Town Council of Merrillville
7820 Broadway Ave - Merrillville, IN 46410
Town Council Meeting Minutes of the Regular Meeting of
June 11, 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 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, Kesha Hardaway, and Rick Bella. Clerk-Treasurer Eric January was present to memorialize the proceedings. A quorum was attained.

PETITIONS, COMMUNICATIONS, ACKNOWLEDGEMENTS, AND REMONSTRATIONS

By leave of President Bella, Attorney Svetanoff read the following statement into the record:

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Attorney Svetanoff 's Statement

NOTES FOR JUNE 11, 2024 MEETING

This statement serves as a follow-up to events that have unfolded since the last Town Council Meeting conducted on May 28, 2024, regarding the topic of how an abstention should be treated concerning a Town Council vote.

On May 29, 2024, the Clerk-Treasurer contacted and requested a legal opinion from Staff Counsel for the State Board of Accounts. Staff Counsel was presented a factual scenario, whereby there was a deadlock tie on the Town Council of 3 votes "yes" and 3 votes "no" (which differed from our actual factual scenario with 3 votes "yes"; 3 votes "no"; and 1 "abstention"). Counsel issued his incorrect technical advice (not a legal opinion) to the Clerk-Treasurer based on the inaccurate factual scenario stated above and an incorrect interpretation of Indiana Code. In this technical advice e-mail, it stated that the Clerk-Treasurer is under a duty to break a tie in voting. This is not true. A Clerk-Treasurer has a choice to break a tie in voting by either voting yes, no, abstaining or refusing to vote.

Then, on May 30, 2024, Legal Counsel for AIM issued technical advice (not a legal opinion) to the Clerk-Treasurer concerning this same issue. In this technical advice e-mail, it relied on the same incorrect factual scenario as noted above and an Indiana Supreme Court case from 1879 discussing the issue of a tie breaking vote. It should be noted that there have been significant changes under Indiana Code, case law, and Roberts Rules of Order since 1879.

Next, on May 31, 2024, Kendra Leatherman, General Counsel for the State Board of Accounts issued a clarification e-mail stating that the technical advice presented was based upon only the factual scenario presented by the Clerk-Treasurer and a statement as follows:

> "As you and Mr. Rouker discussed on the phone, you are the local counsel and are in the best position to give legal advice to the elected officials of your unit. This is not in dispute and our correspondence should not be used as questioning that fact."

Furthermore, on June 4, 2024, both the Town Manager and myself conducted a teleconference with Becca McQuaig, Legal Counsel for AIM. In this teleconference she stated: (1) that she was first presented by the Clerk-Treasurer an incorrect statement of facts concerning the Town Council vote; (2) that after reviewing my Legal Opinion she was compelled by my arguments and legal sources; (3) that you as Town Attorney are in the best position to give legal advice to the municipal unit; and (4) she made it very clear to the Clear-Treasurer that my e-mail was technical advice not a legal opinion.

Moreover, on June 5, 2024, the Town Manager sent the Clerk-Treasurer an e-mail requesting that we have the Indiana Attorney General render an independent legal opinion concerning this matter of abstention. The Clerk-Treasurer has outright declined the offer and again threatened litigation.

In conclusion, as it has been acknowledged by the State Board of Accounts and AIM that the final legal determination rests with the Town Attorney. I stand by my Legal Opinion as accurately describing facts and analyzing the most current Statutes, case law, and secondary authority. It appears that we are destined to litigate this matter. Let me make this clear, this is not an attempt to strip the power of the Clerk-Treasurer but simply we have a difference of legal interpretation.

This ends Attorney Svetanoff's Statement

By leave of President Bella, Clerk-Treasurer Eric January gave his rebuttal into the record:

Clerk-Treasurer Eric January's Rebuttal

"Although I understand that you may have gotten some opinion from these people. I stated the facts. I shared the exact facts with them, and they shared their opinions along with other attorneys. As the Clerk-Treasurer, it clearly says in Indiana law and our ordinances that I am the tie-breaking vote, and when you all interrupted me during the vote for that thing. You even broke what you call Robert's Rules of Order, at the same time, I had the floor by not allowing me to cast that vote.

So, all sorts of precedents have been broken have been broken. There have been other Clerk-Treasurers who have cast tie-breaking votes in this Town since 1972. There is no way that Robert's Rules of Order is going to subjugate the right for the Clerk-Treasurer to be the tie-breaking vote when somebody abstains because the way you read the law,

I'm not an attorney, but it clearly says, and I don't have that paperwork in front of me, but you probably know it where it talked about all of the elected and members of the council casting a majority of the vote. In this case, I am one of the elected members. I was entitled to vote as an elected member of this body, and you denied me that right.

So, on that basis, unless we vote on this measure today, we will be going to court to settle it. We're going to set a precedent for the rest of the state of Indiana because there's no way I'm going to allow that to stand."

This ends Clerk-Treasurer Eric January's rebuttal.

Attorney Svetanoff responded that we agreed to disagree.

PUBLIC HEARING

A.

a) **Town Attorney review of Proof of Publication(s): Ordinance 24-19** – Add Proof Time Publication with public hearing date 06-11-24 regarding Ordinance 24-19.

