Town Council of Merrillville
7820 Broadway Ave - Merrillville, IN 46410
Town Council Meeting Minutes of the Regular Meeting of
April 09, 2024 - 6:30 P.M.

CALL TO ORDER: Councilor Bella called the meeting to order at 6:30 P.M.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the United States Flag was led by Councilor Bella.

INVOCATION/MOMENT OF SILENCE: A brief invocation was given along with a moment of silence recognizing Commissioner Ward who passed away last week by Pastor Robert Szoke of Impact Church.

ROLL CALL of COUNCIL – Present at the meeting were Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, and Rick Bella. Councilor Keesha Hardaway was absent. Clerk-Treasurer Eric January was present to memorialize the proceedings. A quorum was attained.

PETITIONS, COMMUNICATIONS, ACKNOWLEDGEMENTS, AND REMONSTRATIONS

- **Redevelopment Commission Annual Report 2023**

Councilor Pettit reported that the Redevelopment Commission Annual Report needs to be submitted and was prepared by Financial Advisor London Witte specifically, Bob Swintz. The annual report outlines the debt summary for the calendar year 2023, highlights elections of officers, and funds on hand as of December 31, 2023.

It was moved by Councilor Pettit to approve the Redevelopment Commission Annual Report 2023.

Interim Town Manager Griffin explained that under a new law, the Town Council has to acknowledge receipt of the report for it to be filed by April 15th.

Upon a question from President Bella to amend his motion to acknowledge the receipt of the Redevelopment Commission Annual Report for 2023, Councilor Pettit amended his motion.

It was moved by Council Pettit and seconded by Council Uzelac to acknowledge receipt of the Redevelopment Commission Annual Report 2023.

Upon a voice vote, the motion passed. The council acknowledges receipt of the Redevelopment Commission Report 2023.

PUBLIC HEARING
A.

a) **Town Attorney review of Proof of Publication(s):** Ordinance 24-05 – Add Proof Time Publication with public hearing date 4.9.24

Attorney Svetanoff reported that he has reviewed the Proof of Publication, and everything is in order and conforms with the Indiana Code. The council may proceed with the public hearing.

Interim Town Manager Griffin reported that a public hearing is required.

b) **Public Hearing: Re ORD 24-05 Authorizing Additional Appropriations for the Local Roads & Street Fund**

Interim Town Manager Griffin and Attorney Svetanoff explained the purposes of Ordinance 24-05.

Public Comment:
No public comments were given regarding Ordinance 24-05

c) **Action on Proposed Ordinance:**
Ordinance 24-05 will be taken up under a second reading on the agenda.

B.

a) **Town Attorney review of Proof of Publication(s):** Ordinance 24-06 – Add Proof Time Publication with public hearing date 4.9.24

Attorney Svetanoff reported that he has reviewed the Proof of Publication, and everything is in order and conforms with the Indiana Code. The council may proceed with the public hearing.

b) **Public Hearing: Re ORD 24-05 Authorizing Additional Appropriations for the various Fire Protection Funds for the year 2023 not included in the current budget.**

Public Comment:
No public comments were given regarding Ordinance 24-06.

c) **Action on Proposed Ordinance:**
Ordinance 24-06 will be taken up under a second reading on the agenda.

CONSENT AGENDA

- Accts. Payable Register Voucher Approval for Approval for April 9th, 2024
- AP Voucher Register Summary for ARP Purchases for April 9th, 2024
- Approval of Town Council Meeting Minutes of March 26th, 2024

It was moved by Councilor Uzelac and seconded by Councilor Neal to approve the consent agenda.

Upon a voice vote, the motion passed. The Consent Agenda was approved.

