

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA  
MINUTES OF THE TOWN COUNCIL



April 16, 2024

Public Meeting Advertised for 7:00 PM  
Conducted at the Cedar Lake Town Hall  
Pledge of Allegiance & Moment of Silence

**Roll Call:**

Present	Robert H. Carnahan Council Member	Ward 1	Present	Mary Joan Dickson Council Member	At Large
Present	Julie Rivera Council Member	Ward 2	Present	Richard C. Thiel Jr. Council Member	At Large
Present	Nick Recupito Council Member	Ward 3	Present	Jennifer N. Sandberg, IAMC, CMC, CPFIM Clerk-Treasurer	
Present	Chuck Becker Council Member	Ward 4	Present	Jeff Bunge Town Manager	
Present	Greg Parker Council Member	Ward 5	Absent*	David Austgen Town Attorney	

\*Ryan Deutmeyer was present.

Mr. Recupito noted they have the Wessler Engineering Technical Memorandum, which is the Lowell Wastewater Treatment Plant flow projections, in hand. He stated it gives all of the facts of where they are at with the Wastewater Treatment Plant and projections on where they are going to be. He stated they would accept questions during public comment. He stated maps are also attached to the document copies floating around.

**PUBLIC COMMENT**

None

**CONSENT AGENDA**

1. **Minutes:** March 19, 2024
2. **Claims:** All Town Funds: \$276,741.42; Wastewater Operating: \$153,481.75; Water Utility: \$43,475.96; Storm Water: \$8,234.65; Payroll: Date April 11, 2024 - \$394,898.55; and March Remittances \$182,876.37
3. **Manual Journal Entries:** March 1 – March 31, 2024
4. **Donations:** Ben Tomko, Collection from Sticker Sales for K9 Fund **\$184**; Amy Lang K9 Donation **\$25**; Aaron Schurke State Farm & Dragobobs In-Kind Donation of Kustom Talon Handheld Radar Unit.

Mr. Carnahan asked Mrs. Ray how many picnic tables were purchased. Mrs. Ray answered eleven, eight-foot resin tables and six ADA tables. Mr. Carnahan asked about the Microbac labs invoice for \$2,263.50. He stated that is for the Lighthouse Well. Ms. Sandberg stated not only the Lighthouse well. Mr. Kubiak stated for all of the water testing. Mr. Carnahan stated there was a problem with the Lighthouse well. Mr. Kubiak stated it was testing for all of the water. He stated they were unsure what the exact issue was, coliform was present in the Lighthouse samples. They chlorinated the well and everything is good. A brief discussion continued on the Lighthouse well. Mr. Carnahan stated people have asked him questions regarding invoices and payments. He stated for Lowell sewer they paid \$117,897.88. For garbage for the month of April they paid \$120,737.40. Mr. Carnahan stated for anyone interested, all of the claims are posted out on the board. He asked Ms. Sandberg when she posts them. Ms. Sandberg stated they are posted the Thursday prior. Mr. Carnahan thanked the Fire Department for using Hoosier Postal.

A motion to approve the consent agenda was made by Mary Joan Dickson with second by Chuck Becker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**ORDINANCES/RESOLUTIONS**

1. **Ordinance No. 1488 - Regulations for Bus Vehicles and the Discharge of Passengers**  
Mr. Parker read Ordinance No. 1488 by title only. Mr. Recupito stated this is something they requested the attorney draft as a result of the surrounding communities and states of dropping off illegal immigrants in communities with no plans in place. He stated he thinks they need to do it for the general welfare of the Town. Mr. Carnahan stated he was told someone was dropped off in Brunswick. He was told the Lake County Sheriff picked them up and dropped them off at the Walgreens in Cedar Lake. Chief Fisher stated people are dropped off and picked up all the time. He stated they have had people dropped off who are hitching a ride. Mrs. Rivera asked what the ramifications are. Mr. Recupito stated there was a fine structure that was part of the exhibit. Chief Fisher thought it was somewhere near \$750 per passenger. It was the bus company that would be fined. Mrs. Rivera voiced concerns with getting the information out. She asked how the bus

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companies would know. Chief Fisher stated it is up to the companies to know the Town's ordinances. He likened it to the truck routes in Town. Mr. Parker stated it is similar to trucking regulations. Mrs. Rivera discussed the section at the top of page two. She asked if that section would make the Town responsible. Mr. Deutmeyer stated no. Mr. Recupito stated the goal is to deter the nonsense from coming to Town. Mr. Carnahan asked if it was defensible in court. Mr. Deutmeyer stated it has not been tested yet. A brief discussion continued.

A motion to approve the first reading of Ordinance No. 1488 was made by Greg Parker with second by Richard Thiel. Roll Call: Carnahan – No, Rivera – No, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 5 – 2. The second reading will be at the May 21, 2024 meeting.

**2. Ordinance No. 1489 - Amendment to Special Events Permit**

Mr. Parker read Ordinance No. 1489 by title only. Mr. Recupito stated this was originally Ordinance No. 1465 passed last year. There have been issues with enforcement. He stated tweaks were considered. The requirement of filing application at least 30 days prior to event has been removed. He stated the amendment included the following: *"The Special Event Permit shall be filed prior to the Outdoor Event or Special Event occurring and processed and administered in a business-like manner by the Town Administrative Staff under supervision of the Town Manager, in no less than \_\_\_ (\_\_\_) days."* Mr. Deutmeyer stated that is an open provision that needs an answer. Mr. Recupito discussed the issues with the prior timeline of 30 days. He stated the remainder of the ordinance is similar to what was passed last year. Chief Fisher stated they are not that hard; it keeps them informed. He suggested a week or two but stated it is up to the Town Manager. Chief Wilkening voiced concerns with long-term events, such as Summerfest, where additional staffing may be needed. A lengthy discussion continued on concerns with the various events that may occur as well as an appropriate timeframe for processing applications. Discussion occurred on revising it to read as up to thirty (30) days. Mr. Deutmeyer cautioned revising it as up to thirty (30) days and having those last-minute applicants. He discussed putting it at two weeks and adding authority to the Town Manager to expedite applications. Discussion continued further on language to give authority to the Town Manager to expedite applications.

