

PAGE
August 20, 2013
TOWN COUNCIL MINUTES

Council President Glen Gaby called the August 20, 2013 meeting to order at 7:01 p.m.

ROLL CALL:

Larry Ballah
Rick Ryfa
Glen Gaby
Pat Schaadt
Stan Dobosz - Absent

ALSO ATTENDING:

George Jerome - Clerk Treasurer
Greg Mance - Police Chief
Roy Schoon - Fire Chief
Rick Konopasek - Public Works Director
Bob Schwerd - Attorney for the Town

APPROVAL OF MINUTES:

Council Member Larry Ballah moved to adopt the minutes of the August 6, 2013 meeting as presented, second by Council Member Pat Schaadt. MOTION CARRIED

APPROVAL OF CLAIMS:

Claims No. 2335 - 2576 in the amount of \$948,808.73 (nine hundred forty-eight thousand, eight hundred eight dollars and seventy-three cents) were presented for payment. Council Member Pat Schaadt moved to accept the claims as presented, second by Council Member Larry Ballah. MOTION CARRIED

ANNOUNCEMENTS:

- a. The next council meeting will be Tuesday September 3rd at 7:00 p.m. A study session will be held at 6:30 before the meeting and one to follow if necessary.
- b. There will be a council study session on Tuesday August 27th at 5:00 p.m.
- c. The Griffith Chamber of Commerce will have their Annual Steak Fry, August 23rd in the north parking lot of the Franklin Center.
- d. Rock 'n Rail Street Festival will be August 30th - September 1st.

COMMUNICATIONS:

- a. The Griffith Art Fair Committee sent a Thank You to the Council for their support in making the annual event a success.

REPORTS:

1. NIRPC - No Report
2. Community Policing Committee - No Report
3. Board of Public Works - No Report
4. Director of Public Works - There is a Change Order associated with the work being done to enclose the storm drainage ditch along the bike trail between Wiggs and Pine Streets.
 - a. Council Member Rick Ryfa moved to approve Change Order #1 in the amount of \$2,820, second by Council Member Larry Ballah. MOTION CARRIED.
5. Police - No Report
6. Fire - The GVFD has been awarded a \$4,000 Grant to purchase Ice Rescue Equipment. When the equipment is received, training will occur and will involve both Fire and Police personnel.
7. 911 Committee - No Report
8. Pending Items
 - a. There will be additional work required along the bike trail between Wiggs and Pine Streets involving leveling the ground to accommodate additional soccer fields.

BUSINESS FROM THE COUNCIL:

A. UNFINISHED BUSINESS

1. Council Member Larry Ballah moved to approve the special use variance requested by Daryle Gates d/b/a Batteries Unlimited, 105 W Main Street second by Council Member Rick Ryfa. MOTION CARRIED.
2. Council Member Pat Schaadt moved to approve the special use variance requested by petitioner Clint Johnson, d/b/a Sud City Car Wash, located at 1637 West 45th Avenue, Griffith, Indiana, subject to the following terms and conditions:
 - a. There can be no more than ten (10) motor vehicles for sale on the property at any time
 - b. There shall be no flags, pennants, streamers, banners, inflatable signs or balloons on the property at any time. All such items currently on the property must be removed within seven days from the date that the special use variance is approved
 - c. The special use variance shall be personal in nature to Clint Johnson and shall be immediately revocable should Clint Johnson sell, assign or lease his interest in the property to any other person or entity,second by Council Member Larry Ballah. MOTION CARRIED

B. NEW BUSINESS

1. Council President Glen Gaby moved to approve Resolution 2013-19: A Resolution to hold harmless and indemnify all Town employees from any adverse judgment entered against them individually in litigation initiated by Ronald Kottka and which pertains to his removal as Chief of Police, second by Council Member Pat Schaadt. MOTION CARRIED Council Member Rick Ryfa abstained.
2. Council Member Larry Ballah introduced Ordinance 2013-20: An Ordinance amending the salary and wages of the Town of Griffith for the year 2013. Council Member Ballah moved to suspend the rules in order to pass the ordinance at this meeting, second by Council Member Pat Schaadt. In a roll call vote, the MOTION CARRIED unanimously. Council Member Ballah moved to approve Ordinance 2013-20, second by Council Member Rick Ryfa. MOTION CARRIED
3. Council Member Pat Schaadt moved to approve Resolution 2013-21: A Resolution authorizing and approving an agreement between Griffith Public Schools and the Town of Griffith concerning the transfer of Real Estate, second by Council Member Larry Ballah. MOTION CARRIED
4. Council Member Rick Ryfa introduced and moved to approve a proposal from NIES Engineering for a Site Feasibility Study at the former Griffith Golf Center for a cost not-to-exceed \$7,650, second by Council Member Pat Schaadt. MOTION CARRIED. Council Member Larry Ballah abstained.
5. Council Member Pat Schaadt moved to appoint Al Markut to the position of Park Supervisor, second by Council Member Larry Ballah. MOTION CARRIED

