like that are lite up or..

Mr. Djordjevic said we will have a sign of course. We do have a sign now for the church but we will

Mr. Stojakovich said please talk to Dorinda on that and she will put you through all those steps.

Mr. Djordjevic said we will have a sign absolutely. Otherwise people will not know where it is

Mr. Fortier said I think that my last question is are these all ground burial sites or are you looking at crypts above ground burials.

Mr. Djordjevic said at this stage I think ground burial

Mr. Holtz said I have no problem with the cemetery I would like to have been more off of Mississippi like I said as far as on this rendering I noticed where you planned on putting it and that is where the farm is but have you ever thought of putting it on the this side.

Mr. Djordjevic said not at this right now that is sort because that is sort of wooded. There is a lot of woods there and we would have to clear it up and stuff and it is kind of steep it is very steep. So to open up an entrance for that would we would have to do it from 89<sup>th</sup> Avenue.

Mr. Holtz said my only concern was the ecstic's of a cemetery along Mississippi I was just looking to see if it could be put back here just away from Mississippi.

Mr. Georgevich said that is way beyond my life and yours. I am a member of St. Sava Church. We are not talking about any of these areas (referring drawings or maps) because by the time we built these none of us are going to be around.

Mr. Stojakovich said you did say you have some engineer's involved in this.

Mr. Djordjevic said we have two of us.

Mr. Stojakovich said I have one more question. You did say you had some engineers involved in this Has any of the drainage been addressed. The topo of this land I know that area has some drainage problems especially on the farm over there.

Mr. Djordjevic said not that particular area though. Not that 15 acres

Mr. Stojakovich said I want to make sure there is no kind of flooding or if there is excessive water sitting in that area.

Mr. Djordjevic said it has a very mild slop toward the east.

Mr. Stojakovich said before you give somebody a final resting place.

Mr. Djordjevic said absolutely not. There are no drainage problems there not at this time. It has a mild slope toward the east to the existing pond there.

Chairman Minchuk asked if there is anyone that would like to remonstrate against or fore. I have to ask that. We received one letter which I didn't agree with but that was just me.

Mr. Greogevich said when we built the church we had a soil boring before we started building the church so that reflects that portion of soil and also the drainage of the water level so we have that so that is a step ahead from when we are here.

Mr. Djordjevic said by the way if I may add that the St. Sava property in that particular area there is the highest in the Town of Merrillville. Old Chicago Lake is at 589 feet elevation and we are our church floor is at 719 so there is a big difference. So God forbid if there are any floods we are safe. Head for our church and you will be safe.

Chairman Minchuk said ok if there are no other questions or remonstrators can I get a motion.

Mr. Fortier said I would make a motion but I am somewhat unsure of some of the stipulations that were discussed that need to add to the motion.

Chairman Minchuk said to add to the motion they have to file plans with the State of Indiana be approved before we they can do that. They have agreed to a fence and shrubbery and check with the environmental. Those were the two that I was concerned about. Some kind of security and get the state license before they can actually continue with this.

Mr. Fortier said I would like to make a motion that we approve the Special Exception for case number Z11E7-0414 for this petitioner at the location for this use only with the additional request that they meet the Indiana State requirements and receive approval from the Indiana State for the cemetery and they do secure the property in some manner with fencing or shrubbery.

Mr. Stojakovich said I would like to second that for the reason that St Sava has been in this area for a long time and they are a very, very professional and they are the kind of organization that really takes care of their property and everything else that goes on there and I would think that this would be a very good addition.

Chairman Minchuk said I am familiar with the Libertyville I have been to that one there. I do have friends that are Serbian and so does Chuck. I have been to Libertyville and seen the cemetery property. If it is the same as the one in Libertyville I am 100% for it. Hopefully it is the same as the one in Libertyville. But you understand what your conditions are.

Ms. Hrnjak said yes absolutely

Chairman Minchuk said Chuck you seconded it.

Mr. Stojakovich said I did second it Mr. Chairman

Chairman Minchuk said with the conditions.

Mr. Stojakovich said yes.

Mrs. Gregor said you are aware that you have to move to future meetings at the Town Council level and a Environmental Committee.

