

Regular Council Meeting

February 1, 2021

THE COMMON COUNCIL OF THE CITY OF CROWN POINT
 MET IN A **REGULAR** MEETING
 ON **Monday, February 1, 2021** AT 7:00 P.M. PURSUANT TO AND
 IN ACCORDANCE WITH THE RULES OF THE COMMON COUNCIL

****Held Via Zoom****

<https://us02web.zoom.us/j/89566850445>

Mayor Uran called the meeting to order at 7:00 p.m.

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL OF MEMBERS

Mayor Uran asked for a roll call of the Members. The call of the roll was as follows:

Members Present: Chad Jeffries, Dawn Stokes, Andrew Kyres, Laura Sauerman, Carol Drasga, Zack Bryan and Council President Scott Evorik.

Absent: None

Also present were City Attorney David Nicholls, Clerk-Treasurer David Benson and Chief Deputy Bette Babjak.

C. APPROVAL OF MINUTES FROM PREVIOUS MEETING: Regular Meeting on January 4, 2021.

Member Andrew Kyres motioned to approve the minutes of the Regular Council Meeting on January 4, 2021, seconded by Member Laura Sauerman.

Motion carried by unanimous voice vote.

D. READING OF AGENDA

Mayor Uran read the agenda.

E. ADDITION OF NEW ITEMS TO THE AGENDA

None

F. APPROVAL OF CLAIMS AND SRF DISTRIBUTIONS

- Additional Open Purchase Orders to be carried over from 2020
- 2018 Stale Dated Checks

Member Zack Bryan reported that there are no SRF Distributions this time. Zack related that he reviewed the 2018 and 2017 stale dated checks as well as the 2020 Purchase Orders carried over into 2021.

Zack added that he also reviewed the claims and all appear to be in the normal course of City business and therefore moves to approve, seconded by Member Dawn Stokes.

Motion passed by unanimous voice vote.

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G. PETITIONS, REMONSTRANCES AND PUBLIC STATEMENTS<https://crownpointin.wufoo.com/forms/public-comment/>

Member Dawn Stokes read a remonstrance letter regarding Ordinance No. 2021-01-02 from David M. Austgen of Main Street Professional Center.

Main Street Professional Center
130 North Main Street • Crown Point, IN 46307
219-663-5600

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City of Crown Point
101 N. East Street
Crown Point, IN 46307

Attn: Ms. Dawn Stokes, District 2 City of Crown Point Common Council
City of Crown Point Common Council

RE: 142 N. Main Street
Proposed Zone Map Amendment from B-2 Business Zoning District
Classification to B-1 Business District Zoning Classification for Restaurant
and Bar Establishment

Property Owner: Jesus Alvarado
Petitioner: Georgiou & Associates Architects, Inc.

Remonstrance of Adjacent Property Owner:
Main Street Professional Center LLC

Dear Ladies and Gentlemen:

This communication is a Remonstrance to the above-referenced proposed Zone Map Amendment for the property at 142 N. Main Street. The undersigned, as authorized Member of Main Street Professional Center, LLC, is authorized to issue same.

The proposed Zone Map Amendment sought, if approved, will result in substantial adverse impact to the property of Main Street Professional Center, LLC, at 130 N. Main Street, as well as adjacent and nearby similarly situated business properties, including, but not limited to, Brad's Design and Debbie's Flowers. Further, additional business use activities are engaged on this block, identified as being encircled by Robinson Court, Main Street North, North Street East, and East Street South. Each of said aforesaid business properties and structures thereon have been in place and operational for decades. In fact, the professional office building of Main Street Professional Center, LLC, is a professional office, has been in operation here since 1996, and before same time period as a NIPSCO service office from 1955. I am certain you will note the attentive care and maintenance up-keep of the professional office property and structure, including the recently completed façade improvements to this structure. Likewise, the other business structures and operations in this block have been maintained and kept up. It should

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further be noted while this block is not in the designated Historic District, it is immediately adjacent to same and has attachment to the Downtown Historic District for preservation and longevity in substantive use purposes.