A brief discussion occurred on deferring. Mr. Deutmeyer asked for clarification on the changes to be made. Mr. Recupito stated it should read as no more than "X" number of days with the ability for the Town Manager to exercise discretion to expedite them sooner. He stated he was flexible on the days. Mr. Thiel asked Chief Fisher if two weeks was good. Chief Fisher stated he could get it done in a week but Parks would probably need more time. Mary Joan Dickson made a motion to defer with the changes to be made for up to two weeks as well as language for the Town Manager to expedite applications with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**3. Resolution No. 1352 Appropriation Transfer in the amount of \$10,000**

Ms. Sandberg explained this is an appropriation transfer within the General Fund within the Town Council Department for a total of \$10,000. It for a transfer from group health to property and casualty. Mr. Carnahan asked for an explanation of why they are transferring. Ms. Sandberg stated there are insurance deductible payments that need to be made. Mr. Parker read Resolution No. 1352 by title only.

A motion to approve Resolution No. 1352 was made by Chuck Becker with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**BZA/PLAN**

**1. Variance of Use – 2024-12 Kubal favorable recommendation at April 11, 2024 BZA meeting (by unanimous vote 5-0)**

Brian Kubal, 7600 W 136<sup>th</sup> Ct., Petitioner, discussed the property. He stated it is the old laundromat property on the hill. He stated they divided it some time back and split it and put an additional parking lot in. He stated the upper part of the lot and the building are up for sale. He stated he wanted to ensure the newer parking area was kept for the shopping center. He stated he got the surveys done and wishes to move forward with selling the property. A brief discussion continued.

A motion to approve was made by Robert Carnahan with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

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**OLD BUSINESS**

**1. Consideration to establish a Metropolitan Police Commission and a Metropolitan Fire Commission and consider eliminating the current Board of Safety**

Mrs. Dickson reported she reached out to AIM (Accelerate Indiana Municipalities). There is a municipal network available to them to ask questions. She stated she reached out and received a response from Santa Clause and LaGrange. She stated she asked if anyone out there had leadership for police and fire outside of a safety board which is required by State Statute or fire protection. She stated no one has such a thing. Both communities reiterated the State Statute to her that she is aware of. Mrs. Dickson asked Kirsten for an update on what she had received. Kirsten stated she reached out to AIM as well and Becca sent her the statute as well. Discussion occurred on the ability to have a safety board, fire protection district, or fire territory. Mr. Parker stated they could also utilize home rule to do things as they have in the past. Mrs. Dickson stated if they create something under home rule, they will have to create the policies and regulations. Mr. Parker stated it is time to do something different. He stated what they have does not work. Mr. Recupito stated if they considered splitting them up, they would have to discuss some sort of timeframe. He stated nothing would probably be done immediately.

A motion to defer to the next meeting was made by Greg Parker with second by Chuck Becker. Roll Call: Carnahan – No, Rivera – Yes, Becker- Yes, Dickson – No, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 5 – 2.

**2. Appointment of Board of Safety member**

Mr. Recupito opened the floor for nominations. Mr. Carnahan nominated Barb Littles. He stated she is always at the meetings. Mrs. Rivera nominated Larry Nagy. No further nominations were made.

Mr. Recupito asked for Roll Call for Barb Littles. Roll Call: Carnahan – Yes, Rivera – No, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 6 – 1.

**NEW BUSINESS**

**1. Disbursement of funds from 2022B Construction Fund in the amount of \$727,052.12 to GM Development Companies LLC.**

Ms. Sandberg reported this is for work completed through the date of the request. Veridus Group, Owners Representative, has checked off as well as Sue Haase and herself. Mr. Carnahan stated this is for the police building. Ms. Sandberg stated no. This is B, which is the fire project.

A motion to approve was made by Richard Thiel with second by Robert Carnahan. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**2. Disbursement of funds from 2022A Construction Fund in the amount of \$297,815.22 to GM Development Companies LLC.**

Mr. Recupito stated this one is for the police department.

A motion to approve was made by Robert Carnahan with second by Chuck Becker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**3. Approval of CBBEL pay request #4 in the amount of \$50,166.00**

Mr. Recupito stated this is for the Shades Subdivision. Mr. Kubiak stated they are getting ready to start up again.

A motion to approve was made by Mary Joan Dickson with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**4. Change order for the 2024 Crack Seal Project for the increased amount of \$3,369.17.**

Mr. Carnahan stated he looked at the prints and the section in the dip by Lemon Lake Parks and Robin's Nest has been removed. They will be elevating that section of road and adding box culverts. That is why it has been removed. Mr. Recupito stated the increase is for thermoplastic in sections they were not doing before. Mr. Kubiak reported they eliminated some crack sealing on 133<sup>rd</sup> from Morse to Colfax and gained some credit. A brief discussion continued on the project.

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A motion to approve was made by Robert Carnahan with second by Chuck Becker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**5. Extension of engagement with Crowe**

Ms. Sandberg stated she would like to request an extension of the engagement with Crowe. The Arbitrage report has not been completely finalized yet. They will also need to file the Continuing Disclosures for the Town that are required as part of the bonds. Mr. Recupito asked if it was for \$4,000. Ms. Sandberg stated \$4,000 is the limit the Council put on the engagement last time. She stated she spoke with Crowe and the work for the arbitrage report is just under \$3,000, currently. Mr. Parker noted there was a scrivener's error on the agenda. Ms. Sandberg stated she would talk with administration about that error. Ms. Sandberg stated she is asking them to not put a limit as they finish things up. She reported that last year, Continuing Disclosure services were approximately \$3,900. Mr. Parker asked if she saw it exceeding \$4,000. Ms. Sandberg stated she does not see it exceeding \$4,000 for the Continuing Disclosures. She could not say for certain on the Arbitrage report. A lengthy discussion continued on anticipated service costs. Ms. Sandberg reminded them that these are requirements of the outstanding bonds. These reports have to be done. She stated she could not do them as she is not a certified accountant and does not have access to the EMMA website for the continuing disclosures. A professional service is required.

