

**MERRILLVILLE PLAN COMMISSION MEETING**  
**May 20, 2014**  
**6:30 PM**

President Shawn Pettit called the Meeting of the Merrillville Plan Commission of May 20, 2014 at 6:33 PM to order and led the group in the Pledge of the Allegiance. Members in attendance were Mr. Holtz present, Mr. Spann present, Mrs. Krafft present, Mr. Widing present, Mrs. Palmateer present, Mr. Dering present, and Chairman Pettit here. Staff present was Dorinda Gregor, Attorney Touchette and Sedrick Green, Robinson Engineering.

President Pettit said we have 7 members we have a quorum. Next item on the agenda is the minutes from the April 15, 2014 Plan Commission meeting. What is the pleasure of the board?

MINUTES: April 15, 2014

Mr. Widing said I move

Mr. Dering said a few minor changes Mr. President that I discovered.

President Pettit said we have a motion by Mr. Widing let's see

Mr. Spann said a second with the changes.

President Pettit said a second by Mr. Spann. If there any discussion now.

Mr. Dering said on page 4 first line the end should be mid-seventies not mid seventy and then Mr. Dering asked it is in refurbishing it should be any refurbishing. One page 5 I don't want to be labor and instead of it being a very rear situation it should be a very rare situation and that is all the changes I could find.

Mrs. Gregor said very good we will make those corrections.

President Pettit said alright Mr. Widing and Mr. Spann do your motions stand with the corrections.

They replied yes.

President Pettit said all those in favor signify by saying aye. Opposed none. Motion carries.

**COMMUNICATIONS:**

Under communication Dorinda I am going to read the two letters for the record. The first one is dated May 19, 2014 to Dorinda Gregor from Edward Yerga, Fire Chief regarding proposed development.

Dorinda:

This letter is in reference to the proposed Plan Unit Development Hunter's Glen North. After reviewing the proposal I have concerns. The idea of having private dead end road ways in this type of development poses issues for public safety. It is my understanding that these private drives will be maintained by someone other than the Town of Merrillville Public works. This is an issue in this situation for the fact that there is only access to the homes from one direction and the Town cannot guarantee that the roads would be plowed for public safety access. Also parking is an issue on private drives and can cause delays in response by emergency personal. I would ask the Town leaders to deny this plan and revert back to the original plan that was presented on August 21<sup>st</sup> 2012. However if the town does approve the new plan I have a couple of requests to the interest of public safety. Number 1 required fire hydrants be installed at the end of all dead end streets seven total. Number 2 require no parking on all the dead end streets both sides with signs posted. Number 3 all dead end streets will be dedicated to the Town of Merrillville service by Merrillville Public Works department. Number 4 require signs at the entrance of each dead end street with all respected home addresses for that street listed in plain view.

Please let me know if there is anything further that I can assist you with.

Thank you

Edward Yerga

Chief Merrillville Fire Department.

President Pettit said with that being said we also have one item under new business which is

**P4cP-0514 DVG, INC., PETITIONER**

**CVP DEVELOPMENT, OWNER.** Located approximately at the northeast corner of 86<sup>th</sup> Avenue and Merrillville Road for a Conceptual Planned Unit Development/R-3, for a Two Family Residential Zoning district on 18.80 acres to be known as Hunter's Glen North the purpose is Two-Family residential development consisting of 78 units.

To that Dorinda received the following letter dated May 20, 2014 subject Plan Commission PUD rezoned petitioner Hunter's Glen North Planned Unit Development CVP Development Company Incorporated withdraw request.

Dear Dorinda

On behalf of CVP Development Company Inc. the Developer and the property owner of the proposed Hunter's Glen North development we respectfully request to have the PUD rezoning petition withdrawn from the May 20<sup>th</sup> 2014 Plan Commission meeting agenda. We request that formal action be taken by the Plan Commission to permanently withdraw the PUD rezoning petition. If you should have any questions regarding this petition withdrawal request please feel free to call our office.

Very truly yours  
DVG Inc  
Jeffrey R Ban  
Project Manager.

President Pettit asked what is the pleasure of the commission based on the communication from DVG.

Mr. Dering said just a question have you talked to them what is going on.

President Pettit said no I have not. With all due respect the Chair would ask for a motion and a second and we can have a discussion.

Mr. Dering made a motion to withdraw permanently the request for a Plan Unit Development P4cP-0514.

Mr. Holtz seconded the motion.

President Pettit said we have a motion by Mr. Dering and a second by Mr. Holtz to except the withdrawal letter submitted by DVG Incorporated. Open for discussion now ladies and gentlemen.