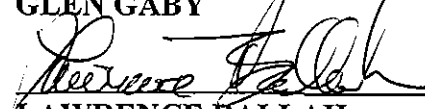
PUBLIC COMMENTS:


- Russ Govert 1209 E Elm St asked for an update on the Stammis property.
- Anajean Lewis, 145 N Rensselaer, asked the location of the property being transferred from the school.

There being no further business to come before this Council; the meeting was adjourned at 7:24 p. m.

TOWN COUNCIL
TOWN OF GRIFFITH


GLEN GABY


LAWRENCE BALLAH


RICK RYFA


PATRICIA SCHAADT


GEORGE N. JEROME
CLERK TREASURER

ABSENT
STAN DOBOSZ

RESOLUTION NO. 2013-19

**A RESOLUTION TO HOLD HARMLESS AND INDEMNIFY ALL TOWN
EMPLOYEES FROM ANY ADVERSE JUDGMENT ENTERED AGAINST THEM
INDIVIDUALLY IN LITIGATION INITIATED BY RONALD KOTTKA AND WHICH
PERTAINS TO HIS REMOVAL AS CHIEF OF POLICE**

WHEREAS, several Town of Griffith employees have been named individually as defendants in a lawsuit initiated by Ronald Kottka, the former Chief of Police for the Town of Griffith; and

WHEREAS, the claims asserted by Ronald Kottka pertain to actions and conduct allegedly attributable to the individually named defendants; and

WHEREAS, it is the opinion of the Town Council for the Town of Griffith that each of the individually named defendants was acting in their official capacity and within the scope of their employment with the Town of Griffith at all times relevant to the lawsuit initiated by Ronald Kottka; and

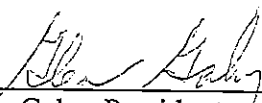
WHEREAS, upon careful reflection, the Town Council for the Town of Griffith has determined that it would be in the best interest of the Town to hold harmless and indemnify each of the individually named defendants and other Town employees with respect to any adverse judgment entered against them individually and that is not covered by the Town's insurance policies in any present or future lawsuit brought by or on behalf of Ronald Kottka and which pertains to the circumstances surrounding Ronald Kottka's removal as the Chief of Police for the Town of Griffith; and

WHEREAS, the Town Council for the Town of Griffith interprets the term "adverse judgment" liberally and intends for the term to include all damages of any kind or nature that any one or more of the individually named defendants or other Town of Griffith employees may be required to pay as a result of a settlement agreement or a judgment on the merits that is not covered by the Town's insurance policies; and

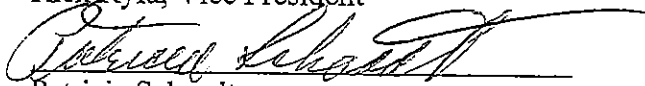
NOW, THEREFORE, BE IT RESOLVED, by the Town Council for the Town of Griffith that the Town of Griffith will hold harmless and indemnify each individually named defendant and other Town employee for any adverse judgment entered against them individually and not covered by the Town's insurance policies and which stems from litigation initiated by or on behalf of Ronald Kottka relating to the circumstances surrounding his removal as Chief of Police for the Town of Griffith; however indemnification shall extend only to the amount of an adverse judgment that is not first satisfied by any applicable insurance.

PASSED AND ADOPTED, by the Town Council for the Town of Griffith, Lake County, Indiana this 20th day of August, 2013.