PRESENTATION of DECLARATIONS

- Child Abuse Awareness Declaration read by Ellen Hennesy

President Bella asked Ellen Hennesy to read the following Proclamation into the record:

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Town of Merrillville
PROCLAMATION
State of Indiana

The Town Council of Merrillville Designating the Month of April as "National Child Abuse Prevention Month"

Whereas, every child deserves to live in a safe and loving household; yet, for hundreds of thousands of children across our Nation, abuse and neglect are a tragic reality. During National Child Abuse Prevention month our county stands as one to condemn and combat child abuse in all of its forms - including physical, emotional, and sexual abuse, as well as on-line sexual exploitation; we raise awareness about the risk factors that can lead to child abuse and neglect; and we highlight the importance of supporting families to prevent child maltreatment. As a Town, we must work together to prevent and address child abuse and ensure that every child can grow up in a safe environment and live a happy, prosperous life; and,

Whereas, in the Federal fiscal year 2019, 4.1 million reports were made to child protective services; and,

Whereas, child abuse and neglect is a serious problem affecting every segment of our community, and finding solutions requires input and action from everyone; and,

Whereas, our children are our most valuable resource and will shape the future of the Town of Merrillville; and,

Whereas, American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation, and more importantly in Merrillville; and,

Whereas, child abuse can have long-term psychological, emotional, and physical effects that have lasting consequences for victims of abuse; and

Whereas, protective factors are conditions that reduce or eliminate risk and promote the social, emotional, and developmental well-being of children; and,

Whereas, effective child abuse prevention activities succeed because of the partnerships created between child welfare professionals, education, health, community, and faith-based organizations, businesses, law enforcement agencies, and families; and

Whereas, communities must make every effort to promote programs and activities that create strong and thriving children and families; and,

Whereas, we acknowledge that we must work together as a community to increase awareness about child abuse and contribute to promote the social and emotional well-being of children and families in a safe, stable, and nurturing environment;

Whereas, the Merrillville Lions Club has brought this important issue to our attention we recognize the importance of bringing this matter to the attention of our residency;

Now, therefore be it resolved, that the Town Council of the Town of Merrillville, Indiana, does hereby proclaim the month of April 2024 as "National Child Abuse Prevention Month" and call upon the residents of Merrillville to dedicate ourselves to recognize, observe, discuss and educate others with appropriate programs, ceremonies, and other activities to improve the quality of life for all children and families throughout the Town of Merrillville, Indiana.

It was moved by Councilor Neal and seconded by Councilor Haynes-Edward to approve the Child Abuse Awareness Proclamation.

Upon a voice vote, the motion passed. The Child Abuse Awareness Proclamation was approved.

STANDING & SPECIAL COMMITTEES REPORTS

BUDGET & FINANCE - NEAL – Councilor Neal had nothing to report at this time.

COUNCIL AFFAIRS- PETTIT – Councilor Pettit reported that a committee meeting occurred last week to finalize four ordinances that will appear later on the agenda.

STREET DEPARTMENT- UZELAC– Councilor Uzelac reported that she had several telephone calls from subdivisions regarding sidewalks and is waiting for Director King to get back to her with the schedule for the new sidewalks.

ELECTIONS, PUBLIC RELATIONS, & TOWN BEAUTIFICATION - NEAL- Councilor Neal reported that work has begun on the beatification (flowers and hanging basket) of the Town with Director Steve King and Tracy Ryan from the Street Department. There are new flag banners posted on the polls going down Broadway.

The committee met with Robinson Engineering and Director Matt Lake of Stormwater to move forward with the new Town gateway signs and the replacement of all of the Park's signs.

Upon a question by President Bella regarding the new gateway signs and the new slogan, Councilor Neal responded that the new slogan would be inscribed on the new gateway signs.

ENVIRONMENTAL AFFAIRS- PETTIT – Councilor Pettit has nothing to report at this time.

PERSONNEL POLICY & EMPLOYEE BENEFITS – HARDAWAY- Councilor Hardaway was absent from the meeting.

Interim Town Manager Griffin reported that the committee is working on revisions to the Employee Manual and his report details the revisions that are being proposed. The terms will be sent to the department heads for review which is a requirement in the manual to get their feedback.

Interim Town Manager Griffin also reported that the search for a Parks Director is ongoing. The committee has received some resumes to review.

PUBLIC SAFETY- HARDWAY- Councilor Hardaway was absent from the meeting.