Mr. Dering asked Dorinda if she has talked to them at all.

President Pettit said I have not. I talked to Councilperson Barron and last night she indicated to me that I guess to Bill and Dorinda I am a little bit surprise that this is a complete withdrawal.

Mr. Touchette said I talked to Glen Borne yesterday on an unrelated matter but this came up in the conversation and he told me that this developer was going to withdraw this request but they were going to resubmit the prior request with the hopes that the Town assisting with the road improvement.

Mrs. Gregor said saying that they didn't send this over until about 4:00PM today.

President Pettit said I was just concerned that it was a complete withdrawal. I thought that it was a deferral the way Council Person Barron made it sound when I talked to her and she obviously shares the same concerns that a lot of us had and obviously Chief Yerga has with the configuration and as we discussed at the last workshop the financing mechanism with the bank and with Mr. Van Prooyen and trying to help them out. There is a concern that I will share with the Plan Commission members that I got an E Mail I think today from Bruce about the road situation but I don't know. We will have to discuss that Dorinda, Ron, Don and I probably in a workshop or actually Ron, Don and I with the redevelopment commission because this would probably come out of Merrillville Road or be split between Merrillville Road and Broadway Tiff. Oh I know who it was Bob, Bob Sczany sent it to me Sedrick and he had been talking to Bruce and there was a concern but a major road like 86<sup>th</sup> Avenue I don't know how the other Councilman feel putting that in. I understand that Bruce is concerned about putting it in for a developer somewhat unique. I don't know whether it is necessary or not but again I think that is up for further discussion but it sounds like it is going back to the old plan.

Mr. Dering said honestly Shawn to elaborate on that I don't think that we are doing this for the one developer I think we are in the process of redoing Merrillville Road. We need relief on Merrillville Road the one cut through at 84<sup>th</sup> and then 93<sup>rd</sup> it is getting so backed up. There is 87<sup>th</sup> but most people don't cut through that subdivision because it is such a winding road. I have driven there to go to the hospital a few times.

Mrs. Gregor said you have to drive slow.

Mr. Dering said yes but you have to drive very slow. I think that we could definitely benefit by a straight through road with a stop light there in the future. It would not only help CVP it would help the Indian Cultural Center that has many events. It would help the Town of Merrillville it would help anyone that

develops east of Craig because there is a lot of vacant land there. So it could open the whole area there for development.

Mr. Green said I have just one possible solution that could help. If financing is an issue for the developer maybe the Town could come up with a way that no other developer in that area could receive a curb cut or any until they pay their fair share of the street portion the continuing I think that it is like 620 feet that would be pretty much unfinished so that segment those two developers who would want to build on the segment would just pay their fair share of the road improvement.

Mrs. Gregor said Mr. Pettit is talking about putting 86<sup>th</sup> Avenue all the way to Williamsburg.

President Pettit said I just reread the E mail Sedrick and I would take this don't take this the wrong way but quote unquote flex my muscles as Redevelopment President and I will talk to Bruce about it. Go back and tell Bob and Ron I do want a cost estimate on 86<sup>th</sup> Avenue. That is something I asked for and I do want it done. I will talk to Bruce and tell him I want the number. Whether or not we put it in again is between Don, Ron and I and the other two members of Redevelopment and Council but we got to have a number we got to start with a number right guys. I can't buy a loaf of bread if I don't know the price.

Mr. Dering said there is also the issue and I want to bring it up again because Mr. Anderson is here and members of the Indian Cultural Center. There is this previous agreement that Edward Rose signed with the Indian Cultural Center now have you gotten a copy of that Bill. I know that Richard has a question. I would like for our attorney to have a copy of this so he can review it because it is an issue that is going to keep coming up on us.

Mr. Richard Anderson said I know that they are withdrawing their petition but just for the record I want to make sure that you know that representatives of the Northwest Indian Hindu Religion Center are here and they are concerned. Number 2. There is some cooperation we need with regards to an agreement on the pond that if the Town is going to cooperate by building a road then I think that the Van Prooyen could also cooperate by trying to get that finally finished and the other thing is with regard to the 661 feet half of that is on the Cultural Centers property that was exchanged which there was an agreement for that says Van Prooyen which was Edward Rose but he inherited Edward Roses obligations that he would put in the south side of the 661 feet so basically there is only 661 feet on the north side. I think that it is Mr. Standish if you look at the plats. Dr. Standish who owns that so that may be the area where you maybe if you want to restrict the curb cuts basically on the south side .....