COUNCIL MEMBERS OF THE TOWN OF GRIFFITH, LAKE COUNTY, INDIANA


Glen Gaby, President

ABSTAIN
Rick Ryfa, Vice President


Patricia Schaadt


Lawrence Ballah

ABSENT
Stan Dobosz

Attest:


George Jerome, Clerk-Treasurer

ORDINANCE NO. 2013-20

**AN ORDINANCE AMENDING THE SALARY AND WAGES
OF THE OF TOWN OF GRIFFITH FOR THE YEAR 2013**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRIFFITH,
LAKE COUNTY, INDIANA, THAT THE SALARIES AND WAGES,
OF THE VARIOUS OFFICIALS AND EMPLOYEES OF THE TOWN OF
GRIFFITH FOR THE YEAR 2013 SHALL BE AS FOLLOWS:**

**I.
SALARY & WAGES**

Council Members (5) - General/Water/Storm/& Sewer monthly each	\$968.17
Clerk Treasurer - General/Water/Sewer BI-weekly	\$2,299.92

CLERK TREASURER'S OFFICE

Deputy Clerk Treasurer	\$1,880.00
Three (3) Clerical Staff to be paid Bi-Weekly From General, Water & Waste Water Funds:	
Starting	\$692.35
After 1 Year	\$847.49
After 2 Years	\$1,002.60
After 3 Years	\$1,157.77
After 4 Years	\$1,312.91
After 5 Years	\$1,468.05
Part-Time	Salary Range \$7.50 - \$12.00/hr

OTHER SALARY & WAGES

From General, MVH, Water, Storm & Sewer Funds:	
Director of Public Works - Bi-Weekly	\$2236.13
Supervisor I & I - Bi-Weekly	\$2014.79
Supervisor Water & Sewer - Bi-Weekly	\$2014.79
Public Works Administrative Assistant - Bi-Weekly	\$1550.41
Secretary Department of Public Works & Building Department- Bi-Weekly	
Starting	\$665.25
After 1 Year	\$815.54
After 2 Years	\$964.83
After 3 Years	\$1,114.12
After 4 Years	\$1,263.41
After 5 Years	\$1,412.67
Part-time	Salary Range \$7.50 - \$12.00/hr

Building Commissioner - Bi-Weekly	\$1979.98
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Town Attorney - General/Water, Storm & Sewer - paid quarterly	\$2500.00
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Safety Board Members

\$45.00 per scheduled meeting attended. \$45.00 for each Special meeting or Study Session attended

BZA Members –

\$45.00 per scheduled meeting attended. \$45.00 for each Special meeting or Study Session attended to be paid out of the 2% engineering fee collected by the Plan Commission.

Plan Commission Members –

\$45.00 per scheduled meeting attended. \$45.00 for each Special meeting or Study Session attended to be paid out of the 2% engineering fee collected by the Plan Commission.

Secretary Plan Commission & BZA -

P.C. \$65.00 per regularly scheduled meeting – BZA \$35.00 per regularly scheduled meeting

EDC –

\$45.00 per regularly scheduled meeting attended

EMS –

\$45.00 per regularly scheduled meeting attended

Sanitary Board –

\$45.00 per regularly scheduled meeting attended

Storm Water Board –

\$45.00 per regularly scheduled meeting attended. \$45.00 for each special meeting

Redevelopment Commission –

\$45.00 per regularly scheduled meeting

Secretary Redevelopment Commission – \$45.00 per regularly scheduled meeting

Persons requesting special meetings shall be required to reimburse the Town General Fund in accordance with fees listed above for the BZA & Plan Commission members.

FIRE DEPARTMENT

Chief of Fire Dept. – Monthly	\$1000.00 plus \$12.00 per call or hour
Deputy Chief - Quarterly	\$650.00 plus \$12.00 per call or hour
Secretary Treasurer – Quarterly	\$500.00 plus \$12.00 per call or hour
Battalion Chief – Quarterly	\$250.00 plus \$12.00 per call or hour
Captains (3) - Quarterly	\$200.00 plus \$12.00 per call or hour
Lieutenants (6) - Quarterly	\$100.00 plus \$12.00 per call or hour
Fireman	\$12.00 per call or per hour
Allowed two (2) hours pay for training meetings @ \$10.00 per hour	
Firefighter clothing allowance one hundred dollars (\$100) per year	
Firefighter automobile allowance one hundred dollars (\$100) per year	