ECONOMIC DEVELOPMENT-PETTIT – Councilor Pettit reported that the Redevelopment Commission had a workshop, and several items were discussed.

1. The previous administration made a motion and contribution effort to the Boys and Girls Club development on the 3-acre parcel at the Dean and Barbara White Community Center. Interim Town Manager Griffin, Attorney Svetanoff, and Redevelopment Financial Advisor have found a mechanism in which $200,000.00 will be taken off the top of our TIFF draw each year and given to the Boys and Girls Club for the Capital Investment of building a new club at the 3-acre site.
2. Andrean High School is staying at 5959 Broadway. As President of the Commission, Councilor Pettit proposed that the committee do a similar agreement with Andrean High School where $100,000.00 will be taken off the top of our TIFF draw every year for 10 years to develop secondary access out of the Andrean's campus on 61st Avenue.
3. The purchase of the Aerial Fire Truck and development/construction of the South Side Fire Station in the 9900-9300 block of Colorado Street.
4. The need for a Capital Spending Plan for the Redevelopment Commission.

Interim Town Manager Griffin explained the Capital Spending Plan.

PARKS & RECREATION- UZELAC - Councilor Uzelac reported that the parks in Merrillville need mowing, and she is waiting for the Park Department to start that project.

UTILITY LIAISON – CHANDLER-FELTON – Councilor Chandler-Felton reported that the committee will have a meeting on Thursday, April 18th at 5:00 pm at Town Hall instead of Tuesday, April 16th.

SPECIAL COMMITTEES

ABANDONED-BLIGHTED PROPERTIES - HAYNES-EDWARDS & CHANDLER-FELTON– Councilor Haynes-Edwards reported that a committee meeting was held on April 2nd at Town Hall where ordinances were discussed and now will be forwarded to Attorney Svetanoff for his review before they are presented to the council for approval.

SEMI-QUINCENTENNIAL COMMITTEE - HAYNES-EDWARDS – Councilor Haynes-Edwards had nothing to report at this time.

SPECIAL TOWN PROJECTS - NEAL – Councilor Neal reported on the following upcoming events that are listed on the Town's website merrillville.in.gov:

- The annual Juneteenth Celebration will be held on June 15, 2024, at 5:00 p.m., and will include a movie night at the Dean and Barbara White Community Center. There will be concessions and other outdoor activities on this day for children.

- The annual July 4th Fireworks will be on July 3rd at Merrillville High School. The event will start at 9:00 p.m.

- The annual July 4th parade will be held on July 4th. The parade will start at 11:00 a.m. at the Dean and Barbara White Community Center. If you would like to participate in the parade, applications are available on the Town's website. The parade applications are due back to the Town by June 7, 2023. We had forty participants last year and hope to double the number of participants this year.

DEAN & BARBARA WHITE COMMUNITY CENTER - PETTIT – Councilor Pettit reported that a committee meeting was held last week where the following items were recommended for purchase out of the Special Dean and Barbara White Capital Improvement Fund at a total cost of $75,716.48:

Floor Covering	$ 44,639.60
Johnson Control for Fire Alarms & Protection	$ 6,000.88
Riding Floor Scrubber and Cleaner	$ 4,000.00 **(Not to exceed)**
Commercial (2) Vacuum Cleaners	$ 2,000.00 **(Not to exceed)**
Door Repair and Motor ADA	$ 4,076.00 **(Not to exceed the highest quote)**
American Structure Point Work December 2023	$ 8,500.00
Huggen Betten Partition Drywall Repairs	$ 4,750.00
Huggen Betten Door Handle Installation on Alum Door	$ 450.00
Huggen Betten Reinstrall Bar Gates	$ 520.00
Huggen Betten Repair Concession Stand Doors at Ball Field	$ 780.00
Total	**$ 75,716.48**

It was moved by Councilor Pettit and seconded by Councilor Uzelac to allocate the $75,716.48 for the above-mentioned expenses out of the Capital Fund of the Dean and Barbara White Community Center.

Upon a question from President Bella regarding funds availability, Interim Town Manager Griffin reported that the funds have over $400,000.00 in the Capital Fund that are available for use as of December 31, 2023.