Mr. Pettit said with all due respect folks this is only my personal opinion I am going to speak for just myself having done this as you know Richard for a long time. If I go as Redevelopment Commission President and I get these guys to bite off on it I am going to expect full cooperation from the Hindu Center and irregardless of agreement. I have been through the right of way acquisition on Mississippi Street as you know.

Mr. Anderson said the road is already there.

President Pettit said if we are going to put the money in I want to make sure we have cooperation on right of way dedication.

Mr. Anderson said the road way is already established that is not the issue.

President Pettit said the right of way is dedicated to the Town of Merrillville from Merrillville Road to Broadway.

Mr. Anderson replied yes. The cost of construction I think that Edward Rose put that in as part of the agreement back then.

Mr. Dering said I think I remember reading the agreement I think before you got

President Pettit said now let me ask you another question to Richard and Bill. If we take it on as a redevelopment commission project do we have higher authority to circumvent and the agreements are all null and void. We are picking up the tab I am willing to pick up the tab on 86<sup>th</sup> will that cancel any of the agreements.

Mr. Touchette said I would think that as far as the road goes that you are paying for the road I think that pretty much satisfies.

Mr. Anderson replied we are not going to argue about who pays for it.

President Pettit asked has there been any money set aside Richard.

Mr. Anderson said just for the pond yes. All we are saying is there is money set aside and this should have been taken care of a long time ago and all we are saying is if the Towns going forward and do this nice deed by building the road then I think that we should at least finish up this pond issue and then there is the sanitary line that runs through the property that needs to be worked on.

President Pettit said I apologize because I remember Ron when we were on the Council we did that flip when Joe was Councilman for that area and I didn't realize that the Edward Rose agreement had the pond and some of the utilities I thought that it was just the changing of the zoning.

Mr. Anderson replied there was the changing of the properties too.

President Pettit said they took the property down on Merrillville Road for the apartments and we rezoned up there as a trade-off.

Mr. Dering said when this first came up Shawn all that long ago I had a long talk with Steve Bower because he reviewed this and I definitely want Bill to take a long hard look at this agreement but the way Stephen explained it to me is exactly as we are saying. The money was set aside for the pond and the fence so that the Cultural Center was kept separate from any development that was done over there and I think there is \$70,000.00 sitting in escrow there is \$70,000.00 sitting in escrow. The road ways were dedicated to the Town. Right of way is already there so it is just the matter of who is going to construct it whether it be a developer or the Town that is irregardless that might null that one part of the agreement but it doesn't change that the road way has been dedicated already then there is the issue every time we have dealt with a subdivision going in there whether it be Edward Rose or Van Prooyen whoever it has always come back why aren't they moving the pond why aren't they putting up the fence. If the money is there just do it and get it done.

Mr. Touchette asked if there was a time frame on the fence and the pond.

Mr. Dering said no that is the problem.

Mr. Touchette said but the money is there.

Mr. Anderson said in fact I have had the title company extent the escrow to make sure they didn't give it back or try to do something with it.

Mr. Dering said wasn't there something in there Richard that they wanted to end the escrow because there had been no

Mr. Anderson said they did want to at one time and I talked them into holding it until we get this done.

Mrs. Gregor said so they will be coming back within the next couple months with their tentative plan proposed in 2012.

President Pettit said I have another question for legal counsel then Bill and this is me outside the box. Since they have \$70,000.00 with all due respect as President and Dorinda we set the agenda. Can we delay hearing their petition until they take care of the \$70,000.00 and these two improvements? Their existing the Hindu Center is existing they are there Craig is looking for our approval he wants to build we need to take care of the existing tax payers and the residence of Merrillville. Can we force them to put this stuff in now before we accept their petition or act on their petition?

Mr. Touchette said whether or not if they honor their agreement it certainly would affect whether you vote yes or no in it. If they submit a petition.

President Pettit said if I put that bug in the other Plan Commissioner members mind I know what I would be thinking if I wasn't sitting in this chair. I can't make a motion Don.

Mr. Touchette asked if Mr. Anderson has talked to the landowner.

Mr. Anderson replied no we haven't recently. So maybe I can call Jeff Ban and suggest to him that we have this conversation and all I wanted to do tonight was raise the flag that it still exists so that it is in your minds and maybe go to Jeff Ban and see if ....I mean there are ways to skin the pond cat ok.

President Pettit said if they have been waiting Richard and the membership has built a beautiful building and they have been a good neighbor and they have done events and they have adhere to everything they said they would do when they came in and built and now they are expecting something and we are going to take action without addressing that concern. I think that we might have a little bit of leverage here from the Plan Commission to say look guys you need to honor this agreement or else we are not going

I don't know what that does Richard I don't know if he would walk away if we put that out there I don't know Bill

Mr. Dering said here is what I can do I will modify my motion that any future action on this land will be actionable only if the Indian Cultural Center and CVP Development ...