A motion to approve the extension of the engagement not to exceed \$10,000 was made by Mary Joan Dickson with second by Richard Thiel. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – No, Recupito – Yes. Vote 6 – 1.

**6. Approve Posting a Notice to Accept Applications for a Deputy IT Director.**

Mr. Recupito stated they spoke about this last year and it did not go any further. Mr. Carnahan stated Mr. Wroe was present. Mr. Recupito asked him to state his position. Mr. Cliff Wroe stated he was the IT Director for the Town. He has worked for the Town in some capacity for the last twenty-three years. He feels they have made some tremendous improvements over the last three years. He stated he could use a break. Chief Fisher stated Mr. Wroe does not ever stop. Every meeting that has taken place, he has been online. He was on vacation with his family last week and had to be online for every single meeting. Everything that happens in the Town, whether police, fire, Town Hall, etc. it has extensive IT work. There are mass amounts of backing up and ensuring that all of the data stays protected. Mr. Wroe is usually at Town Hall at or before 5:30AM. Chief Fisher stated he has had conversations with others and Mr. Wroe loves it but he needs help. There is so much going on that he cannot do it by himself. Mr. Thiel asked if it was full-time or part-time. Chief Fisher stated Mr. Wroe would tell you part-time would be a good start but full-time is needed. Mr. Wroe stated if it was full-time they could keep them busy. He discussed the new buildings coming online in the next year. He stated his goal over the last few years is to reduce repetitive processes. He stated the thinks they have done that and he would like to keep that trend going. He stated he could use a night or two off. Chief Fisher stated every time they ask for something on the website or ask for a report, that is Mr. Wroe. Chief Wilkening added that Mr. Wroe is remarkable and is going in 200 different directions. The technology he has brought into the fire department has been incredible. He stated there is a lot to do. Mrs. Ray stated as a new department, they have had a lot of IT needs. They have put a toll on him this past year. He has always answered his phone even when on vacation. Mrs. Dickson asked Ms. Sandberg if there was a line item in the budget. Ms. Sandberg stated yes. The full-time position was budgeted and they put the full-time position in the salary ordinance with a maximum bi-weekly not to exceed \$3,076.92, which comes out to \$80,000 a year. Mr. Becker asked if they had a spot for the additional person. Mr. Wroe stated he would share his office. Mr. Wroe added it would be in the best interest of the Town to have somebody else. He stated he tries to document everything and Deputy Chief Brittingham has been a godsend with helping out when he can. He stated if something were to happen to himself, they would need somebody to come in and handle things. One person is not a good thing. Mrs. Rivera stated he has held on a long time and he has been out on bereavement and has been gotten calls. He has definitely gone above and beyond.

Mr. Thiel made a motion to approve the posting of a notice to accept applications for a Deputy IT with all the specifications that Jen said with full-time. A second was made by Chuck Becker. Mr. Parker asked about the salary. Ms. Sandberg stated the salary ordinance has a bi-weekly maximum of \$3,076.92. She stated when she put the post out, she will talk with Cliff and put a range out. The salary ordinance is just a stated maximum. It does not mean you have to start the position out at that. Traditionally, what they have done with positions, is to start them at a lower rate based on qualifications and

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backgrounds. They are not necessarily going to start them at what was budgeted. Mr. Carnahan asked what that would be yearly. Ms. Sandberg stated that would be \$80,000 annually. Chief Fisher stated they have to remember that they have to pay for the talent. Mr. Thiel stated that leaves it open for the applications they are going to get. Mr. Parker stated he wants to help him and vote for it but he would not vote for an \$80,000 a year Deputy IT. Mr. Thiel stated it does not lock them in. Mr. Parker stated there needs to be a not to exceed number. Ms. Sandberg stated they post a range, they accept applications, and then they talk it out. They review the applications, decide who they wish to interview, and then decide what salary to offer. Mr. Recupito stated if something happens and they decide not to hire anybody, that is an option too. He stated he has discussed this with Cliff. There are options. Mr. Parker stated he wants to make sure they are being responsible. Mr. Carnahan asked if there would be an amount. Ms. Sandberg stated if they will allow her to put the posting out. She stated she would work with Cliff to discuss the parameters of the posting and make sure it is a salary range. It does not commit them to the maximum salary. Mr. Parker continued to voice concerns on the range. Ms. Sandberg suggested \$60,000 to \$80,000, depending on what they are looking for exactly to hire. Mrs. Dickson stated it is not a nine to five job. Mr. Recupito asked Mr. Parker if he was okay with that range. Mr. Parker stated he is okay with a not to exceed \$60,000 to start. Mr. Thiel stated what happens if they get an applicant as qualified as Cliff and would they come for \$60,000. He was hesitant to limit it to that. Mrs. Rivera asked about a range of \$60,000 to \$70,000. Chief Fisher reminded them that the ordinance is already established with \$80,000. It does not mean they have to pay \$80,000. Mr. Parker continued to voice concerns. Mr. Thiel stated they would have a final say on the applicant and salary. This is not a final approval. Ms. Sandberg stated this is just to post the job opening. Mr. Carnahan asked if Cliff would review the applicants. Mr. Thiel asked if it is something that could be at Council Affairs. It was answered in the affirmative. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**7. Consider Storm Board’s request to move their meeting back to the 2<sup>nd</sup> Tuesday of the month at 6 p.m.**