PARK DEPARTMENT

Supervisor of Parks	\$ 13.00 per hour
Park Foreman	\$ 10.00 per hour
Activities Director	\$ 10.00 per hour
Park board Members – for each scheduled meeting attended.	\$45.00 per meeting
Secretary wage	\$35.00 per meeting
Laborers	
Starting	\$7.25 per hour
Experienced	Salary Range \$7.50 - \$10.00/hr

All Park Department employees are part time with no benefits

SENIOR CENTER

Senior Center Director	\$11.14 per hour
Senior Center Part-time	Salary Range \$7.50 - \$10.00/hr

FRANKLIN CENTER/COMMUNITY CENTER

Custodial - Part-time	Salary Range \$7.50 - \$12.00/hr
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DEPARTMENT OF PUBLIC WORKS

Wage Classification	Wage Rates
*Head Certified Water Distribution Operator/Treatment Operator	\$22.06 per hour
*WT-2 Water Distribution / Equipment Operator	\$20.65 per hour
*Water Distribution Operator with WT-2 Certification	\$20.31 per hour
*Water Distribution Operator with DSL Certification	\$19.92 per hour
*Above classifications require proficient & complete ability in the operation of the water & Sewer Plants.	

Pump Maintenance Technician	\$20.00 per hour
Working Foreman	\$21.42 per hour
Head Mechanic	\$23.08 per hour
Mechanic	\$19.00 per hour
Assistant Mechanic	\$17.85 per hour
Apprentice Mechanic	\$16.10 per hour
Part Time Mechanic	\$12.00 - \$15.00 per hour

Water meter Technician with DSL and/or WT-2 Certification (Must be proficient with complete operation of water & Sewer Plants)	\$20.31 per hour
Group Leader	\$19.92 per hour
Water Meter Technician I	\$19.92 per hour
Water Meter Technician II	\$19.58 per hour
Water Meter Technician III	\$19.21 per hour

Water Distribution Operator	\$19.92 per hour
Equipment Operator	\$19.58 per hour

I & I Technician Class I	\$19.92 per hour
I & I Technician Class II	\$19.58 per hour
I & I Technician Class III	\$19.21 per hour

Truck Driver	\$19.21 per hour
Laborer First Class	\$18.82 per hour
Laborer Second Class	\$17.84 per hour
Laborer Third Class	\$17.07 per hour
Laborer Fourth Class	\$14.19 per hour
Laborer Part Time	\$8.00 - \$12.00 per hour
Light Duty	\$10.00 per hour

Meter Reader	\$17.78 per hour
Maintenance Personnel	\$12.19 per hour
Experienced Clerical	\$11.49 per hour
Beginning Clerical	\$ 9.00 per hour
Intern Mapping/Auto-Cad Part Time	\$10.00 - \$16.00 per hour

CERTIFICATION PROGRAM

The Employer agrees to a Certification Program for all Employees who are represented by Teamsters Union Local No. 142 and who are eligible for certification incentive pay after successfully completing the Certification requirements.

Certification pay will not be added onto the hourly rate of position where certification is a requirement of that job title. The job classifications that require certification of which do not qualify for the additional hourly rate of pay are:

- *Head Certified Water Distribution Operator/Treatment Operator
- *WT-2 Water Distribution / Equipment Operator
- *Water Distribution Operator with WT-2 Certification
- *Water Distribution Operator with DSL Certification
- *Water Meter technician with DSL and/or WT-2 Certification
- *Water Distribution Operator

DSL Certification.....\$0.30 per hour
WT-2 Certification.....\$0.30 per hour

OVERTIME RATE

Overtime consists of forty (40) hours per week or eight hours per day and shall be paid at time one-half normal rate. Holidays for non-union employees shall be paid at holiday pay plus time and one-half for hours worked. Holidays for union employees shall be paid at Holiday pay plus 2 times your hourly rate for hours worked. Sunday, unless a regularly scheduled workday, shall be at double time rate.

To be eligible for Holiday pay, the employee must work on their last previous and next regular working day.

Upper level policy making salaried executive positions, namely Clerk Treasurer, Deputy Clerk Treasurer, Director of Public Works, Building Commissioner, shall not be paid extra for working more than 40 hours per week.