It seems incredibly obvious that presenting a proposed Café, Tavern & Grill would result in a nearly rubber stamped unanimous approval recommendation, which apparently was the case at the Plan Commission level. It is further unclear how the basic requirements of applicable law have apparently been disregarded. Under applicable law, the I. C. § 36-7-4-600 Series provides the criteria that the City Plan Commission and the Legislative Body are required to pay reasonable regard to in Zoning Ordinance zone map amendments. These are mandatory requirements. The language of the statute at I.C. 36-7-4-603 states, "The Plan Commission and the legislative body shall pay reasonable regard to:

- (1) The comprehensive plan;
- (2) Current conditions and the character of current structures and uses in each district;
- (3) The most desirable use for which the land in each district is adapted;
- (4) The conservation of property values throughout the jurisdiction; and
- (5) Responsible development and growth.

That law is not new, having been adopted in 1981, and utilized to the present from that time. It is clear that the City Comprehensive Plan has been disregarded by the nature of the use consideration here. All uses in this block are preserved, quality and mature business entities on properly zoned property. The current conditions include location of the new library, significant local traffic for use of the small businesses in this block and the adjacent lot, and the character of those uses. It is abundantly clear that the most desirable use for which this parcel is to be made is not yet another Café, Tavern and Grill. The end result of another such facility in addition to a large number of same on the Crown Point Courthouse Square and adjacent blocks is self-evident.

Upon review and investigation, property values are impacted adversely to each of the aforementioned property owners and businesses, and impact on business activities in each will be adverse. Frankly, the lack of parking alone, much less traffic controls on the State Highway beg for review, analysis, and upgrades or modifications for safety purposes, and for the right type of use. Easily, it can be seen that this is not responsible growth and development. In fact, it is impossible to conceive how the subject parcel at 142 N. Main Street could be code compliant with a new and different use than the use for decades on the property which has been closed. Clearly, the statutory requirements of I.C. § 36-7-4-603 are not even close to being met for this Petition.

Assuming a Petitioner could overcome the criteria of state statute in the course of the Council paying reasonable regard to said criteria, the site cannot conceivably be developed into code compliant condition. Consistent with historical and other zoning petitions in this City, this is not an appropriate location for a bar establishment, delineated colorfully as a Café Tavern & Grill. **DO NOT BE MISLED OR FOOLED HERE.** Once done, the matter cannot easily be unwound.

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If approved, there has been establishment of a "spot zoned" commercial parcel. This also is violative of applicable law and statutory criteria. In fact, not even a zoning commitment could salvage the use for compliance with City codes. It might be noted that zoning commitments are used to maintain regulatory control over property for whom zone changes have been approved. However, leaving the zoning district classification alone will do the same in the event that further requirements of the City zoning ordinance, as amended, would require variance or other similar land-use approvals by which plan and business development criteria as well as zoning and other criteria could be identified, developed, established, approved and monitored. It does not appear as though that is the case for this proposal.

Finally, it is truly is unfortunate that city gatekeeping did not occur to address this matter before the hearings and meetings that have been necessitated. It occurs that in view of procedures and gatekeeping of applications might be an appropriate due diligence initiative to be undertaken. At issue will be the preservation of responsible growth and development. That is what was sought when this business property was acquired and upgraded in 1996 to this professional office building. City Officials were involved in that process. We think the results speak for themselves. You are requested to do the right thing related to this Petition, which appears to be a "flyer" on responsible growth and development. We think this is incredibly correct as no one from the Architect Office filing this Petition, or City Planning and Building, have made any communications with this property owner over questions, issues or concerns, when there is an overwhelming and obvious impact to the adjacent properties in the event of approval of this Zone Change.

I want to make one further comment before closing this communication. Our neighbors at Firestone have been excellent business neighbors over the years. It was unknown 25+ years ago how this would go, but it went well. We wish the owners health and happiness in their retirement or other journeys. This matter is not to be disrespectful of our time as neighbors, but rather, the business world and times we are in.