A motion to approve was made by Robert Carnahan with second by Richard Thiel. Mr. Becker asked when it would take effect. It was stated for the next meeting. Mr. Becker reminded them that is when they are considering the JMOB meeting. Mr. Recupito asked Mr. Bunge if he was aware of that. Mr. Bunge stated he is now. Both would be in these chambers. Mrs. Dickson suggested JMOB at the Clubhouse. Mr. Becker voiced concerns with televising it. Mr. Wroe stated they could make it happen. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**8. Approve placing the steamboat hoist at the north end of public pier, next to the museum slip. Passengers will continue to board on the landing by the flagpoles.**

James Laud Jr., 12988 Colfax Street, stated he is Past President of the Cedar Lake Historical Association. He stated they have acquired a lift through donations and other means. They already have a slip for the smaller boat. They want to put the lift for the steamboat on the outside. That will allow storage on the grounds. It would be good for advertising and less stress on volunteers. It would also help lower costs for items like fuel. He stated they will not be loading or unloading off of that. They will still use their traditional mechanism. Mr. Recupito asked the Chief’s if they saw an issue. Chief Fisher stated they had a talk last year. He stated they put an additional slip at the end of the pier last year for their purposes. He has no problem with it. The public slips will still be open and have no interference. A brief discussion continued.

A motion to approve was made by Robert Carnahan with second by Greg Parker. Roll Call: Carnahan – Yes, Rivera – Yes, Becker- Yes, Dickson – Yes, Thiel – Yes, Parker – Yes, Recupito – Yes. Vote 7 – 0.

**REPORTS**

**1. Town Council** – Mr. Carnahan stated he went to a recycling meeting and it blew his mind when he found out that Waste Management and Republic do not do their own recycling. They send it all to Homewood Disposal. He stated that caps need to stay on plastic bottles. He spoke a little on the recycling process. He stated he would like to consider bring Jim Walker out to explain the process of recycling to people. Mr. Recupito stated he and Chuck Becker spoke to Republic representatives and they offered to come out and speak to people. Discussion continued on public outreach.

- a. Town Grounds Tree Replacement – Mr. Bunge reported that part of the water improvements to the new public safety buildings would result in the loss of twenty (20) trees. Mr. Recupito stated they wanted to put it on the agenda as a possible action item. They would be looking into possibly replacing trees on the

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Town Grounds. Mr. Bunge stated that is correct. Many of those were memorial trees. Mr. Bunge stated Mrs. Ray found some documents on the trees. Mrs. Ray stated they found a map of the trees that were planted and their location on the grounds. Mrs. Dickson stated she would like to see them replacing the trees. It is important to replace them. Mrs. Ray asked if there was a replacement program in the final phase of the projects. Mr. Thiel stated there was discussion but nothing concrete. Mr. Recupito asked Mr. Bunge to come up with a plan and bring them a proposal. Mrs. Ray stated she would work with Jeff on replacement plans. Mr. Thiel spoke about grants and stated Dyer gets grants each year. He stated the last one was approximately \$4,000. He asked the Parks to look into grants. Ms. Abernathy stated they looked into a grant program last year. Don had circulated it as it was through NIRPC. Unfortunately, it was only for the Lake Michigan Shed Area. The Town does not fall into that but Dyer may. Mr. Carnahan stated it is a different program and Mary Tanis is involved. Mrs. Dickson stated she would request that the trees are three to four inches in diameter. That way it will take root and last. Mrs. Ray asked for clarification if it would be a Park or Town budgeted expense. Mr. Thiel stated since the trees were removed for water, it should be a Town expense, not park. Discussion continued on the potential replacement program. Mr. Recupito asked Mr. Bunge to make sure it was on the next agenda.

Mr. Carnahan commended Kirsten for looking for grants for Lake Dredging. He stated she is doing a terrific job. Mr. Carnahan stated Mr. Bunge met with Mr. Tippy. They were originally told there was \$1,000,000 available for dredging and when they met, he was told there was not. Mr. Bunge stated there is \$6,000,000 sitting in Monsanto monies. It has not been dispersed yet. He was told they are not the only applicant. He stated he believes that is covered in the CBBEL report. Discussion continued on the monies available. Mr. Carnahan stated they are meeting with Congressman Mrvan's office on Thursday. He hopes they can get some money for the dredging project. He stated he reached out to Don Oliphant and they have paid \$118,000 to Kay Whitlock for her work prior to starting the dredging.

2. **Town Attorney** – No report.
3. **Clerk-Treasurer** – Ms. Sandberg reported they are working to finish the April reports due as well as the supplement to the Town Code for codification.
4. **Town Manager** – Mr. Bunge reported he spoke to Don Oliphant and the dredge will resume tomorrow. They are in section area 10B. They will stay there as long as money holds out. They are pretty vigorously looking at various funding options. A lengthy discussion continued on the remainder of the Christopher B. Burke Engineering monthly report.

Mr. Parker asked who is handling the Lee Cove ordinance situation and if it has been resolved. He asked what was done to resolve it. Mrs. Abernathy stated he was working with the Town to get it brought to order. To her knowledge, the shed was outstanding. He asked and would be approaching the Plan Commission with a concept plan. It would be to allow for enough property to be parceled out for the neighbor to be able to keep the shed. It would make sure all setbacks and zoning requirements are met. He will be bringing that to the Plan Commission for consideration. If the Plan Commission is not in agreement, they will go back to telling him to remove it. Mr. Becker asked if he was ever fined for the violations. Ms. Abernathy stated as soon as he got the letter, he started to bring it into compliance. There is no fine at this time. Mr. Kubiak stated he got everything out of there. Ms. Abernathy again stated the only thing left is the shed. Mr. Carnahan stated that reminds him of a conversation with Mary Joan and the property across from the chamber. It has a silt worm instead of a silt fence. The dirt is coming over the silt worm and spilling in towards the roundabout. Mrs. Dickson stated Ashley said they have been fined. Mr. Carnahan asked if they should be putting up a fence instead. Ms. Abernathy stated they allow for either for. MS4 controls do not designate one over the other. Mrs. Dickson asked if the fines continue. Ms. Abernathy stated that falls under a MS4 Inspection Report completed by CBBEL. When they get fined, it is on recommendation from the engineer. The engineer goes out and reviews the property and sends a report to the Town as well as the developer. That is how the fines are assessed. Mr. Kubiak stated he spoke with the contractor and they would be proceeding with the project before the end of the month.