Upon a roll call vote, there were six affirmatives and no negatives. Councilors Neal, Haynes-Edwards, Chandler-Felton, Uzelac, Pettit, and Bella voted in the affirmative. There were no negatives. The motion passed. The expenditures of $75,716.48 were approved.

Councilor Pettit reported that a fixed date will be established for the committee to meet.

DEPARTMENT & COMMISSION REPORTS

LAKE COUNTY SOLID WASTE MANAGEMENT-NEAL– Councilor Neal had nothing to report at this time.

NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION-HARDAWAY – Councilor Hardaway was absent from the meeting.

STORMWATER MANAGEMENT RESOURCES-LAKE – Director Lake reported that the MSR reports were submitted to IDM. The reports were received and confirmed by the state Coordinator Stacy Goodwin. An emergency repair is going on right now on 61st and Johnson because a utility truck NIPSCO or Marathon ran over a pipeline. The Little Calumet River Basin approved $350,000.00 toward the 97th and Grand projects.

Director Lake also reported that he will have an Arbor Day Proclamation prepared for the next council meeting. The Apple Orchard project is coming up. The tree will be delivered on May 6th and planted on May 7th. Rosenbaum Park will get 176 trees and Pruzin Parks 103 trees. This is a US Forest Service project.

Director Lake also reported on several calls regarding sanitary backups within the Gary Sanitation District Area.

Councilor Uzelac reported that the construction equipment is still at the park and the no-name ditch will be clean.

Councilor Pettit reported that he received a call regarding someone wanting to put up a billboard in a retention pond.

SOUTHSHORE VISITORS AND CONVENTION AUTHORITY-PATENA – Deanne Patena wasn't present at the meeting.

FIRE TERRITORY BOARD - NEAL & HARDAWAY – Councilor Neal reported that a meeting will be held next month.

DEPARTMENT REPORTS/INTERIM TOWN MANAGER

Chief Nuses – Police Department

Chief Nuses reported the official numbers for March 2024. The report listed the following:

- 2,200 calls for service (there were 47,138 miles traveled for these calls. 90,000 of those miles were racked up by the Patrol Division)
- Over 500 traffic stops (310 citations, 110 warnings, and 77 adult arrests)

He also reported there has been a spike in domestic battery, regular battery, and vehicle theft in the Town of Merrillville. He warned residents not to leave their key fob in the car. The department has also participated in mock search and rescue missions with drones and K9 units.

Director Shine - Building and Planning

Director Shine reported that the Planning and Building Department is issuing permits for spring and summer projects from roofs to pools. She would also like to remind businesses to check with the zoning department before they sign a lease.

Interim Town Manager Griffin – Town Administration

Interim Town Manager Griffin reported that his monthly report has been submitted to the council.

Clerk-Treasurer Eric January – Office of the Clerk-Treasurer

Upon a question from President Bella regarding the Town's first-month revenue from the Food and Beverage Tax, Clerk-Treasurer Eric January responded that the amount will be a little over $37,000.00 with only 11% of business in the Town of Merrillville reporting. If the numbers whole true, we are anticipating collecting over $300,000.00 per month.

Clerk-Treasurer Eric January also reported that the Indiana Department of Revenue(DOR) is going to do a lot to make sure businesses are complying.

Interim Town Manager Griffin added that it is his understanding that DOR would notify the business entities and elaborate on the steps the Town of Merrillville will take on this issue.

GENERAL ORDERS

A. Ordinances:

First Readings:

1. **Ordinance 24-07 (Discussion and Roll Call Vote)** An Ordinance Amending Town Code Chapter 3 Currently Entitled "Alarm Systems" and to Be Re-Entitled "Police Calls for Services", and Repealing All Town Code Sections and Ordinances, or parts thereof, in Conflict Herewith.

Attorney Svetanoff explained Ordinance 24-07.

It was moved by Councilor Uzelac and seconded by Councilor Pettit to approve Ordinance 24-07 on the first reading.

Upon a question from President Bella regarding working with Attorney Svetanoff on this ordinance, Chief Nuses responded he was thankful for this ordinance because of all the nuisance calls the department receives.