Chairman Minchuk called a for roll call vote.

Mr. Holtz said just one more question. Can with the environmental stop them.

Mrs. Gregor said no they are just going to require them on landscaping. They are going to suggest what they can do to make it look better.

Mr. Holtz said ok

Chairman Minchuk said that the Town Council can stop it. Roll call vote.

Mr. Fortier yes, Mr. Holtz said I would really like it on the east side but I can't see anything wrong with it so yes, Ms., Krafft yes, Mr. Stojakovich yes and Mr. Minchuk said absolutely.  
Motion carries.

**Z12E8-0414 ACCESSABILITIES INC., PETITIONER AND OWNER**, Located at 8398 Mississippi Street for a Special Exception approval in a C-3 Highway Commercial zoning district for a training facility for individuals with disabilities

My name is Shannon Doughman and I am Renee Doughman.

Chairman Minchuk asked what are you here for.

Mrs. Doughman said we are looking to request a Special Exception so that we can have a training facility for people with developmental disabilities.

Chairman Minchuk asked what kind of disabilities are we talking.

Mrs. Doughman said they are adults and the training facility is for cognitive and physical disabilities but basically these are people who have a cognitive level where they looking to do training like a school verses working in a workshop so there is a huge difference in the cognitive level per say because they are looking once you become 21 in the State of Indiana you age out of high school and you have chances you can choose to stay home you can choose to go to a workshop like a traditional workshop sitting or you can choose to go to an agency such as ours which is kind of a new and up in coming philosophy if you will it is more of a training center where these people that come very day are actually learning job skills and living skills that they can go out and be independent.

Chairman Minchuk said it is not a day care center. Staff report Dorinda if you please.

Mrs. Gregor read the staff report.

Chairman Minchuk stated questions.

Mr. Touchette said I looked through your paper work here and I would like to say I think that this is a needed establishment and I think that this is a very good thing. I have a mentally handicapped niece she

is in her 40's now and she is in a workshop. It would have been nice if there would have been an option like this after she was out of high school. Looking through here I saw there was some paper work here about the appeal to the State Fire Marshall is that who you are appealing too.

Mrs. Doughman said it is a very complicated appeal...

Mr. Touchette said I can see there were some issues but you have your appeal filed with whoever needs to be.

Mrs. Doughman replied yes that is correct.

Mr. Touchette said and I guess you are expecting to hear on that relatively soon.

Mrs. Doughman said no it is going to be quite the process.

Mr. Touchette said what you are appealing is the need for sprinklers for fire.

Mrs. Doughman said first we are appealing the validity of the citation because it cited Indiana Fire Code which has been repealed and so that is the first thing that we are doing is actually questioning the validity of the citation itself and then we can go to the next step.

Mr. Touchette asked what the jest of what the Fire Inspector said you needed sprinklers

Mrs. Doughman said basically what happened was he came in and took a tour through our building and he decided upon he decided himself that our people where to mentally ill to get out in an emergency on their own and therefore our fire suppression and the fire system that we had was not going to be good enough therefore we would be required sprinklers because he said because of too mentally ill our occupancy code needed change from a B to an I- 4 which is an institution such as a jail or hospital and so the battle ensued.

Mr. Touchette said now you have already determined from down State that this is a business use right.

Mrs. Doughman said that is what the whole it is going into that.

Chairman Minchuk said they have to settle it right if it is an institution or

Mrs. Gregor said the ironic part about this is that probably come November they will be classified as a business.

Mrs. Doughman said correct.

Mrs. Gregor said the State code will change and it will reflect

Mr. Touchette said was my reading of this that they will be a business.

Mrs. Doughman said as of November 4<sup>th</sup>

Mr. Touchette said there is no overnight living or anything like that this is just strictly more like a school than anything.

Chairman Minchuk asked where did the word institution come in I don't understand is there a reason.

Mrs. Doughman said it is a Fire Occupancy code and it is for adult day care.

Mrs. Gregor said I have just this one copy I should have probably made more but you can kind of look at to

Chairman Minchuk said the Fire Marshall mentioned something to me about that. Is that the one that was previously it was mentioned it was institutions and there was some disagreement over that.