5. **Director of Operations** – Mr. Kubiak reported on the crack sealing project. He stated they are about halfway complete. The Lynnsway ADA project is also moving along. They have knocked off one of the storm water projects that was on the list. They will move on to the next one, rain pending. They have been continuing with fixing potholes and other items. Mr. Becker asked about 133<sup>rd</sup> going west from Robin's Nest. He voiced concerns with the road crumbling. Mr. Kubiak stated they would be getting some hot mix and hope to get the swale repaired. Keep a band aid on it until the project next year. Mr.

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Parker asked about speed bumps going in by the softball fields. Mr. Kubiak stated he had a conversation with the gentlemen on 134<sup>th</sup> Avenue. They put in two speed bumps on 134<sup>th</sup> going down towards the softball fields. The consensus of the neighborhood was the need for them was on 134<sup>th</sup> versus Osborne.

6. **Police Department** – Chief Fisher reported on the monthly calls report.
7. **Fire Department** – Chief Wilkening reported on the monthly calls report. He briefly discussed ambulance quotes. He asked for a timeline and stated he would request a meeting once everything is back. Mr. Thiel stated he spoke with Mr. Stick and they wanted to have a meeting with the Council and Safety Board sooner rather than later. Mr. Thiel reported he took a tour of Fire Services. He stated it was impressive and they looked at everything they offer. Mr. Carnahan asked Chief Wilkening if he sends everything to the Clerk-Treasurer. Chief Wilkening stated he does not believe he sent it to Jennifer. Mr. Carnahan asked him to copy her on everything as she needs to see everything too.
8. **Parks Department** – Mrs. Ray stated she does not have a specific report. They are just continuing to move forward with the department. Mr. Thiel asked about the resurfacing. Mrs. Ray stated their resurfacing project has not yet begun.

**WRITTEN COMMUNICATION**

Mr. Recupito stated an email letter was received from Schilling Development. He stated it would be entered into the record. *A copy can be found at the end of the minutes.*

**PUBLIC COMMENT**

Angeline Mikolajczak, 12806 Lee Court, stated she had two things she wished to discuss with them. One of them is the Town Grounds tree replacement project. She stated she has been following a lot of native plant groups. She stated there are plenty of volunteers for native trees. She stated through the Shirley Heinze Land Trust, Jasper/Pulaski Tree Nursery, and Friends of the Sands. She stated these organizations give out native trees as well as have volunteers that help with planting. She stated tomorrow she would be speaking with the Plan Commission. She is the neighbor of the person in violation with the shed. She stated her subdivision is supposed to have a five-foot drainage easement according to the building plans and engineering. The Town engineer came out and looked as well as confirmed the ditch was never there. The shed is not only where the ditch is supposed to be but was built with dirt and stone to accommodate it. Her property gets a bunch of water by the neighboring property and all of the water comes into her yard. Mr. Parker asked Tim what they could do to get the swale established that was supposed to be there. Mrs. Mikolajczak stated she was working with the Storm Board on the matter. She stated they are helping her. Mr. Thiel stated Storm Board is working on it. Mr. Kubiak stated as soon as they are given direction, they can get it taken care of. Mrs. Mikolajczak stated it still does not take away the part that the Town asked them to remove the shed in April or May of 2023. She stated a letter was sent in January that gave them a five day notice to comply. She stated she does not agree with the fact that they will be working with the building department to give him part of the parcel so the shed could remain there. Mr. Parker stated he does not know if that will work out because it will require a one-lot subdivision. Ms. Abernathy added it would require the platting process through the Plan Commission and the subdivision would have to be approved by the Plan Commission. Mrs. Mikolajczak stated it is on more than an acre and there is still a moratorium. Mr. Parker stated not for a shed. Mr. Parker stated the shed is not on the person who owns the shed's property. Mr. Kubiak stated that is correct. It is half and half. Mr. Parker stated that is a problem. Most of it is on the Lee Cove property. Mrs. Mikolajczak disagreed. She voiced concerns with the letter sent regarding the violation and that the shed has not come down. She voiced concerns with her property suffering because of the water from the two properties. She discussed her conversations with the Storm Board and the potentially fixes. Mr. Recupito asked Mr. Deutmeyer about the notice. Mr. Deutmeyer asked her sent the notice. Ms. Abernathy stated it was her at the direction of the Plan Commission. The owner of the shed as well as the property owner reached out to the Town and asked for additional time to find a remedy. Ms. Abernathy stated she spoke to Plan Commission members regarding granting additional time. It was expressed there was not a concern working to get the shed removed. Mr. Recupito asked what kind of extension was granted. Mrs. Mikolajczak stated she put in a public record request yesterday and received a response today that no further written activity has occurred. Ms. Abernathy stated she has only been in verbal communication. Mr. Recupito stated they need to get that remedied. Mrs. Mikolajczak continued to voice concerns. Mr. Recupito asked Ms. Abernathy what they would do. Ms. Abernathy stated it was expressed to her that they could go before to the Plan Commission with a concept plan and see if it would be something that could work. They are supposed to have something within the next week. Mr. Recupito stated it is not in compliance. Ms. Abernathy stated it is on a mete and bounds parcel. Mrs. Mikolajczak continued to voice concerns. Ms. Abernathy stated she would contact the owner tomorrow and tell them that direction has changed and the shed has to be removed. Mrs. Mikolajczak questioned the follow through as that is what was stated in the January letter. She continued to voice concerns with the property owner in violation. Mr. Recupito asked if legal would have to step in. Mr. Deutmeyer asked for some clarification on the location and if it was encroaching on the neighbor's land or