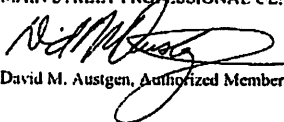
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Thank you for your consideration of this remonstrance communication. It is requested to be included in the record of the public meeting at which this matter is being considered. I have provided a copy to each of the owners of Brad's Designs and Debbie's Flowers. While it is difficult to say no, you are requested to say no.

Very truly yours,

MAIN STREET PROFESSIONAL CENTER LLC



By: David M. Austgen, Authorized Member

DMA/asb
cc: Brad's Designs
Debbie's Flowers

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Melissa Walley of 143 N. East Street spoke in remonstrance about Ordinance No. 2021-01-02. Melissa was expecting Jesus Alvarado to reach out to her to address her concerns about the possibility of the Registry becoming her neighbor, but she never heard from him.

Brad Belush of 146 N. Main Street spoke his concerns with rezoning for the Registry moving to 142 N. Main Street.

Ryan Fleming of 219 N. Main Street also wished to reiterate his letter from the prior City Council meeting regarding Ordinance No. 2021-01-02 concerning parking spots involved in his business interests.

Julie Wendorf of 122 N. Main Street had related that the business owner and architect did stop by and speak with her, but she still does have parking concerns. Brad Belush of 146 N. Main Street also reported that Mr. Ullmann and his architect did visit him and address his concerns as well.

Debbie Metsch Lilly of 154 N. Main Street also was visited by Mr. Ullmann and she voiced concerns of remonstrance to him of trespassers on her property.

On Facebook Jeff Gatch posted to let it move into the old Firestone building.

Mayor Uran took the opportunity to thank all the City Employees that had to deal with the recent snowstorm. He said the Public Works, Police, Fire and Parks Departments did a great job.

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H. SPECIAL RECOGNITION**Employee of the Month**

Mayor Uran awarded Randy Lambert February Employee of the Month.



CITY OF CROWN POINT PARKS & SPECIAL EVENTS

David D.F. Uran
Mayor

Jennie Burgess, CPRP, CPO
Parks Administrator

Dianna Bosse
Special Events Administrator

Employee of the Month
February 2021

Randy Lambert - Laborer

Years with the City – 35 (hired 7/28/1986)

Nominated by Co-Worker Todd Carey

October 2019 Randy was given the task of installing the Ice Rink with little knowledge of how to do so. Randy worked with staff to learn how to assemble the rink and then completed the task.

When it came time to tear down the rink, Randy was asked to disassemble the rink and pack away for storage. After purchasing some equipment from Notre Dame, Randy using his own tools engineered a system to store the equipment in an organized manner, making 2020 set-up more efficient.

www.crownpoint.in.gov

Parks Office (219) 661-2271

183 S. West Street • Crown Point, IN 46307
Fax (219) 661-2289

Special Events (219) 662-3290

Thank you Randy for your 35 years of dedicated service to our community. Enjoy your retirement, sir.

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I. REPORTS OF DEPARTMENT HEADS, BOARDS, AND COMMITTEES

None at this time.

J. APPOINTMENTS:

None at this time.

K. PRESENTATIONS:

None at this time.

L. OLD BUSINESS

Ordinance No. 2021-01-02 - Granting a Rezone from B-2 Business to B-1 Business located at 142 North Main Street. Georgiou & Associates Architects, INC, Petitioner / Jesus Alvarado, Owner received a **Unanimous Favorable Recommendation** at the December 14, 2020 Planning Commission meeting. **(Second Reading)**

Planning Administrator Anthony Schlueter related that nothing has changed from last month's staff report on this matter. Anthony also provided the following four-page petition list of signatures in support of this ordinance.

They are recorded into the record as follows:

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THE REGISTRY BAR & GRILL
PETITON TO REZONE 142 N MAIN STREET

I support the proposed Rezoning of the property located at 142 N Main Street.
We believe the proposed renovation of that property will improve property values and contribute to the commercial viability adjacent to the Historic Square.