Mrs. Gregor said I am not for sure whether it was this one or Sincere Heart who is the next one.

Mr. Touchette said when Sincere Heart comes up you will see that they don't have to have sprinklers ok. They don't have to have sprinklers so my guess is this would be the less likely to have sprinklers ultimately.

Mrs. Krafft said there would be no smoking of course in the building.

Mrs. Doughman replied oh gosh no.

Mrs. Kraft said there would be signs and be supervised so they don't do it.

Mrs. Doughman said the staff and consumers there is no smoking just like the state law within 8 feet of the building.

Chairman Minchuk said I was going to say that is a State Law.

Mrs. Krafft said even the personnel.

Mrs. Doughman said that was what I mean the staff I am sorry yes anyone. We don't smoke so we don't like it so it can't happen in the building.

Mrs. Krafft asked if there would be cooking in the building.

Mrs. Doughman said yes.

Mrs. Gregor said they train the individuals to cook to know how to use a washer and dryer. Light skills and for them to go out into the public and apply for jobs that may need that type of use. Maybe for working in a restaurant or working in a hotel.

Mr. Touchette said or live independently in an apartment or something with some assistance from their friends and they might be able to do that opposed to being institutionalized.

Chairman Minchuk said ok according to this you said everybody there is not handicapped. It was stated in here that people with disabilities that doesn't necessarily mean.

Mrs. Gregor said no it doesn't because they also service veterans.

Chairman Minchuk said that is what I am saying it is not strictly for mentally handicapped it is for all

Mrs. Gregor said it is for anyone with a disability.

Chairman Minchuk said that was what I was asking I was a little confused on. If it is an institution that would be totally different. But you are going to have veterans you are going to have anybody that needs help.

Mrs. Doughman said anybody that needs therapy or counseling services as well.

Chairman Minchuk said that is what I am getting at.

Mrs. Krafft asked how many personnel for each group of people how many.

Mrs. Doughman replied the ratio is 1 staff person actually the teacher to 4 persons at the facility. That is very different of other workshops where the ratios are anywhere from 1-16 or 1-32. That is how we differ by the way we are the only ones that offer the 1-4 staffing ratio.

Mr. Touchette said I was really impressed with the staffing level and with the credentials of this.

Mrs. Doughman said Thank you.

Mr. Fortier said the State of Indiana requires fire fighters to be trained yearly on how to deal with autistic and mentally challenged people being a fire fighter I go through that training every year. I don't see as to why there would be any need I won't say any need for fire suppression in a building because they are great things to have but I don't see as to why your clientele would require that as a safety feature. In a fire situation everyone turns into someone that can't figure things out very well on their own unless they have training to do so. I don't understand where that came into

Mrs. Gregor said if you have regular fire drills whether it is weather or fire they have those so their staff is trained for that and the individuals who are there being trained do not know when that is going to occur and neither is the staff and so they are required to follow what they put forth on where they have to exit and I understand what you are saying that people say oh my God we have a fire but if you practice enough it kind..

Chairman Minchuk said how we train people when I was with OSHA you take somebody who says yeh I know exactly where the exit is and you blind fold him and turn him around like pin the tail on the donkey

and say now head for the exit but you have to have people watching so they don't bump into anything. They can't do that.

Mrs. Krafft asked if they have fire alarm systems.

Mrs. Doughman replied a very expense one.

Chairman Minchuk said that was my concern because you are going to have people in there that are handicapped with disabilities. You have a person that can't move around fast enough you will have to have some kind of fire drills that make sure that somehow they can get out and that was my big concern too.

Mrs. Doughman said that the State actually mandates that we have one per month and just go on and beyond We usually have just two or three a week. We also had fire training they have been to the Tri Town fire training in Schererville and then also one of our consumers is the Fire Chief right here on 73<sup>rd</sup> and they have been over to the Fire station and they have gone there and talked about fire safety and that is part of the topics that the teachers actually teach and discuss.

Chairman Minchuk said if they had a problem you would be one of the fire fighters right there that would be going.

Mr. Doughman said I just wanted to state Thank you for that comment. I do believe in a panic in a fire even the most calm and collective individual may panic and so you can hardly tell how people are going to react regardless of their abilities and I just thank you for recognizing that.