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the Town's. Ms. Abernathy stated on the private property owner's land. Mrs. Mikolajczak stated it is in the easement. Ms. Abernathy stated there is not an easement on the property as it is a metes and bounds property. Mrs. Mikolajczak discussed the subdivision plans showing an easement. Mr. Parker stated the drainage easement is in Lee Cove adjacent to the property that is the metes and bounds property. Mr. Kubiak stated looking at GIS it looks like the shed is all on the metes and bounds property. Mr. Parker stated there is supposed to be a drainage easement in there somewhere. Mr. Kubiak stated if there is a five-foot drainage easement, which he has not seen, the shed is not on it. He stated the shed is more like a garage. It is not easily picked up and moved as it is fairly large. Mrs. Mikolajczak continued to voice concerns. Mr. Recupito stated if it is not in compliance they need to correct it. He asked them to contact the owner tomorrow. Mr. Recupito asked Angie to come back. Mrs. Mikolajczak voiced concerns with the ordinances not being followed. She voiced concerns with jobs not being done. She stated she feels she is being unfairly treated. Mr. Recupito asked about the potential fines. Mrs. Mikolajczak continued to voice concerns with the property owner. Mr. Recupito stated it needs to be fixed by the next meeting. Do what needs to be done. Mr. Deutmeyer stated his question was to see if the Town had a legal interest in what was being encroached on. The interpretation is there maybe should be an easement but there is not one. The Town does not have ownership interest to follow a lawsuit for trespass. The next question is if there is a zoning violation. He believes the answer is yes. Ashley sent the letter. He does not care the excuse; the fact is he has not done it. The next step is to start fining. That is the next step that needs to happen. He stated the property owner may not follow through with the fines assessed and then the process would be to turn it over to the attorney's office for filing to collect those. Mr. Kubiak discussed the notice. He stated the property owner did contact the building department and started to clean up. Ashley talked to the Plan Commission to see if additional time could be granted. They did not just ignore it. There was action by both properties. Mrs. Mikolajczak continued to voice concerns and discussed the two different matters. Ms. Abernathy reiterated she would reach out to the property owner tomorrow and tell them the shed needs to be removed. She asked if there was a timeframe the Town Council would like. Mr. Recupito asked if another five days was okay with Angie. Mrs. Mikolajczak voiced her displeasure with that. Mr. Recupito told Ms. Abernathy immediately. Mrs. Mikolajczak continued to voice concerns. A lengthy discussion continued on the matter.

Jim Goodmenson, 13701 Lauerman, stated he wanted to urge the Council to continue the dredging until it is done. He stated it sounds that it needs further funding. He assumed when they started the funding was in place to do the job. Mr. Parker stated it was not. He asked Mr. Goodmenson if he understands that only 20% of the lake was proposed as being dredged. Mr. Goodmenson stated he understands that only certain areas and not the entirety of the lake. Mr. Carnahan stated a lot of people thought they were dredging the entire lake. It was only 20%. Mr. Goodmenson stated he understands. From what he has heard, it sounded like the Council was at a point to say they have to quit because they cannot go on. He stated they have to finish what they planned. The lake is an asset. They need to continue to work as planned to maintain the lake and improve it. Mr. Carnahan stated they do not own the lake. Mr. Goodmenson stated he understands. Mr. Carnahan stated that was sewer monies and they have sewer problems. Mr. Goodmenson stated he understands and that was a mistake to not finish. He voiced concerns with multiplying a mistake. He stated the equipment is in place. Mr. Parker stated he wished to challenge Mr. Goodmenson. He asked when is it enough. He stated if the state or federal government wants to continue the project, they are okay with that. Mr. Parker voiced concerns with the costs associated with cleaning up the sediment dewatering facility. He again asked Mr. Goodmenson when it is enough. Mr. Goodmenson stated he does not know the funding background. He stated he is learning that the plan was not fully funded. Mrs. Rivera stated the Dredge American plan was fully funded. Mr. Parker disagreed with the use of the sewer monies. Mrs. Rivera stated it was funded through the end of the Dredge America contract. Mr. Parker disagreed. He voiced concerns with sewer monies being used. He stated they did not get a voice in that as it did not go to referendum. He voiced concerns with having to increase rates. He stated there was no benefit for the sewer system of the money spent. He stated that is the problem. That they used sewer funds. Mr. Carnahan stated he has been looking every where he can to find money. He stated they want to continue the project. He voiced concerns with sewer needs. Mr. Goodmenson asked how much the sewer rates would need to go up to replace the \$4.5 million. Mr. Parker stated if they had the \$4.4 million that went into the lake, they could finish the west side sewer interceptor without a rate increase. He stated further engineering would need to be done. Mr. Goodmenson stated he is speaking as a resident. Mr. Parker asked him if he would notice a 4% difference in how much was dredged. Mr. Goodmenson spoke to the benefits he has heard on how clear the lake would be. Mr. Parker stated that was false. The only way the lake would get clear would be with chemicals. He stated it is a mud bottom. Mr. Goodmenson spoke about replacing the fish. Mr. Parker discussed the meeting with the DNR. He stated there is a lot of rhetoric that has gone on online. He stated what they told him is what they know. Mr. Goodmenson thanked them for the information.

Sheryl Corey, 12708 Havenwood Pass, stated she is the Cedar Lake Commissioner for the Shared Ethics Advisory Commission. She attended last month's meeting. The goal of the Commission is to train trainers at the Town and they will train all employees on ethics. She stated she is working with Jennifer and Jeff on finding the trainers. They will coordinate the training. The 2024 Shared



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Ethics Management training is coming up on May 31, 2024. In October, there will be an open forum for the community. All are welcome to attend. She stated she will keep them posted as more details become available. The 2024 Candidate Ethics Pledge has started. The candidates are invited to sign an action pledge and commit to providing ethics training. The Commission is working on rebranding their website as well. Mr. Thiel asked if this is something they could add to the agenda. Mr. Recupito asked how often she planned to report. Mrs. Corey stated they meet every other month. She stated she would have a report. Mr. Thiel asked if she could get with Jeff to get it on an agenda. Mrs. Rivera suggested at the beginning. Mrs. Corey was advised to get with Mr. Bunge.