LONGEVITY PAY - ALL CIVILIAN FULL TIME PERSONNEL

After 5 years services (continuous)	\$15.00 per month*
After 10 years service	\$30.00 per month
After 15 years service	\$40.00 per month
After 20 years service	\$55.00 per month
After 25 years service	\$65.00 per month
After 30 years service	\$80.00 per month

DOES NOT AFFECT TOWN COUNCIL MEMBERS and CLERK TREASURER
Employees hired after 6/1/2012 are not eligible for longevity pay until after 10 years of service

POLICE DEPARTMENT

Chief	Paid Bi-weekly	\$2643.69
Lieutenants	Paid Bi-Weekly	\$2330.09
Sergeants	Paid Bi-Weekly	\$2161.21
Corporal	Paid Bi-Weekly	\$2040.57
Patrolman (1st) After 60 months	Paid Bi-Weekly	\$1944.11
Patrolman (2nd) 37 - 60 months	Paid Bi-Weekly	\$1840.10
Patrolman (3rd) 13 - 36 months	Paid Bi-Weekly	\$1743.55
Probationary Hire - 12 months	Paid Bi-Weekly	\$1606.88

Probationary period is 12 months for all newly hired officers; Academy Certified Probationary Officers will be paid Patrolman 3rd from date of hire.

Total authorized strength of thirty (31) sworn officers.

Law Enforcement Officers clothing allowance \$1000 per year, per Officer.

Clothing Allowance shall be dispersed by individual checks of \$500 each prior to May 1st and October 1st.

Lead Field Training Officer \$300 per year. Range Master \$300.00 per year.

Interlocal Range Coordinator \$200/Month

OVERTIME RATE: POLICE DEPARTMENT - SWORN OFFICERS

The Law Enforcement Officers work schedule is comprised of thirteen (13) 28-day work periods for the calendar year. All sworn police personnel shall be paid regular time and one half for all hours worked over (80) eighty hours in the (2) two week pay period, or any hours over on a regularly scheduled work day, customarily (8) eight or (12) twelve hour shifts. The Chief of Police may, at his discretion, may allow overtime to be paid as Compensatory Time, at the same rate of regular time and one half. Compensatory Time may be taken at the discretion of the Chief of Police when scheduling & staffing allows such time to be taken. The Police Chief and (2) two Lieutenants shall not be paid extra for working on designated holidays or for working more than (40) forty hours per week (State & Federal funded grants are not included. Officers assigned to HIDTA will receive overtime pay at the rate provided by HIDTA

HOLIDAY PAY: POLICE DEPARTMENT – SWORN OFFICERS & DISPATCHERS

All police personnel who work holidays shall be paid at a rate of time and one half above their regular pay for a single day, part-time dispatcher's are included. Personnel not working the holiday shall earn Compensatory Hours equal to the shift hours they would have worked, had they been scheduled that day, part-time employees are excluded. To be eligible to receive holiday pay, the employee must work their last previous and next regular scheduled work day.

OVERTIME RATE: CIVILIAN PERSONNEL

All civilian personnel shall be paid regular time and one half for all hours worked over (80) eighty hours in the (2) two week pay period, or any hours over on a regularly scheduled work day, customarily (4) four, (8) eight or (12) twelve hour shifts. The Chief of Police may, at his discretion, allow overtime to be paid as Compensatory Time, at the same rate of regular time and one half. Compensatory Time may be taken at the discretion of the Chief of Police when scheduling & staffing allows such time to be taken.

LONGEVITY SCHEDULE FOR SWORN POLICE PERSONNEL

After 3 years service	\$15.00 per month
After 5 years	\$25.00 per month
After 7 years	\$35.00 per month
After 9 years	\$45.00 per month
After 11 years	\$55.00 per month
After 13 years	\$65.00 per month
After 15 years	\$75.00 per month
After 17 years	\$85.00 per month
After 19 years	\$95.00 per month
After 21 years	\$105.00 per month
After 23 years	\$115.00 per month
After 25 years	\$125.00 per month

Longevity continues to increase every two years of service by \$10.00 per month.