Mr. Touchette said I noticed that your letter head you have an Indianapolis Metro area in Bloomington Indiana are those already functioning facilities.

Mrs. Doughman replied yes.

Mr. Touchette asked if she is associated with those then.

Mrs. Doughman said yes.

Mr. Touchette asked if you have worked there before.

Mrs. Doughman said we are the owners of Accessibilities Inc. and so we actually have people that trained under me actually. I have 26 years of experience with working with people with developmental disabilities. I started when I was two.

Chairman Minchuk asked if you are going to be at this facility training or are you going to be stationed here or temporarily here.

Mrs. Doughman said oh no were are here. We expanded because the need was so great that what happened was one of our individuals had worked for us for 6 years and she decided she was going to get married and move to Indy and then I said well you are taking this with you. So she established the agency for us down in Indianapolis and then something similar happened to us in Bloomington and it has just grown from there. Just to give you a little background of what happened is the State of Indiana has a 20,000 person 12 year waiting list to get services from an agency like ours and there is only 150 providers such as ours in the State of Indiana and so if you do the math that is a whole lot of people for us to help and it is just over whelming and before the end of May our Indianapolis office stands to get 850 people who need help and we are up here for 350 so just trying to figure out how to help all these people is just amazing but the need is out there so that is why those offices have opened and expanded and done well.

Mr. Touchette said so that is one of the reasons I brought that up was that they already have those fire drill procedures in operation in a couple other locations. We are dealing with experienced people here.

Chairman Minchuk asked if there are any other comments.

Mr. Doughman said I do. You made a comment about institutions and how it is all coming up and why but the Fire Marshall is the one that is deeming it in his professional opinion a institution and he is stating that these individuals cannot get out on their own. How can you know that if you are not even visualizing them doing a fire drill but it is just an opinion by looking at them?

Chairman Minchuk said because as a disabled veteran I can tell you right now there is times that I can't walk and in a emergency if I am sitting to long I can't get up and I can't move Chuck can testify to that right Chuck. He makes fun of me but anyway there are times when after I have been sitting for a while I can't get up and I can't walk so that was my concern if you do have a disabled person who can't get up

and move right away in case of a fire you have to get them out somehow that is why I was so concerned in that area. I am speaking from personal experience.

Mr. Doughman said as a veteran myself I would like to say Thank you for your service.

Chairman Minchuk said that is why I was so concerned. I know that there are time that I just can't walk and in an emergency you really loose it and people turn to jello plus you can't walk and that was my concern. I see you are well staffed and I have no problem with it but that is why I asked that question.

Mrs. Doughman said I think that the other thing that you should know is that we also have interns and volunteer that aren't even part of the ratio. They are additional people that come into train and help us out and so we have those people who are learning and what happens and it is kind of unique is that the students that come in and intern with us and go off to college down to our IU Bloomington office and they continue to work for us down there or at IUPUI in Indy so it is a wonderful thing. So those are the extra people that will help out.

Chairman Minchuk said I am sorry that I went into that but I really am concerned about that.

Mrs. Gregor said so you have to know who your clients are and their capabilities are.

Mrs. Doughman said they do they are assigned per classroom we have 4 classrooms and those consumers report to and are maintained with the staff the same staff in that classroom so they know who is responsible for whom in an emergency.

Chairman Minchuk said see that grey tape that has the American Veterans plate on it is mind. So I just don't want you to think that I am coming up in the air with something.

Mr. Doughman said with your concern with you yourself being a veteran at times your ability to ablate and you gape of course but having say that you can look at anyone and you could come up with that same conclusion. I can look across from you I can't deem that how can someone else deem the same on others do you see what I am saying. I don't understand how an individual can look at someone and deem them enable..

Mr. Touchette said I think what he is talking about is he has an issue of the determination of the Fire Inspector.

Mr. Doughman said yes he came in and he is saying we are an institution occupancy not a business occupancy based on his ability to view the individuals that we care for and deem them unable to exit the building in an emergency and I find that

Mr. Touchette said which prejudice that he is working to overcome is

Mrs. Gregor said he doesn't have the actual credentials to make that type of call.