Upon a roll call vote, there were six affirmatives and no negatives. Councilors Neal, Haynes-Edwards, Chandler-Felton, Uzelac, Pettit, and Bella voted in the affirmative. There were no negatives. The motion passed. The ordinance was approved on the first reading.

(The original is on file in the Office of the Clerk-Treasurer.)

2. **Ordinance 24-08 (Discussion and Roll Call Vote)** An Ordinance Concerning Real Estate in the Town of Merrillville Which is Used or Permitted to be used by the owner for Illegal Activities and Declaring Same a Public Nuisance.

Attorney Svetanoff explained Ordinance 24-08.

It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve Ordinance 24-08 on the first reading.

Upon a roll call vote, there were six affirmatives and no negatives. Councilors Neal, Haynes-Edwards, Chandler-Felton, Uzelac, Pettit, and Bella voted in the affirmative. There were no negatives. The motion passed. The ordinance was approved on the first reading.

(The original is on file in the Office of the Clerk-Treasurer.)

3. **Ordinance 24-09 (Discussion and Roll Call Vote)** An Ordinance Amending Town Code Sections: 12-91 Entitled "Parking in Yards"; and 12-188 Entitled "Definitions" and Repealing All Town Code Sections and Ordinances, or Part Thereof, in Conflict Herewith.

Attorney Svetanoff explained Ordinance 24-09.

It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve Ordinance 24-09 on the first reading.

Upon a roll call vote, there were six affirmatives and no negatives. Councilors Neal, Haynes-Edwards, Chandler-Felton, Uzelac, Pettit, and Bella voted in the affirmative. There were no negatives. The motion passed. The ordinance was approved on the first reading.

(The original is on file in the Office of the Clerk-Treasurer.)

d) **Ordinance 24-10 (Discussion and Roll Call Vote)** An Ordinance Amending Town Code Sections: 21-172 Entitled "Zoning-Off Street Parking" and Repealing All Town Code Sections and Ordinances, or Part Thereof, in Conflict Herewith.

Attorney Svetanoff explained Ordinance 24-10.

Upon a question by President Bella regarding adding to the explanation, Chief Nuses responded there has been an influx of trucks parking wherever they please.

It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve Ordinance 24-10 on the first reading.

Upon a roll call vote, there were six affirmatives and no negatives. Councilors Neal, Haynes-Edwards, Chandler-Felton, Uzelac, Pettit, and Bella voted in the affirmative. There were no negatives. The motion passed. The ordinance was approved on the first reading.

(The original is on file in the Office of the Clerk-Treasurer.)

Second Readings:

1. **Ordinance 24-05 (Discussion, Public Comment, and Roll Call Vote)** An Ordinance of the Town of Merrillville, Lake County, Indiana, Authorizing Additional Appropriation in the 2024 Local Roads & Street Fund

It was moved by Councilor Neal and seconded by Councilor Haynes-Edwards to approve Ordinance 24-05 on the first reading.

Public comments were completed under section 6A of the agenda for this ordinance.

Upon a roll call vote, there were six affirmatives and no negatives. Councilors Neal, Haynes-Edwards, Chandler-Felton, Uzelac, Pettit, and Bella voted in the affirmative. There were no negatives. The motion passed. The ordinance was approved on the second reading.

(The original is on file in the Office of the Clerk-Treasurer.)

4. **Ordinance 24-06 (Discussion and Roll Call Vote)** An Ordinance of the Town of Merrillville, Lake County, Indiana, Appropriating Additional Monies Within the Various Fire Protection Territory Funds for the Year 2024 Not Included in the Current Budget.

It was moved by Councilor Uzelac and seconded by Councilor Neal to approve Ordinance 24-06 on the second reading.

Financial Advisor Hudson explained the ordinance.

Public comments were completed under section 6B of the agenda for this ordinance.

Upon a roll call vote, there were six affirmatives and no negatives. Councilors Neal, Haynes-Edwards, Chandler-Felton, Uzelac, Pettit, and Bella voted in the affirmative. There were no negatives. The motion passed. The ordinance was approved on the second reading.