Officers hired after 6/1/2012 will not be paid Longevity Pay until after 5 years of service

POLICE DEPARTMENT CIVILIAN PERSONNEL

Authorized full-time personnel nine (9)		
Office Mgr/System Administrator	Paid Bi-Weekly	\$1961.46
Secretaries:	Paid Bi-Weekly	
Starting		\$665.25
After 1 Year		\$815.54
After 2 Years		\$964.83
After 3 Years		\$1,114.12
After 4 Years		\$1,263.41
After 5 Years		\$1,412.67
Part-time	Salary Range	\$7.50 - \$12.00/hour
Radio Operators (Beginning)	Paid Bi-Weekly	\$1142.98
Radio Operators (after 1 yr. or experienced)	Paid Bi-Weekly	\$1445.61
Experience Part-Time Dispatcher		\$16.00/hour
Animal Warden	Paid Bi-Weekly	
Starting		\$815.00
After 1 Year		\$900.00
After 2 Years		\$1,025.00
After 3 Years		\$1,155.00
After 4 Years		\$1,285.00
After 5 Years		\$1,409.55
Animal Warden Part-Time		\$8.00 - \$12.00/ hour
Code Enforcement Officer (part-time)	Paid Bi-Weekly	\$17.31/hour
Beginning Part-Time Code Enforcement		\$8.00 - \$12.00/hour

CROSSING GUARDS

Salary range \$10.00 to \$30.00 per day for ten (10) crossings

The difference in salary varies, due to the time spent at crossing by the guard. This difference in salary will be determined by the Police Chief.

SHIFT DIFFERENTIAL - ALL FULL-TIME PERSONNEL

All full-time employees shall receive an additional compensation of (\$.30) thirty cents per hour for each hour worked on the afternoon shift. The same individual shall receive additional compensation in the amount of (\$.50) fifty cents per hour for working the night shift. The shift differential applies to normally scheduled workdays and not workdays compensated by overtime pay.

HEALTH AND LIFE INSURANCE

Paid insurance except \$2.00 per month for all full-time employees and Town Council Members.

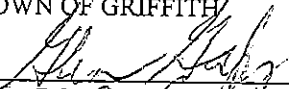
Exception - \$1.00 per month for Department of Public Works Union Employees


Eligible retired employees may continue in group insurance as long as they pay the full current monthly premium.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect from and after its passage.

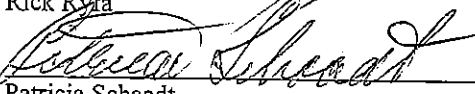
PASSED AND ADOPTED by the Town Council of the Town of Griffith, Lake County, Indiana this 20th day of August, 2013.

TOWN COUNCIL
TOWN OF GRIFFITH


Glen Gaby



Lawrence Ballah


Rick Ryfa


Patricia Schaad

ABSENT
Stanley Dobosz

Attest:


George N. Jerome
Clerk Treasurer

RESOLUTION NO. 2013-21

AUTHORIZING AND APPROVING AN AGREEMENT BETWEEN GRIFFITH PUBLIC SCHOOLS AND THE TOWN OF GRIFFITH CONCERNING THE TRANSFER OF REAL ESTATE

WHEREAS, Griffith Public Schools, Lake County, Indiana (the "School"), and the Town of Griffith (the "Town"), have entered into certain negotiations and discussions with regard to the transfer of real estate owned by the School to the Town; and

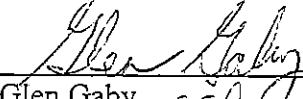
WHEREAS, the Town now finds that it would be in the best interest of the respective users, citizens, and taxpayers of the Town to authorize and approve the transfer of real estate to the Town pursuant to I.C. 36-1-11-8, which is the relevant Indiana statute authorizing the same and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Griffith, Lake County, Indiana, as follows:

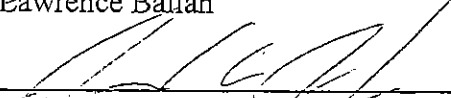
1. That the Agreement to Transfer Real Estate between the School and the Town, a copy of which is attached hereto and made a part hereof and marked as Exhibit "A" (the "Agreement"), be and the same is hereby ratified and approved.
2. That the Council President and Vice President are hereby authorized and directed to execute said Agreement and to do all things that are necessary and reasonable to carry into effect said Agreement. .

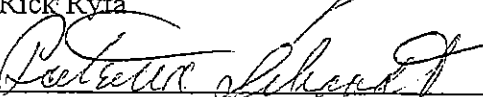
PASSED AND ADOPTED by the Town Council of the Town of Griffith, Lake County, Indiana this 20th day of August, 2013.