Carol Kerr, 9900 W. 129<sup>th</sup> Place, commented on the IT position. She stated most IT professionals make six figures. She stated they have to have a high IQ, dedication, and put in the work. She stated if they are looking for someone or to keep who they currently have, they should be making six figures. She stated she is glad Mr. Carnahan mentioned recycling. She knows Lowell has stopped. She discussed the Lowell Tribune and information provided. She asked how they can find out about public safety calls and information. Mr. Wroe stated online there is an open data portal. It has every police call, fire call, building permit, and unsafe information. It will give the call nature. Chief Fisher stated some of the information she seeks cannot be shared. Mrs. Kerr stated at the last meeting she was told by Mr. Kubiak that he did not answer the call or screens. She voiced concerns with him not answering. She stated others are responsive and will give you a call back. She asked what the board thought of his comments. Mr. Parker asked Mr. Deutmeyer about the policy on employee situations. Mr. Deutmeyer stated employees and employment matters are usually executive session. Mr. Parker stated even if someone wanted to comment, they could not. Mrs. Kerr continued to voice concerns with Mr. Kubiak's behavior. Mr. Thiel stated the Council has had discussion. He cannot go into detail and they will be looking at policy. Angie Mikolajczak stated she worked with for the City of Goodyear, AZ and helped on the rollout for curbside recycling. She stated containers have to be rinsed out but that uses more water and wastewater. She stated she would be willing to help with public outreach. Mr. Recupito stated they would be grateful for any help.

Eric, 13701 Lauerman #19, discussed living in multiple towns and special assessments on new homes and developments. Mr. Parker stated they do have system development fees. Mr. Carnahan stated it is about \$3,500. Ms. Sandberg stated that is for sewer. There are different rates for the water system development fees. Mrs. Dickson stated there are also park impact fees. Eric urged them to do some research on surrounding fees. Mr. Parker stated they have to do everything through the Indiana Utility Regulatory Commission. Mr. Carnahan discussed the cost for petitioning. Mr. Thiel asked Ashley if there was an estimate on new homes and the average permit. Ms. Abernathy stated it is about \$15,000 for everything. Mr. Kubiak stated that is for approximately an 1,800 sq. ft. house. Mr. Recupito stated that is something that has come up. He discussed a road impact fee. He stated they are looking at it now. Eric asked if there have been any opportunities for the Town to have more commercial development. Mr. Thiel stated there are two commercial developments, Lakeview, and Railside. One is more industrial. Ms. Abernathy stated more commercial and industrial. They are in concept right now. A brief discussion continued on big box stores and commercial development.

Carl Smith, 13701 Lauerman, stated he appreciates the attitude and is proud to be part of Cedar Lake. He stated he is a little disappointed in what he is gathering. He stated he came with the understanding they had a certain amount of money for the sewer improvement fund and that was under the board's control. He stated is he correct in understanding that it is beyond their control with how the money is spent on the dredging process. Mr. Parker stated sewer money is supposed to be collected and spent on sewer infrastructure alone. He stated typically if it is used it is borrowed and paid back. He stated that has been done repeatedly. He stated that is not what happened. He stated someone made the decision to use sewer funds for the Lake Dredge. He stated it is only for certain spots and by no means will restore the lake. He voiced concerns with the scope of the plan. He discussed the Council's responsibility to the taxpayers. Mr. Smith stated he appreciates what he is hearing. He stated his expectations, as for many, was that they were in the process of cleaning up the lake. It was finally coming to fruition. He stated what he is hearing is that it is not what they expected. Mr. Parker discussed the lake getting better over the years. A lengthy discussion continued on the lake, dredging expectations, and costs.

Charlie Kortokrax, 9505 W. 137<sup>th</sup> Avenue, stated she has in his hand the document from when they talked about dredging the lake. He stated he has been a resident all his life. He stated the water quality has improved immensely even before the dredge. He stated he does not like Cedar Lake as being referred to as a body of water that caught sewer. He stated that had little impact on the lake. He stated the Town was started because there was a lack in the entire community. He discussed Mr. King and his work. He stated he is proud of Cedar Lake and it has been a dream to get it dredged. He stated the problem is that it has never been funded. He stated they took money from other sources to fund the dream. He stated they took from the sewer. He stated the original plan was to build a future plant. He stated it is a state lake. The DNR was here the other night and they have the authority over the body of water. He discussed the infiltration into the lake from streams and creeks. He discussed runoff and bodies of water naturally being filled in. He stated what is being done will not make the lake noticeably deeper or clearer. He stated they need to give up the dream. He discussed the Army Corps project and costs. Discussion continued.

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Kevin Toth, 9725 B W. 129<sup>th</sup> Place, asked about the disbursements that go out for the new police and fire stations. He stated the disbursements are quite large and very often. He questioned the BOT agreement and if there was one. Mr. Toth voiced concerns. Mr. Parker stated he is guessing the BOT thing was pitched to avoid a referendum. Mr. Toth stated that is why he is asking. Mr. Carnahan asked Ms. Sandberg. Ms. Sandberg stated there is a BOT agreement. Mr. Toth asked about the annual payment. Mr. Recupito stated he was under the understanding once it was operational it would be transferred. Ms. Sandberg stated she does not know the law regarding BOT agreements. She knows the prior Council executed a BOT agreement. Mr. Toth continued to voice concerns. Mr. Parker stated maybe it is something they should look into. Ms. Sandberg stated she would pull the agreements and send them out. Mr. Toth asked them to not reinvent the wheel as state statute exists for safety boards. He asked them to let them do their job under statute.