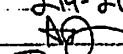
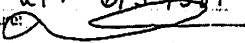


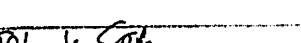
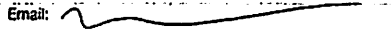
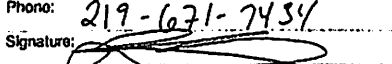

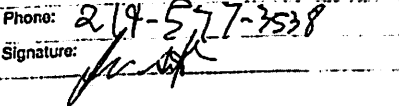
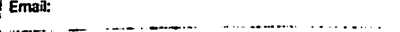
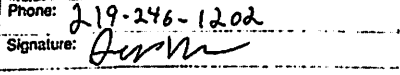
<p>Name: Hannah Duran Address: 112 N Jackson St Crown Point 46307 Email: hannahduran1098@gmail.com Phone: 219-616-3041 Signature: Hannah Duran</p>	<p>Name: William Bock Address: 112 N Jackson St Crown Pt IN 46307 Email: Phone: 785-615-1028 Signature: William Bock</p>
<p>Name: Christina Duran Address: 1512 Grant St. Crown Point, In. 46307 Email: durantduran77@gmail.com Phone: 219-919-2788 Signature: Christina Duran</p>	<p>Name: Eric Mersino Address: 435 S. Main Crown Point 46307 Email: eric.mersino@gmail.com Phone: 810-931-6203 Signature: Eric Mersino</p>
<p>Name: Darren Stacky Address: 3258 Rustic Lane Email: darren_stacky@yahoo.com Phone: 219-775-9054 Signature: Darren Stacky</p>	<p>Name: Kyle Hatton Address: 812 ngrant st crown point Email: kdeg271@gmail.com Phone: 219-671-7383 Signature: Kyle Hatton</p>
<p>Name: Jake Palerki Address: 114 Las Olas Court Email: jz7854@gmail.com Phone: 219-775-0277 Signature: Jake Palerki</p>	<p>Name: Matt Elkhan Address: 1315 west 126th Ave Email: matt51mo2@gmail.com Phone: (29) 306-3274 Signature: Matt Elkhan</p>

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THE REGISTRY BAR & GRILL
PETITON TO REZONE 142 N MAIN STREET

I support the proposed Rezoning of the property located at 142 N Main Street.
We believe the proposed renovation of that property will improve property values and contribute to the commercial viability adjacent to the Historic Square.

<p>Name: <u>Evan Georgas</u> Address: <u>466 S Court St</u> <u>Crown Point 46307</u> Email: <u>bigradecity@gmail.com</u> Phone: <u>219-308-2772</u> Signature: </p>	<p>Name: <u>Amanda Nishe</u> Address: <u>10590 Grand Blvd</u> <u>Crown Point IN, 46307</u> Email: <u>nishe13@gmail.com</u> Phone: <u>219 308 1890</u> Signature: <u>amanda nishe</u></p>
<p>Name: <u>Andy Deme</u> Address: <u>713 Las Olos Dr.</u> Email: <u>wrigleyfield9@hotmail.com</u> Phone: <u>219-213-1663</u> Signature: </p>	<p>Name: <u>Meredith Wood-Johnson</u> Address: <u>402 E Clerk St</u> <u>C.P.I.N</u> Email: <u>Meredith.1333@yahoo</u> Phone: <u>219-613-1581</u> Signature: </p>
<p>Name: <u>Joe Shagmensky</u> Address: <u>709 Las Olos Dr.</u> Email:  Phone:  Signature: </p>	<p>Name: <u>Melinda White</u> Address: <u>725 E North St</u> Email:  Phone: <u>219-671-7434</u> Signature: </p>
<p>Name: <u>Johnny Sells</u> Address: <u>10623 Potter St.</u> Email:  Phone: <u>219-577-7528</u> Signature: </p>	<p>Name: <u>Joshua Macdonald</u> Address: <u>213 East Clark St</u> Email:  Phone: <u>219-246-1202</u> Signature: </p>

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February 1, 2021

THE REGISTRY BAR & GRILL
PETITON TO REZONE 142 N MAIN STREET

I support the proposed Rezoning of the property located at 142 N Main Street.
We believe the proposed renovation of that property will improve property values and contribute to the commercial viability adjacent to the Historic Square.