Mr. Touchette said I don't think you can do that

President Pettit said I think what I would ask my fellow members to do again as Chairperson I am the President I can't make the motion but quote unquote plant the seed when the motion is made at whatever stage maybe it will be conceptual when they come back. Dorinda what did they get last time. Do they have to start from scratch?

Mrs. Gregor replied yes.

President Pettit said so this is going to be a Conceptual PUD. Is this going to be the old design?

Mrs. Gregor replied no, no it will be a Tentative Subdivision two units.

President Pettit said lots in the R 3 so we are not going to change the zone.

Mrs. Gregor replied two units.

Mr. Dering said so maybe what we can do is this instead of making a formal in the motion which is obviously not the proper way to do it then when they come to you Dorinda then I think it has to be imminently clear that this is going to be the big question right off of the rip. Richard if you would reach out to their attorneys, their developers, their engineers who ever Craig himself and just say that we need to come up with a solution however it works out that is between you guys this is your agreement we can't enforce it but we have to be cognizance of it. If we step on the Indian Cultural Centers toes we are liable for a suite from the Indian Cultural Center.

President Pettit said there again why should we give an approval to a guy why should we give an approval for a project that is not honoring an agreement. We do run the risk if we do put that out there and say you know what Craig you can't go to final subdivision until you put the pond and the fence in per the Edward Rose agreement. He may never build he may just walk away from it I don't know.

Mr. Touchette said what is the deal on the pond.

Mr. Anderson said right now the pond is right outside of the Cultural Centers property. It is on the property of Van Prooyen and needs to be ether on to our property or we have to work out something as to the land if he doesn't want to build it. Which means he has more cash so there are ways to work this out.

Mr. Dering said but it was originally the Cultural Centers Pond it just was when they did the flip and the exchange with Edward Rose the pond went with the exchange agreement that the pond would be accessible to them to take care of their storm water.

Mr. Anderson relied yes so we just need to get this we need to get a pond on our own property so we can put this to bed and it is done and there is a fence around it. So one way or another the pond needs to be on out property. It gets moved or we get that piece of property back and we give them the money so we will work it out. The only purpose of tonight and I don't think that it should be in the motion ether I am not asking for that. I just think that it is something I want you guys to be aware of that if the town is extending olive branches over here and I am getting my arm cut off over here then I don't like that too much.

President Pettit said the only other concern that I have Richard that I probably voted for or Ron we have been on a long time we voted on the Cultural Center to be developed and built without its own retention pond. Does that go against?

Mr. Dering said oh no this was their retention pond. That was their land that was their pond.

President Pettit said so their parking lot for the Cultural Center is draining the pond right now.

Mr. Anderson said we have an easement to use that pond right now. I just want to have it so we own it and we can take care of it and it is ours which is what the agreement is.

President Pettit said ok. Sedrick I am sorry.

Mr. Green said that the only thing that I would ask is was their agreement set up that says that the pond switch over would not take place until the construction actually started on the subdivision.

Mr. Anderson replied on the south side which now he seems that he only wants to be working on the north side so it could never actually happen.

Mr. Green said so right so it was only for the south side.

Mr. Dering said see this is why I brought it up at the workshop because Craig seem very hot to get the north side done but it didn't sound like he had any intentions of doing the south side at this time. He could finish out the north side build out and walk away and sell the south side and we are back to square one.

Mr. Touchette said I think that if this matter and when it comes in front of the Plan Commission again that we should ask the landowner the questions.

President Pettit said Dorinda can you add this to your notes that when they refile this petition we need to have Craig here and I would take it a step further again adding to my members someone needs to add into their motion the condition that the pond and fence will be taken care before the next step of approval can be granted.

Mr. Touchette said you can't really there is nothing pending and this has to be something pending to add into a motion.

President Pettit said when the preliminary subdivision comes in front of us I make a motion to approve preliminary subdivision contingent upon the fact

Mr. Dering said you are talking about the future motion not today's.

President Pettit said when we vote on preliminary subdivision that condition needs to be put into that motion.

Mr. Touchette replied not a problem.

Mrs. Gregor said because this is over five lots it will have to come through as a tentative first and then preliminary and then final.

President Pettit said see the problem that I got to Richard and Bill the problem I got though is if we put that condition on any level of future approval tentative, preliminary or final. What is there to prevent Craig to say fine I am not going to build it and he walks away from the site?