Mr. Carnahan asked Mr. Toth about applying for a permit to put the Christmas trees in the lake. It will help the fish. Mr. Toth stated if they allow them to put the trees in there. He is working on the application. Those would be the chamber Christmas trees. They would be used for fish habitats.

Father John Kowalczyk, 14338 Violet Circle, asked them to please use their microphones. Some are really good and some are unfortunately not so good. He asked them to speak up. He stated they are building a new facility for the police department and fire department. He stated it is great to have a building. Unfortunately, you need people to make it work. He encouraged the Council to look at how to get more officers and firemen. He stated he knows it costs money but it is important.

Jerry Wilkening, 10826 W. 131<sup>st</sup> Avenue, discussed the 20% of the lake being done and 60% of that being complete. He asked about the money that was to be put back and if it was done. Ms. Sandberg stated no as the Town Council would execute the resolution tonight. Mr. Wilkening asked about the public safety buildings and if it was a turn-key project. Chief Fisher stated no. Mr. Wilkening asked about Beacon West and the MS4 violations. Ms. Abernathy stated there are no outstanding violations to her knowledge. The next report would come out soon. Mr. Wilkening discussed busses dropping off people. He stated there are busses that come through Town. He asked about the scheduled, private events. Scheduled events should not be affected. Mr. Wilkening asked Mr. Deutmeyer about the storage building business on 41. It was referred to as existing, non-conforming. Mr. Deutmeyer stated he has not seen anything. Ms. Abernathy stated she is doing research on the property. A brief discussion continued. Mr. Wilkening discussed Storm Water and ordinance. He stated Ordinance No. 1096 makes it clear on waterways on properties. He stated he is referencing Lee Cove. He believes there is more than one violation. He asked them to instruct someone to check into that. Mr. Recupito asked if they could look into that. Ms. Abernathy stated it would depend on when the first ordinance went into effect. Some subdivision went in prior and have no operational manuals. She stated she would research it. Mr. Wilkening asked about fines for violations and if they were every day. Mr. Deutmeyer stated yes. Gayle Brannon, 7014 W. 139<sup>th</sup> Place, stated in the packet the Ordinance No. 1488 for the bussing is missing Exhibit A. She asked if the public could have that. Mr. Carnahan stated it was discussed and they would have it at the next meeting.

Terry Broadhurst, 14513 Morse, discussed Angie's case and stated he was in a similar situation with a neighbor. He stated the public is relying on administration to do their job fairly, just, and without prejudice for all residents. He voiced concerns and stated he sits here and listens to administration make excuses. He stated they go round and round on a lot of the same stuff. He asked if there is a problem with administration. He stated meetings are similar with cases and it is not right. He voiced concerns with persons present and involved in various items. He stated he is angry for the three years he has invested in Cedar Lake. He voiced concerns with what he considered to be failures and not following ordinances. He asked the Council to make decisions with common sense. He stated maybe it is a problem with administration.

**ADJOURNMENT** President Recupito called the meeting to adjournment at approximately 10:25 PM.

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**COUNCIL OF THE CIVIL TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA**

\_\_\_\_\_  
Robert Carnahan, Ward 1

\_\_\_\_\_  
Julie Rivera, Ward 2

\_\_\_\_\_  
Nick Recupito, Ward 3

\_\_\_\_\_  
Chuck Becker, Ward 4

\_\_\_\_\_  
Greg Parker, Ward 5

\_\_\_\_\_  
Mary Joan Dickson, At-Large

ATTEST:

\_\_\_\_\_  
Richard C Thiel Jr., At-Large

\_\_\_\_\_  
Jennifer N. Sandberg, IAMC, CMC, CPFIM  
Clerk-Treasurer

The Minutes of the Cedar Lake Town Council are transcribed pursuant to IC 5-14-1.5-4(b), which states:

(b) As the meeting progresses, the following memoranda shall be kept:

- (1) The date, time, and place of the meeting.
- (2) The members of the governing body recorded as either present or absent.
- (3) The general substance of all matters proposed, discussed, or decided.
- (4) A record of all votes taken by individual members if there is a roll call.
- (5) Any additional information required under section 3.5 or 3.6 of this chapter or any other statute that authorizes a governing body to conduct a meeting using an electronic means of communication.

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Town of Cedar Lake  
7408 Constitution Ave.  
Cedar Lake, IN 46303  
Attn. Town Council

April 15, 2024

Re: Lakeside Lot coverage blanket variance

Dear Town Council,

As you may be aware, at last week's Board of Zoning Appeals meeting, our request for a lot coverage variance (for Lakeside Original) was unanimously denied. Lakeside is an R-2 zoned subdivision with all lots exceeding your 10,000 square foot minimum. The current Ordinance allows a maximum coverage of 25% (or 2,500 square feet). With many three car garages approaching 1,000 square feet, this leaves 1,500 square feet allowed for the residence and any covered porches. Many neighboring communities allow up to 50% or no limit at all (Lowell is 40%).

Schilling Development strives to exceed the Town's minimum requirements in all of our developments, and we require our builders to do the same. We also set higher standards for home size and quality of construction. We regularly spend millions of dollars on infrastructure (roads, sewer and water lines) which is then turned over to the Town. This includes oversized sewer and water lines installed at our expense to facilitate future growth. Our developments generate permit revenue, property tax revenue and an increase in the Town's assessed value.

We realize that the Town is trying to control growth while it grapples with infrastructure and funding challenges; however, this decision will have a substantial negative impact going forward. If the builders are not allowed to build the homes that customers want, they will go elsewhere. At least three contracts to build were canceled after last week's meeting – all averaging \$600k - \$700k. If the builders are not successful, we have no incentive to develop additional phases or new projects. We may be forced to abandon our projects or sell them to someone that is willing to build smaller, lower quality homes.

We respectfully request that the Town Council consider amending their zoning ordinance to allow up to 35% lot coverage. Thank you for your consideration.

Respectfully,  
Schilling Development

CC: Town Manager