Chairman Minchuk said from what I can see it is very well staffed and very well briefed. Don't know each individual when they come in what their capabilities are and I am sure that you will make sure that person will be taken care of in case of an emergency and we are not only talking fires we are talking a lot of other problems like storms, tornados.

Mrs. Doughman said those are the drills that the State requires us. They require gas leaks, tornados, fire and then we also do training on Hurricanes and everything else. If they travel we make sure that they know where they are going. Actually one of our consumers was displaced from Hurricane Katrina and because of that came up here and needed our services because of being displaced from that so you have to make sure that you train everybody on everything staff included.

Chairman Minchuk said anybody else before we

Mrs. Gregor said I am very pleased that this business has chosen to invest their money and their knowledge into the Town of Merrillville and I am glad that they are here.

Mr. Fortier said if you have noticed she has never referred to them as patients their consumers.

Mrs. Doughman replied there is a big difference just a huge difference. Really truly they are using our services we are there to help them the only reason why we have a job is because of them.

Mr. Holtz said my question is it is 2 stories so do you have any of your consumers upstairs.

Mrs. Doughman replied no they are on the 1<sup>st</sup> floor on the day training center.

Mr. Holtz said I guess because I was thinking do they have elevators to get them up and down. I know in a fire you wouldn't be using the elevators.

Mrs. Gregor said I am sure if any of the members want to tour their facility they will be glad to take you through up. It is an upscale facility.

Mr. Holtz asked where were you at 74<sup>th</sup> Broadway.

Mrs. Gregor said they were located in a house north of an attorney's office.

Mrs. Doughman replied by the American Legion.

Mr. Holtz said I tried driving and didn't see anything.

Mrs. Gregor said it is a house that sits further back.

Mrs. Doughman said we outgrew it and move across the street and then we outgrew that.

Mr. Holtz said at the other place you didn't need have to have the fire system.

Mrs. Doughman replied not at all and that same Fire Marshall toured and signed off that it was fine.

Mr. Holtz said I was trying to drive to see where you were before.

Mrs. Doughman said we were crowded at that facility.

Mr. Holtz said so when you get to 52 you will be outgrowing this one.

Mrs. Doughman said no what we decided to do is to keep the ratios the integrity of the program we don't want to go more than that because of it is a nice space but you don't want to go more than that with the ratios and what everybody is supposed to be learning and your curriculum and so we just felt that was a good number for us.

Mr. Holtz asked what the capacity would be if you were to go.

Mrs. Doughman replied I don't even know to be honest with you. I just don't think it is conducive to learning and what the actual program is about. I came from a very small high school where there were 9 people in class with me and I think that is how this should be and that is kind of how it is right now where there is a small amount of people. There are 72 of us. But I do think that was the quality education that I received as well being in a small classroom knowing who everyone is. They are like a family they know who they are they know and rely on each other and so that is why honestly and also we should point out that we are selective about the people that are able to match with our program. We do an assessment and ask for a referral packet of their information that collateral data and we are able to do some assessments to determine whether they are going to fit within one of our 4 classrooms and then if they don't we unfortunately have to turn them away because it is going to work if you are trying it is just like a special education classroom you can't have someone doing kindergarten level in high school level it is very difficult to teach that. I am not a teacher but I know that.

Mr. Holtz said so you do have graduates from your program. Are they continually going?

Mrs. Doughman said no actually we have people who the final classroom is actually a prevocational classroom and they learn anything at all about getting a job and going out and finding a job unfortunately for people with disabilities the unemployment level is much higher than what the actual State unemployment level is. If it is 6.4% there is probably 32% or higher than that so we have actually have people that have graduated and found a job and that is the ultimate goal of this whole program is to train them and get them through so and it might take years but the point is that they learn a job skill whatever it might be so that they can go out and get a job.

Mr. Holtz said so they are not there I guess permanent.

Mrs. Doughman said that is not the point at all. That is the ultimate goal but honestly it is difficult because of the fear of the unknown for many business don't want to hire someone with a disability and we can go on about those things but that is exactly why so we have collaborated for example just recently with a cleaning agency to clean our own building so we have someone who was in that prevocational program who now doesn't want to come and their done with that program because they now have a job and they work 4 days a week cleaning banks and our facility.