Name: <u>C.F. Ford Meadows</u> Address: <u>112 N Jackson St.</u> <u>Crown Point IN 46307</u> Email: <u>cjmeadows91@gmail.com</u> Phone: <u>219-775-7748</u> Signature: <u>[Signature]</u>	Name: <u>Charles Boardman</u> Address: <u>211 Cedar St Crown Point, IN</u> Email: <u>country.77790@yahoo.com</u> Phone: <u>(219) 779-3084</u> Signature: <u>[Signature]</u>
Name: <u>Lyndsey Hunder</u> Address: <u>309 Foote St. Crown Point</u> Email: <u>lydia.carruth@gmail.com</u> Phone: <u>219 715 7808</u> Signature: <u>Lyndsey Hunder</u>	Name: <u>Caryssa Courtney</u> Address: <u>720 E Joliet St</u> <u>Crown Point IN 46307</u> Email: <u>crcourt13@yahoo.com</u> Phone: <u>(219) 286-0400</u> Signature: <u>Caryssa Courtney</u>
Name: <u>Blake N-JY</u> Address: <u>1519 Oakleaf Dr.</u> <u>Crown Point, IN</u> Email: <u>BlakeN-JY@comcast.net</u> Phone: <u>(219)-213-0585</u> Signature: <u>[Signature]</u>	Name: <u>Peter Kiefer</u> Address: <u>303 S. Main St</u> <u>Crown Point, IN 46307</u> Email: <u>peter@absolute-removal.com</u> Phone: <u>815-762-3917</u> Signature: <u>[Signature]</u>
Name: <u>Lexi Hayles</u> Address: <u>10478 Hanley St.</u> <u>Crown Point, IN</u> Email: <u>lexihayles43@gmail.com</u> Phone: <u>219-789-5148</u> Signature: <u>[Signature]</u>	Name: <u>JUSTIN HEIN</u> Address: <u>15112 GRANT ST.</u> <u>CROWN POINT, IN</u> Email: <u>JUSTIN@MO.COM</u> Phone: <u>(619) 723-0637</u> Signature: <u>[Signature]</u>

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THE REGISTRY BAR & GRILL
PETITION TO REZONE 142 N MAIN STREET

I support the proposed Rezoning of the property located at 142 N Main Street.
We believe the proposed renovation of that property will improve property values and contribute to
the commercial viability adjacent to the Historic Square.

Name: Noreen Artim Address: 436 S. East St. Crown Point, IN 46307 Email: mrsawesome6997@gmail.com Phone: 219-712-0097 Signature: <i>Noreen Artim</i>	Name: Address: Email: Phone: Signature:
Name: Address: Email: Phone: Signature:	Name: Address: Email: Phone: Signature:
Name: Address: Email: Phone: Signature:	Name: Address: Email: Phone: Signature:
Name: Address: Email: Phone: Signature:	Name: Address: Email: Phone: Signature:

Nick Georgiou of Georgiou Architects, 912 Avenue H., Griffith, Indiana addressed the Council and further discussion ensued. Robert Ullman of 15 N. Court Street then addressed the Council and further discussion followed.

Council President Scott Evorik made a motion to adopt Ordinance No. 2021-01-02, seconded by Member Chad Jeffries.

Mayor Uran called for a roll call vote.

Roll call vote as follows:

Ayes: Members Jeffries, Kyres, Sauerman, Drasga, Bryan and Evorik.

Nays: Stokes

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Motion passed 6 to 1.