TOWN COUNCIL TOWN OF GRIFFITH

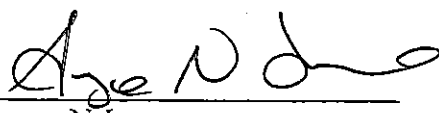

Glen Gaby


Lawrence Ballah


Rick Ryfa


Patricia Schaadt

ATTEST:


George N Jerome
Clerk Treasurer

ABSENT
Stan Dobosz

**TOWN OF GRIFFITH
BOARD OF ZONING APPEALS**

REQUEST BY PETITIONER, CLINT JOHNSON, D.B.A. SUD CITY CAR WASH, 1637
WEST 45th AVENUE, GRIFFITH, INDIANA, FOR A SPECIAL USE VARIANCE TO
ALLOW A MOTOR VEHICLE SALES LOT, A B4 USE, IN A B3 ZONING DISTRICT.

FINDINGS OF FACT

1. On July 3, 2013, Petitioner submitted an application for a Special Use Variance asking permission for a motor vehicle sales lot in a B3 Zoning District, located at 1637 West 45th Avenue, Griffith, Indiana. Town Ordinance §86-116 requires a Special Use Variance to operate a motor vehicle sales lot in a B3 Zoning District.
2. On July 24, 2013, Petitioner appeared for a public hearing. After Building Commissioner, Donche Andonov, advised the Board that all notices, publications and postings were in order, the Chairman then opened the public comment portion of the hearing for the Special Use Variance.
3. Upon completion of the public comment portion of the hearing, the Chairman then closed the hearing to public comment.
4. To obtain a Special Use Variance, Petitioners are required to show, as set out in the Town Code of the Town of Griffith, §86-283 and under Indiana Code §36-7-4-918.4, the following:
 - a) The approval will not be injurious to the public health, safety, morals and general welfare of the community;
 - b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - c) The need for the variance arises from some condition peculiar to the property involved;
 - d) Strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the subject property; and
 - e) The approval will not interfere substantially with the comprehensive plan.
5. The Board then made the following Findings of Fact:
 - a) It has been shown that approval of a Special Use Variance allowing for a motor vehicle sales lot at 1637 W. 45th Avenue, Griffith, Indiana **will not** be injurious to the public health, safety, and general welfare of the community. The operation of said business will promote economic development and non-use of the building space would otherwise hinder the area's economic growth.
 - b) It has been shown that the use and value of the area adjacent to the property that is the subject matter of this Special Use Variance **will not** be affected in a substantially adverse manner. The introduction of new business to the area will positively affect the surrounding businesses by, among other things, generating potential customer traffic for nearby businesses.

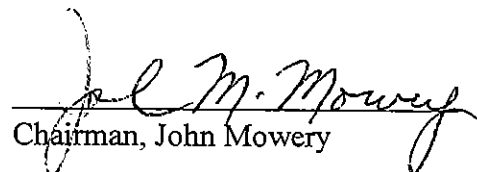
- c) It has been shown that the location of the motor vehicle sales lot is **best suited** for 1637 W. 45th Avenue, since there is currently a car wash facility located within the same building complex and the implementation of a motor vehicle sales lot will potentially expand business within the community.
- d) It has been shown that a strict application of §86-116 **will** result in practical difficulties due to the fact that the property is not only located within an area zoned B3, but also along a high traffic area within the Town. Given the forgoing, if the Petitioner is not granted a special use variance to operate a motor vehicle sales lot on the property the property may not only remain vacant indefinitely, but could also develop into an eye-sore for Town residents and those driving through the Town.
- e) The approval **will not** substantially interfere with the Town's comprehensive plan because Petitioner's proposed use is a business use which is not wholly inconsistent with the uses permitted in a B3 zoning district.

6. As set out in Town Code § 86-283, the Board of Zoning Appeals for the Town of Griffith must make a recommendation to the Town Council issuing a favorable, unfavorable, or no recommendation to grant the requested Special Use Variance. Board Member Wienlinski made a Motion to make a **favorable recommendation** regarding the Special Use Variance to the Town Council and that the following findings be approved by this Board of Zoning Appeals and be forwarded to the Town Council as part of this recommendation subject to the following conditions:

- a) There can be no more than ten (10) motor vehicles for sale on the property at any time; and
- b) The special use variance shall be personal in nature to Clint Johnson and shall be immediately revocable should Clint Johnson sell, assign, or lease his interest in the property to any other person or entity.