Mrs. Krafft said if you have someone come in as a student and they can't afford tuition can they get assistance.

Mrs. Doughman said we are a niche business we only take people who are on something Medicaid waiver so there are no funds passed between that students or consumer they are allotted monies from the State through a Medicaid Waiver State and Federal funding and that is how they choose our agency and they are able to choose. Actually it is a choose program that they can choose whatever facility or agency or day training place they would like to come too and once they tour our facility if it matches what they need training wise then they select us and their money follows them to help for those services. So we won't turn them away for that.

Mr. Holtz said so you are similar to trade Winds

Mrs. Doughman replied yes.

Mr. Touchette said this raises a question for me. I saw this terminology in your paper work about Medicaid Waiver. Now I see Medicaid Wavier provider what exactly does that mean.

Mrs. Doughman said once again I apologize for not explaining about it earlier is the State of Indiana has that 20,000 person 12 year waiting list to receive services through the Medicaid Waiver and what that means once you know that your love one has a developmental disability there is a place that you go to receive services funded through the State and Federal Government and these services can be speech therapy, music therapy or behavior therapy, recreational therapy, day programing, residential habilitation there is whole plus of services based on the needs of your loved one and you go in and you can pick that is how we are similar to trade winds for example they are also a Medicaid Wavier provider but they have a workshop where some of our consumers actually go and work to make money in the workshop whereas in the evening they come and live in a residential facility that we have that is how we differ. Our training facility and they have workshop but they fund and that is where the funds come from and then we are highly regulated by the 460 IAC which is the Indiana Code for exactly what we do and so that is why we are required and mandated to do the fire drills and the gas leak drills and everything that you can imagine paper work wise. It was truly a dissertation that I wrote in order to get our license to open our doors

Mr. Doughman asked if that answered your question Sir of what a provider is.

Mr. Touchette asked what is the Medicaid Waiver. What are they waiving?

Mrs. Doughman said I don't know why they call it a Medicaid Waiver per say because everyone

Mr. Touchette said legally when someone says Medicaid Waiver that is like you can ignore provisions having to do with Medicaid ok that is what I would logically think.

Mrs. Doughman said it is above and beyond Medicaid because every one of our consumers have Medicaid. Everyone with a disability is able to go out and apply and get Medicaid but the Medicaid Waiver was developed because the State of Indiana shut down institutions and they wanted to stop institutionalize people and so what they found is that it was approximately \$1,000.00 day per day to care for a person in a facility in an institution where it was staffed 1-50 where as they found it was cheaper than and more economical and efficient to put them in an agency such as ours which is highly regulated so that is what they are waiving is that institutionalization they are waiving that to come to an agency which is ½ the cost. But there is more opportunities when Fort Wayne which housed 3,000 people with developmental disabilities shut down they called on our agency in 2006 to start taking some of these people and bringing them to our agency to help acclimate them to the community and it was more difficult than you would actually think it would be because we had people that were living in an apartment that had never done so and were asking if they could have a pop which was in the refrigerator they said don't we have to pay for it. No it is yours but I don't understand I have to earn that money to pay for it. No it is yours it is your pop and it is your house. Do I have a toothbrush yes you have a toothbrush is it mine you don't have to share it. It was really horrible conditions with which they lived and so that is why the State of Indiana developed this waiver is to take these people out of institutions because they were so horrible and this Muscatatuck was the perfect example. It is a famous case from the early 90's where they were recording the abuses of people with developmental disabilities by the staff and the Muscatatuck State Institution that is when the Department of Justice has been involved the Governors behind us every one is really about bringing people out of institutions and putting them in with an agency like us so we can actually provide them real opportunities and real care.

Chairman Minchuk asked if we can get a motion.

Mr. Holtz said he would like to make a motion to approve the Special Exception for Z12E8-0414 I guess with the exceptions as too be approved by the State as far as the appeal process.

Chairman Minchuk asked for a second motion

Mrs. Krafft seconded the motion

Chairman Minchuk asked for a roll call vote

Mr. Fortier yes, Mr. Holtz yes, Sylvia Krafft yes, Chuck Stojakovich yes and Mr. Minchuk yes.  
Motion carries

Chairman Minchuk said see Dorinda she will take care of whatever you need to go to next.