M. NEW BUSINESS**Ordinance No. 2021-02-04** – Ordinance Reestablishing Cumulative Capital Development Fund. (First Reading)

Mayor Uran brought forth the annual reestablishment of the Cumulative Capital Development Fund which has been prepared again by Clerk-Treasurer Dave Benson and Staff. This first reading is a continuation of the process and this is step one of two to be fully completed.

Clerk-Treasurer Dave Benson reaffirmed to the Mayor and City Council that everything is in order. After approval of the Council, Office Staff will set forth a Public Hearing on March 1, 2021.

Member Laura Sauerman made a motion to read in Title Only and hold over for second reading, Ordinance No. 2021-02-04, seconded by Member Zack Bryan.

Motion passed by unanimous voice vote.

Resolution No. 2021-02-03 – A Resolution Regarding the Purchase of Land or Structures for Public Improvement Projects.

First Assistant City Attorney Alex Kutanovski said that they drafted a Resolution that would give City Staff authority to proceed with certain activities. Such activities including obtaining appraisals, title reports or presenting offers on parcels of real estate which have been identified for certain public purposes.

The Resolution in no way allows for the final acquisition of real estate until an offer is presented and accepted by the Council.

Also, the Resolution in no way authorizes the filing of any eminent domain action.

The Resolution merely allows the City Staff to perform certain actions which are preliminary and necessary for the acquisition of real estate without broadcasting the specific parcel or parcels in which the City might be interested.

Member Carol Drasga motioned to defer to the March meeting, seconded by Member Laura Sauerman.

Under discussion, Mayor Uran reminded everyone that notification was made that this topic was coming, however Council Members wished for more time to look it over.

Motion carried by voice vote.

Various Conflict of Interest Disclosure Statements

Mayor Uran brought forth the annual process of addressing various Conflict of Interest Disclosure Statements.

Member Andrew Kyres motioned to approve the various Conflict of Interest Disclosure Statements, seconded by Member Dawn Stokes.

Motion carried by voice vote.

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N. REPORTS AND MISCELLANEOUS MATTERS/PUBLIC COMMENTS

There was nobody standing by for Public Comment or questions.

Special Events Director Diana Bosse gave her update.

Join Mayor David Uran tomorrow, Tuesday, February 2nd at 11am for Tuesday Talks on Zoom. To participate on Zoom please enter the code 83826561918. You can also participate on the City of Crown Point and Crown Point Special Events Facebook pages.

The City of Crown Point Snow Ban Ordinance is currently in effect. We appreciate your continued cooperation in removing vehicles from the roadway to allow our Public Works staff to efficiently clear your city streets.

Senior citizens age 65 and over are now eligible to receive the COVID-19 vaccine. Appointments MUST be scheduled through the State of Indiana website at www.ourshot.in.gov or by calling 211. There are several locations to choose from in Northwest Indiana to receive the vaccine. The vaccine clinic at Franciscan Health is located inside the Marian Education Center on the east side of the Crown Point Franciscan Health Hospital (Door A) located at 1201 S Main St.

The Crown Point Police Department is accepting applications for the position of Police Officer through this Friday, February 5th. Interested participants can submit an application online by going to the city website at www.crownpoint.in.gov and click on the "Application for Police Officer" link. Specific information on the job posting can be found on the Crown Point Police Department Facebook Page.

Congratulations to the Crown Point High School Wrestling Team on winning their 19th Sectional Title in a row. Good Luck at Regionals!

Next Regular Council Meeting Monday, March 1, 2021 at 7:00 p.m.

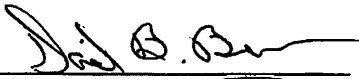
O. ADJOURNMENT

Member Andrew Kyres motioned for adjournment, seconded by Member Laura Sauerman.

Motion carried by voice vote.

Meeting adjourned at 8:34 p.m.

SUBMITTED:


David B. Benson, Clerk-Treasurer

APPROVED:


David D.F. Uran, Mayor

****Audio available upon request****