7. The Motion was seconded by Karl Kus. A vote was taken and the Motion passed on this 24th day of July, 2013.

TOWN OF GRIFFITH
BOARD OF ZONING APPEALS


Chairman, John Mowery

**TOWN OF GRIFFITH
BOARD OF ZONING APPEALS**

REQUEST BY PETITIONER, DARYLE GATES, D.B.A. BATTERIES UNLIMITED, 105 W.
FULLERTON AVENUE, GRIFFITH, INDIANA, FOR A SPECIAL USE VARIANCE TO
ALLOW BATTERY SALES BUSINESS, A B3 USE, IN A B2 ZONING DISTRICT.

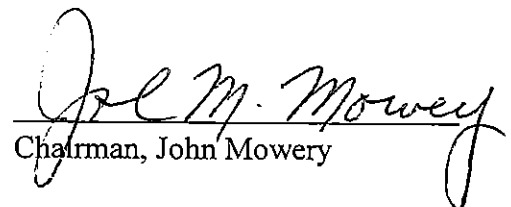
FINDINGS OF FACT

1. On July 3, 2013, Petitioner submitted an application for a Special Use Variance asking permission for battery sales business in a B2 Zoning District, located at 110 W. Main Street, Griffith, Indiana. Town Ordinance §86-103 requires a Special Use Variance to operate a battery sales business in a B2 Zoning District.
2. On July 24, 2013, Petitioner appeared for a public hearing. After Building Commissioner, Donche Andonov advised the Board that all notices, publications and postings were in order, the Chairman then opened the public comment portion of the hearing for the Special Use Variance.
3. Upon completion of the public comment portion of the hearing, the Chairman then closed the hearing to public comment.
4. To obtain a Special Use Variance, Petitioners are required to show the following, as set out in the Town Code of the Town of Griffith, §86-283 and under Indiana Code §36-7-4-918.4:
 - a) The approval will not be injurious to the public health, safety, morals and general welfare of the community;
 - b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - c) The need for the variance arises from some condition peculiar to the property involved;
 - d) Strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the subject property; and
 - e) The approval will not interfere substantially with the comprehensive plan.
5. The Board then made the following Findings of Fact:
 - a) It has been shown approval of a Special Use Variance allowing a battery sales business at 110 W. Main Street, Griffith, Indiana **will not** be injurious to the public health, safety, and general welfare of the community. The operation of said business will promote economic development and non-use of the building space would otherwise hinder the area's economic growth.
 - b) It has been shown that the use and value of the area adjacent to the property that is subject matter of this Special Use Variance **will not** be affected in a substantially adverse manner. The introduction of new business to the area will positively affect the surrounding businesses through, among other things, generating potential customer traffic for nearby businesses.
 - c) It has been shown that the location of the battery sales business **is best suited** for 110 W. Main Street, since that building is currently vacant, and the Petitioner's use will fill the vacancy.

- d) It has been shown that a strict application of §86-103 **will** result in practical difficulties due to the fact that the property is both located in an area zoned B2 and along a high traffic area within the Town, but the property may remain vacant if the Petitioner is not granted a special use variance to operate a battery sales business.
- e) The approval **will not** substantially interfere with the Town's comprehensive plan because Petitioner's proposed use is a business use which is not wholly inconsistent with the uses permitted in a B2 zoning district.

6. As set out in Town Code § 86-283, the Board of Zoning Appeals for the Town of Griffith must make a recommendation to the Town Council issuing a favorable, unfavorable, or no recommendation to grant the requested Special Use Variance. Board Member Wichlinski made a Motion to make a **favorable recommendation** regarding the Special Use Variance to the Town Council and that the following findings be approved by this Board of Zoning Appeals and be forwarded to the Town Council as part of this recommendation. The Motion was seconded by Carl Kus. A vote was taken and the Motion passed on this 24 day of July, 2013.

TOWN OF GRIFFITH
BOARD OF ZONING APPEALS


Chairman, John Mowery