Mr. & Mrs. Doughman said Thank you.

**Z13E9-0414 SINCERE HEART ADULT DAY CARE, PETITIONER**

**PLATINUM GROUP, LLC., OWNER,** Located at 1443 East 84<sup>th</sup> Place for a Special exception approval in a C-3, Highway Commercial zoning district for an adult day care facility.

Representative of Sincere Heart Adult Day Care, Yes of course she did the whole presentation for me thanks a lot but she has more functional people. My people are on a little lower level than hers so like the people that she doesn't want to accept those people would come to my program. Do you understand what I am saying that is what the whole thing is it is a big need? When we went before the State we need day program in that area because I was ready to give up guys. I am just going to be honest.

Chairman Minchuk said what did I tell you last week don't give up.

The representative said I was ready to give up but they said when we went to Indianapolis listen we need you guys yes whatever it takes because we need the care in that area.

Mr. Touchette said as I recall this is her second time back. The first time had to do with needing sprinklers in the facility.

Chairman Minchuk said being an institution or facility.

Mr. Touchette said every time she has gone and it has been here the state says she does not need sprinklers. Ok

Representative said we had to pay out thousands of dollars and we have not even been able to open our facility yet or put our things in the facility. Our current contractor have been calling us we are still in the process. This has been a whole year so I hope you guys will grace me today.

Chairman Minchuk asked Dorinda to read her staff report.

Mrs. Gregor read the staff report. They have complied with the Fire Marshalls requests so far.

Chairman Minchuk asked members are you familiar with this or you have any questions.

Mr. Holtz replied no but

Mrs. Gregor said I think that I gave you all staff reports from.

Mr. Holtz said just to clarify on the last one that we voted on. I forgot to mention for this use only for this.

Mrs. Gregor said yes you did but you forgot to mention it but we will pass it on to the Town Council.

Mr. Holtz said no I like what she wants to do everything looked good other than we were just concerned whether it needed a sprinkler system.

Chairman Minchuk said we made this woman jump through hoops.

Mr. Fortier said again when we were discussing your matter our main objective is the concern for the safety of the individual at the establishment. Previously explained what they had going on. We were in a situation that we didn't have that much information with you and now we do.

The representative said I have a facility in Michigan and my facility in Michigan has been running for 6 years. So this is an experienced situation. The need for actually I kind of bucked into this whole thing. A builder that I was working with said there is a need for the facility in Indiana and so that is how I came down here and started researching and I found a building a nice facility and that is when we start going. I have been doing mine for 6 years I just deal with a lower level. She deals with the high functioning people that want jobs. I deal with the lower level.

Chairman Minchuk said did you understand we talked at the one meeting that requirements were not met. We didn't have it I don't know how they run things in Michigan but here we are very involved safety people and we didn't have enough information from the Fire Marshall and that is the reason we put. Whatever they do in Michigan that is fine here we want to make sure the people are safe. I sorry to put you through that.

Mr. Touchette said the issues weren't the services that you would be providing. The issues had to do with the building and the fire. As I recall you showed up at the last meeting with a knowledgeable architect who had some this type of thing before and so we knew you were getting discouraged and so they sent you on without a recommendation hoping that your architect would be able to do what he needed to do before you went to the Town Council and it all worked out for the best.

Chairman Minchuk asked if any one has any questions. We will go for a motion please.

Mr. Fortier said I would like to make the motion that we give this Special Exception approval for case # Z13E9-0414  
For this petitioner at this location and for this use only.

Mrs. Krafft seconded the motion.

Chairman Minchuk said Mr. Stojakovich roll call vote please.

Mr. Fortier yes, Mr. Holtz yes, Mrs. Krafft yes, Chuck Stojakovich yes and Mr. Minchuk yes.  
Motion carries

Chairman Minchuk said please see Dorinda.

Mr. Fortier said I would like to make a motion for adjournment.

Mr. Stojakovich said I will second that for adjournment.  
Motion carries

Meeting adjourned at 7:45p.m

Respectfully submitted  
Janet Rosko