Mr. Anderson said I am only suggesting

President Pettit said I guess going back to you guys do you have to get back into court with him if he walks away. If we put that condition on it Craig walks away does the Cultural Center have to go after him with you.

Mr. Anderson said I guess we just want it finalized we have a pond that we have an easement for that we can use

President Pettit said it functions so you aren't hand strung

Mr. Anderson said it is much better to have your own pond and resolve this and not move on with it. The only reason I am here is because if the town is providing things and I think that is when you can be asking as part of the road way.

President Pettit said there are no guarantees we have to look at the numbers and discuss as a Redevelopment Commission there are no guarantees that 86<sup>th</sup> is going 100% through redevelopment. We got to talk about that there are other projects ahead of this. Madison and 73<sup>rd</sup> are ahead of it.

Mr. Touchette said there is nothing said that the Town would have to pay 100% of the cost

Mr. Dering said it might be a cost sharing with CVP

Mr. Touchette said if this developer was looking at paying for a road that went to 600 feet I mean

Mr. Dering said extensively it could force Craig to walk away as Jeff Ban said at the workshop. He still owns the land they are still stuck with the agreement.

Mr. Touchette said you don't walk away from land that you own.

Mr. Dering said I think Richard it would behoove your clients would be to get a hold of their attorney and Craig and whoever before they walk back in this door and get this thing hammered out.

Mr. Anderson replied we will try.

President Pettit asked do we know who his attorney is Dorinda.

Mr. Anderson said I will start with DVG and then see who they suggest. Thank you very much.

Mrs. Gregor said this is what our rules and regulation for the Plan Commission. Hearing a withdrawal case. A case which has been withdrawn by the petition should not again be put on the docket within the period of three months after the date of withdrawal. So this probably won't come up until fall.

President Pettit asked if it said anything about a substantial change though.

Mr. Touchette said this would be a substantial change.

Mr. Dering said he is withdrawing this completely and coming in with a whole new plan.

President Pettit said as long as you know that Richard that it might not be for another three or four months. Any further discussion we kind of went full circle on this.

Mr. Dering said can we make sure our Attorney gets a copy of the original agreement. Does anyone else want to read it or just ask Bill to work it out and advise us? Get one copy to Mr. Touchette so we can get this thing reviewed.

Mrs. Gregor said on the previously reviewed case. Case which has been adversely to the petitioner shall not again be placed on the docket for consideration for twelve months after the date of decision previously rendered. So it has been 12 months for the tentative subdivision.

Mr. Dering said we didn't deny him. It wasn't to his detriment.

President Pettit said usually that is on a denial Bill isn't it a year.

Mr. Touchette replied yes. She said decided adversely that is a denial

Mrs. Gregor said however the case might be heard upon the unanimous roll call vote of the commission so if they come back then

Mr. Dering asked Sedrick if he had anything else.

Mr. Green replied no.

Mr. Dering said I would like to call the question please.

President Pettit asked what is the question Brian.

Mr. Dering said I would like to vote on this matter.

President Pettit said we have a motion on the floor to accept the withdrawal letter as presented by DVG and Jeff Ban on behalf of Hunter's Glen North Planned Unit Development. Is there any further discussion seeing none. We can do a voice vote. Voice vote was unanimous 7-0. Is there any other business Dorinda.

## **OTHER BUSINESS**

Mrs. Gregor said it kind of came up last minute. Foxmoor which has recorded lots they have a builder lined up to construct on those recorded lots however because all the public improvements have not been put in and the letter of credit or bond has expired or gone away because we no longer have anything there is a concern who will be responsible for the letter of credit to complete the public improvements within that Foxmoor subdivision Area. Our code does require that somebody picks up that burden after speaking with a Jim Regan who I think is maybe the bank that contacted him to see if he could dispose of the lot.

Mr. Touchette said he is the developer that is looking at. He is representing someone to purchase it.

Mrs. Gregor said he has already got these lots sold to the builders and the builders aren't willing

Mr. Touchette said you can't sell them until you own them. He is in the process of doing his due diligence right now to see if he wants to make this deal.

Mrs. Gregor said the question is there are no lights out there. Sedrick/ Robinson Engineering had sent over a letter stating what was lacking on the public improvements from 2012. Now we haven't gone out there again lately but there was one house out there that had no street light and they had to put in a yard light just so people could find them and they sit way back.

President Pettit asked if they are coming off of Route 30 exit or 73<sup>rd</sup> Avenue.

Mrs. Gregor said off of the 30 for right now. Because most of the construction or the buildable lots are in the front.