(The original is on file in the Office of the Clerk-Treasurer.)

B. Resolutions:

NONE

C. BZA & LARGE GATHERING ACTIONS

Petitioner: Trax Fitness LLP
Owner: Grant Street Properties
Request: Special Exception Approval
Purpose: To Allow Fitness Center
Location: 8120 Grant Street
Zoning: C-5, Office & Research Zoning District

Planning and Building Director Shine reported the ABZA approved the use variance.

The Petitioner explained the business hours of operations, number of employees, pay rates, activities, and monthly membership cost. Councilor Uzelac reported that the Petitioner has to amend his hours of operation on the application. The new hours are as follows:

Monday through Friday 5:00 a.m. to 11:00 p.m.
Saturday and Sunday 6:00 a.m. to 9:00 p.m.

It was moved by Councilor Uzelac and seconded by Councilor Neal to approve the Petition and use variance with the conditions of a 5:00 a.m. to 11:00 p.m. Monday through Friday operation, 6:00 a.m. to 9:00 p.m. Saturday and Sunday hours of operations with no pickleball or other activities after 8:00 p.m.

Upon a roll call vote, there were six affirmatives and no negatives. Councilors Neal, Haynes-Edwards, Chandler-Felton, Uzelac, Pettit, and Bella voted in the affirmative. There were no negatives and the motion passed. The Petition and the use variance were approved with conditions.

Petitioner:	Alyssa Thompson
Owner:	EFI Indiana
Request:	Special Exception Approval
Purpose:	To Allow a Childcare Center
Location:	8420-8438 Indiana Street
Zoning:	C-3, Highway Commercial Zoning District

Planning and Building Director Shine reported the ABZA approved the use variance. She also read into the record the following email:

Gmail

Sheila Shine <sshine@merrillville.in.gov>

8420 Indiana Ave - Day Care

Nick Schacki [illegible]

Tue, Mar 26, 2024 at 11:41 AM

Hi Sheila,

Per our conversation today on March 26, 2024, as an neighboring building owner we have no objection to the day care tenant use to be located at 8420 Indiana Ave.

However, as a condition of not objecting to the tenants use and knowing the back fenced area will be used as a play area, we kindly request that hedges and landscape screening be placed around the fence area to prevent neighboring buildings of having a view of a playground.

Please feel free to reach out if you have any questions.

Nick Schacki | Grand Corporation
Park Tower | 233 East 84th Drive, Suite 200A
Merrillville, Indiana 46410
P: 219.525.4189 | C: 219.309.0399 | Valpo Office: 219.465.7065
nschacki@grandcorp.net | www.grandcorp.net

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It was moved by Councilor Pettit and seconded by Councilor Haynes-Edwards to approve the Petition and use variance with the conditions of hedging and landscaping screening for the playground.

Upon a roll call vote, there were six affirmatives and no negatives. Councilors Neal, Haynes-Edwards, Chandler-Felton, Uzelac, Pettit, and Bella voted in the affirmative. There were no negatives and the motion passed. The Petition and the use variance were approved with conditions.

OLD BUSINESS

NONE

NEW BUSINESS

NONE

PUBLIC COMMENT

1. Maceo Rainy, Merrillville, Indiana voiced his requests regarding speed bumps, cleanup on a tract of land located in the front of the Prairie Creek subdivision, and a street sign named after the late Councilman Donald Spann Sr.

2. Bryon Messer Merrillville, Indiana voiced his concerns regarding ordinances, Tiffany Thompson, and safety vest for the Code Enforcement employees.

ANNOUNCEMENTS

The Town Council President announced the following:

- Redevelopment Commission Meeting April 23rd at 6:15 p.m.
- The Town Council's next regular meeting is on April 23rd at 6:30 p.m.

ADJOURNMENT

Having completed all items on the agenda, the President declared the meeting adjourned at 7:59 p.m.

Rick Bella, Town Council President

Eric O. January, Clerk-Treasurer

Respectfully Submitted By Angela Lewis