Mr. Touchette asked where the roads finished before. There is just not a finished coat of blacktop.

Mr. Sedrick said the road is not complete all the way around.

Mr. Touchette said what about the curbs.

Mr. Green said some spots.

Mr. Touchette asked if they are breaking up because there has not been a final coat of blacktop.

Mrs. Gregor said repair and replace damaged curbs, install all light poles.

Mr. Green said sink holes need to be.

Mr. Dering said these are not in our inventory.

Mrs. Gregor said Mr. Regan did state that when it comes to turning over the public improvements to the Town that he would put up the two year maintenance bond however I don't think that he is willing to put anything up front they just want to start building and I said I don't think so.

President Pettit said I hate to be out spoken again but Dorinda and lot of you know the nightmares that I have had in my subdivision and this is going down the same path. We had to cash in the bond, we had to put erosion blankets out on my area before the buildable lots were finished clay is running in the streets. Mr. Boender up and left the Town with nothing but a disaster out there and I have been working for 12 years fixing his errors. I am sure we have all got subdivisions like it there is no way.

Mr. Touchette said I think that Mr. Anderson has been in contact with

Mr. Anderson said basically what is happening is these guys are buying lots that are already there. They are subdivided lots there is dedicated streets but not accepted streets so they are dedicated to the public in that they exist they are for the public good but they are not in the street inventory they have never been accepted by the Town because there has never been a final coat of asphalt. The bond from the original developer who I did work for too we are not hiding behind him. Basically it either expired or the bankruptcy caused it to go bye bye.

Mrs. Gregor said I think that is what happened.

Mr. Touchette said it is not available.

Mr. Anderson said the original owners are completely out of it and I was completely out of the foreclosure.

President Pettit said are you at liberty to say which bank.

Mr. Anderson replied I don't know. Basically what you have here is these guys can come in and sell lots and build houses but Number 1. You wouldn't want to put the finished coat of asphalt on before you had most of the houses built anyway because you would destroy the finished coat. What they had suggest is if you come up with a cost of that road way and you divide it by the number of lots that are available now that they could determine each of that portion lot by lot as they sell a lot so that money would then go into the till.

The commission members and attorney all discussed the collecting the cost of the streets.



President Pettit asked if Sedrick and Robinson Engineering have looked into the costs. Somebody needs to pony up.

Mr. Green said no but this is something that we are going to get ready.

Mr. Touchette asked if Mr. Regan is representing the bank or is he representing a third party buyer.

Mr. Anderson said a third party buyer which is not closed.

Mr. Touchette said so the thing is guys what you hold your line on this that this road has to be fixed. You are not going to piece meal this and then you leave it up to Mr. Regan to keep the price down on this. How long does this bank want to own this property?

Mr. Dering said here is the thing every developer that comes in here irregardless of top coat we require them to do the infrastructure first period or post a bond. So one way or the other it has to be done before he could put a stick in the ground.

Mrs. Gregor said it isn't just the top coat.

President Pettit said the whole thing. Street lights, curbs

Mrs. Gregor said if they start building and there are no street lights these people are going to start calling and complaining.

Mr. Touchette said I don't think that you should let them start building

Mrs. Gregor said that is why we need a bond or a letter of credit in place.

Mr. Anderson said this is a redevelopment of an area that has gone down because of the fact of the economy. So when we talk about redeveloped areas and the pot has to end somewhere but if there is a redevelopment area out there this is a perfect redevelopment.

Mr. Touchette replied no.

Mr. Anderson said why isn't it.

Mr. Green said the only reason I would say that it would never qualify for a redevelopment because it was never a completed development and that is what you would quality for redevelopment where it was an area that was developed and then it was distressed for whatever reason and then it is going to be a redevelopment. The issue here

Mr. Anderson said I don't want to pick hairs but that is a little bit of what you were talking about from the last thing that we just talked about.

Mr. Dering said yes and no it would be the same thing as if the land that Earl Goldberg used to own over by I 65 that is now owned by a bank. All he ever did was put a few sewers in a couple of road stubs and that was it so it would be like saying ok he never built a house or put a stick in the ground but we are going to take redevelopment money to build that or rebuild the roadway.

Mr. Anderson said at least here they built something. You have 50% of the infrastructure or more is in. You have got sanitary sewers you have curbs in a lot of the places. The streets that are not in are basically are where the subdivision has stopped where there is no cul da sacs is the end that part has never really been there are phases in that to the West including all of what is in Schererville

Mr. Dering said then Richard I think the answer is that he would have to post a bond and a letter of credit whatever for whatever infrastructure is not completed which was originally approved back when Foxmoor was approved by the Town. He is going to have to show a letter of credit for the street lights, the top coat the curbs, the sewers, the sanitary everything.

President Pettit said Richard I have to ask you a question kind of. You are here because I know that you used to represent Jay.

Mr. Anderson said that is I am not there because of that.

President Pettit said but you used to represent them who are you representing tonight or is this just information.

Mr. Anderson replied JARP Investment which is the guy looking at the lots.

Present Pettit said JARP Investments. The new potential buyer

Mr. Touchette said Mr. Regan's employers.

Mr. Anderson replied Mr. Regan's employers.

President Pettit asked if Mr. Regan's employers willing to put up the bond to finish the infrastructure

Mr. Anderson replied I don't know the one thing else we have to talk about here is even if they put up the bond you got the two people in the back who or the four people because it is two duplexes.

Mr. Green said there are two structures in the back and there are two homes on the east side right off of

Mr. Anderson said we have snow plowing issues in the winter and I look at you Mr. Widing but basically that is another issue that is going to come up as you try to build out a subdivision of this size. We all know having seen the Preserve and how long it took to build out the Preserves and one of the reasons that the Preserves when it was originally built was supposed to produce forty homes year which it never did because people couldn't get use to that in Indiana where you could have homes sprouting up they you do over in Naperville and so it takes a while in Indiana to build the houses out so snow plowing is another issue that

Mr. Dering said with the snow plowing it is the same issue that we have with Van Prooyen over in Madison Meadows. We don't plow that is still their roads they are dedicated to the Town but we haven't accepted them into the inventory yet he still has to hire a plow service to plow his roads.

Mr. Green said it is the same with all subdivisions within the Town and the only thing that I would say to that is in their phasing plan if they understand that that is the cultural over here then maybe they should revise their plan and not try out that far and

Mr. Anderson said they are not going to get into the parts that are not developed.

Mr. Green said yes I understand that this snow plow issue I am still waiting for the map to pull up. The road as you come in and start going off to the east and then around there are two sets of homes on that first portion and then way in the back and I do believe that those two homes are right at the corner that is undeveloped that they don't have any asphalt it is just gravel so they actually stop the actual asphalt just before the homes

President Pettit said we have got several issues here.

Mr. Anderson said I can take this back to them

President Pettit said lets go back a little Dorinda do we have anything for June. We don't have a June meeting right now and the deadline is already past so there is no June meeting. Secondly to my legal Counsel not your legal counsel is this a Plan Commission decision to instruct Dorinda to not issue any building permits until the infrastructure is resolved per the Town Code or is that a Council action.

Mr. Touchette said I thing that Dorinda is not in a.... because the subdivision is all messed up I don't think that she is in a position to issue any building permits period.

President Pettit said I know we want to go public though for everyone and make a statement and instruct her in a public meeting to not issue any building permits whether it be a Plan Commission or Council level until Robinson and Sedrick have a chance to get the calculations and inspect and pin point it. It is going to be 1 million to finish all the infrastructure and we need a bond or somebody needs to go in whether it is your client buying it or the bank which quite frankly I am extremely in favor of sorry Mr. Banker who ever you are. You accepted it from them in the bankruptcy to just take it over is no different than taking over a blighted house or abandoned house and then you don't take care of it and then Vicki is out there issuing ticket after ticket to cut grass it is the exact same situation in my subdivision when Chase took the 16 lots from Boender. They ignored it and went to auction I was telling Bill I just had my house appraised and the lot that they are selling it for is 1/3<sup>rd</sup> what I paid for mine what they sold them at auction that is what you end up with when these guys come in and take these lots it is ridiculous so

Mr. Touchette said as long as Mr. Regan and his clients know the position of this board and they go back to the bank and say hey this is what they said you thought your property was worth X dollars will guess what it is worth Y dollars now.

Mr. Anderson asked how long is it going to take for the estimate.

Mr. Green said we have to get out there and that is one of the things that we are going to start on by the end of this week or the beginning of next week but we are going to have to go through that whole subdivision because we don't know what would actually complete it because they still have infrastructure sitting out on site and we don't know where they actually stopped so we hope that those homes all the way in the back actually have an outflow for their sanitary sewer. I mean that is another thing that we can contact MCD to make sure that was all completed those are the investigations we still have to do.

President Pettit said Brian has a question for Dorinda.

Mr. Dering said now I know vaguely where there are a couple of houses back when we first approve this did we approve it as a complete subdivision or did we phase it.

Mrs. Gregor said we phased it.

Mr. Dering said if and we have to talk to Mr. Goralczyk I just want to feel everyone out on how they would feel about this. Trying to help them out if they were able to say Phase I is where the houses are already existing is if they are willing to put up a bond for all of Phase I's improvements the sanitary, the curbs, the final top coating, the lights everything then Phase II could be deferred and they would not get approval to do anything in Phase II, III, IV or X until

Mr. Touchette said I think that the infrastructure was only done in Phase I isn't it Richard.

Mr. Anderson said it is my understanding that most of what is subdivided there are parts when you go across you go west there is an area that is still that could have been developed in Merrillville that never was.

Mr. Dering said this is where I am going with this is if you got let's say there are 4 Phases just to throw out a number with 200 houses and Mr. Regan with the existing homes that are there wants to build Phase I out he would have to come up with all the money in a bond or line of credit to take care of every infrastructure down to the last yard of asphalt for Phase I and he would not get approval to do anything else in Phase II, III or IV until he puts up a bond for II, III and IV or how many there is. There could be II or X.

Mr. Anderson said in addition to that we need to have Bill look at whether or not and I don't know the answer to this because I have been struggling because I have also talked to Bruce Spires and he said since they are going to talk about it tonight we will go ahead and talk about it and I don't know whether this is a Town Board thing for roads and streets once it is a subdivision that has been.... accepted into the inventory.

President Pettit said as been accepted into the inventory. We accept them into inventory at the Council level. Is that your question Rich?

Mr. Anderson said I know that but this is a subdivision that has already been approved so it may be passed into the Town Boards hand that is what I don't know.

Mrs. Gregor said you know what and too I had to throw this out but they haven't did any construction in over a year so we could make them go back to the drawing board.

Mr. Anderson replied no, no they are recorded. The Plats that we are talking about are recorded. Once you have a recorded plat

President Pettit said so the right of way has been dedicated to the Town of Merrillville

Mr. Anderson said the lots are recorded

President Pettit said like all Phases has been recorded

Mr. Anderson said like 4 Phases. They may be called 2 A and 2 B they are crazy names

President Pettit said here is the other thing that I might what to do is

Mr. Touchette said it is not a PUD

President Pettit said here is what we may want to do also here is kind of a curve a portion of this development is in the Town of Schererville. I know that John Bushemi is Town Council but I know that John is Plan Commission/BZA attorney in Schererville. How is Schererville handling the infrastructure?

Mr. Anderson said that the bank is going to have that on their hands forever. That is not subdivided it is not recorded it is just back to what it was and these guys are not looking at that so

Mr. Dering said the question that I am asking then is for the 3 Council persons here I am just trying to extend and Olive branch. Is it an acceptable Olive branch to the Town to say if you are going to say if you are going to sell a dozen lots in Phase I and build on them then you will have to provide a bond for every infrastructure in Phase I?

President Pettit said no. My position and I would share with Ron and Don no building permit is issued I don't care if the bank pays for it or your client pays for it Richard. I want the streets done and on the agenda for acceptance into the Town inventory before another building permit is issued out in that subdivision.

Mr. Anderson said but if Brian is talking about if you start on Highway 30 and you take this and this is Phase I closest to 30

President Pettit said when Phase I is completely built by your client or the bank to binder with a commitment on a bond issue or bond to put the Top coat in on Phase I at a later date. My engineer is telling me he has a punch list of stuff that has got to be fixed and finished.

Mr. Anderson asked why do you have to have all phases when you are Phase I

Mr. Touchette said what we are talking about is very premature that you need to get the facts straight and you don't go into hypothetical none of us it is totally out of order.

Mr. Anderson said we have to have these discussions or we will never get it done.

Mr. Touchette said we won't have them at this meeting with no one having any facts in front of them and just all hear say.

Mr. Anderson said that sounds like a lawyer.

Mr. Dering said I think that before they come back I think we need a review of what was approved previously we need a complete docear of what this man wants to do or what this entity JARP wants to do and before any building permit or any action is taken. They have to answer all the questions that Sedrick, the Town, Commissioner.

Mr. Anderson said I think that Bill still has to answer the question is this a Town Board issue **or** is this a Plan Commission issue once you have a recorded plat. I still say that is an issue.

President Pettit said alright.

Mr. Touchette said we can have that conversation later when I know more about this.

President Pettit said is there anything else under Other Business. Our 5 minute meeting turned into a 45 minute meeting. Anything else.

Mr. Widing made a motion to adjourn, seconded by Mr. Holtz.

Meeting adjourned at 7:30 PM

Respectfully Submitted  
Janet Rosko