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 24-19**

ORDINANCE NO: 24-19
AN ORDINANCE OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA AUTHORIZING AN ADDITIONAL APPROPRIATION WITHIN THE 2024 CUMULATIVE FIRE EQUIPMENT FUND

WHEREAS, it has been determined that it is now necessary to appropriate more money than was originally appropriated in the annual budget in the 2024 Cumulative Fire Equipment Fund, and

WHEREAS, the Town Council is aware that the 2024 Cumulative Fire Equipment Fund currently holds a sufficient cash balance to support the requested additional appropriation, and

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Merrillville, Lake County, Indiana, that there is hereby provided and ordered for the expenses of the taxing unit, the following additional sums of money are appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

Fund Name: Cumulative Fire Equipment Fund	Amount Requested	Amount Approved by Fiscal Body
4425010421 Building Improvements	$500,000.00	$500,000.00

DULY ADOPTED AND ORDAINED THIS _____DAY OF_____2024 BY THE TOWN OF MERRILLVILLE TOWN COUNCIL, LAKE COUNTY, INDIANA.

Public Comment:
No public comments were given regarding Ordinance 24-19.

c) Action on Proposed Ordinance:

It was moved by Councilor Uzelac and seconded by Councilor Haynes-Edwards to approve Ordinance 24-19 on the second and final reading.

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

a) Town Attorney review of Proof of Publication(s): Ordinance 24-20 – Add Proof Time Publication with public hearing date 06-11-24 regarding Ordinance 24-20.

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.

President Bella explained Ordinance 24-20.

b) **Public Hearing: Re ORD 24-20**

TOWN OF MERRILLVILLE
APPROPRIATION ENACTMENT
ORDINANCE NO. 24-20

An Enactment Appropriating Additional Money in Excess of the Annual Budget for the Town Donation Fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate additional money that was not appropriated in the annual budget for the **Town Donation Fund.**

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

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Town Donation Fund** and for the purposes herein specified, subject to the laws governing the same:

TOWN DONATION FUND 2301

Increase the following:

2301010333 Iob Fair	$15,000.00
2301010375 4th of July	$10,000.00
2301010380 Black History	$26,000.00
2301010379 Juneteenth	$7,000.00
Total 300 Series:	**$ 58,000.00**
TOTAL for the FUND:	**$ 58,000.00**

Section 2. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

Section 3. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-14-1.5 *et seq.*

Introduced and Filed on the ____ Day of June 2024. Consideration on the same day or at same meeting of introduction sustained a vote of _____ in favor and _____ opposed, pursuant to IC 36-5-2-9.8.

Public Comment:
No public comments were given regarding Ordinance 24-20

c) Action on Proposed Ordinance:

It was moved by Councilor Uzelac and seconded by Councilor Pettit to approve Ordinance 24-20 on the second and final reading.

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

a) **Town Attorney review of Proof of Publication(s): Ordinance 24-21** – Add Proof Time Publication with public hearing date 06-11-24 regarding Ordinance 24-21.

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.

President Bella explained Ordinance 24-21.

b) **Public Hearing: Re ORD 24-21**

ORDINANCE NO: 24-21
AN ORDINANCE OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA AUTHORIZING AN ADDITIONAL APPROPRIATION WITHIN THE 2024 FIRE EQUIPMENT CELL TOWER FUND

WHEREAS, it has been determined that it is now necessary to appropriate more money than was originally appropriated in the annual budget in the 2024 Fire Equipment Cell Tower Fund, and

WHEREAS, the Town Council is aware that the 2024 Fire Equipment Cell Tower Fund currently holds a sufficient cash balance to support the requested additional appropriation, and

NOW, THEREFORE BE IT ORDAINED, by the Town Council of the Town of Merrillville, Lake County, Indiana, that there is hereby provided and ordered for the expenses of the taxing unit, the following additional sums of money are appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

Fund Name: Fire Equipment Cell Tower	Amount Requested	Amount Approved by Fiscal Body
2503010423 Discretionary	$20,000.00	$20,000.00

DULY ADOPTED AND ORDAINED THIS _____DAY OF_____2024 BY THE TOWN OF MERRILLVILLE TOWN COUNCIL, LAKE COUNTY, INDIANA.

Public Comment:
No public comments were given regarding Ordinance 24-21.

c) **Action on Proposed Ordinance:**

It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve Ordinance 24-21 on the second and final reading.

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

CONSENT AGENDA

- Accts. Payable Register Voucher Approval for June 11^{h}, 2024
- AP Register Summary for ARP Purchases for June 11, 2024
- Approval of Town Council Meeting Minutes of May 28th, 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

NONE

STANDING & SPECIAL COMMITTEES REPORTS

BUDGET & FINANCE - NEAL – Councilor Neal reported that meetings are upcoming for July, August, and September for the 2025 budget session and more information be reported at a later date.

COUNCIL AFFAIRS- PETTIT – Councilor Pettit had nothing to report at this time.

STREET DEPARTMENT- UZELAC– Councilor Uzelac reported that she is waiting to hear from Director King about the speed bumps and then we will proceed with installation in different parts of Merrillville.

Upon a question from President Bella regarding the installation of the speed bumps, Councilor Uzelac responded none had been installed in her area.

ELECTIONS, PUBLIC RELATIONS, & TOWN BEAUTIFICATION - NEAL- Councilor Neal reported that the committee is meeting every two weeks to work on the gateway signs. A meeting is scheduled for Monday, June 17th to finalize the drawings. The Street Department is diligently working on flower planting throughout the Town.

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

PERSONNEL POLICY & EMPLOYEE BENEFITS – HARDAWAY- Councilor Hardaway reported there are several job openings at the Parks Department for Event Site Coordinator, Site Supervisor, or Front Desk positions available. Our Interim Assistant Parks Director Lisa Roberts is in place. There are some Street Department positions open as well as Parks.

PUBLIC SAFETY- HARDWAY- Councilor Hardaway had nothing to report at this time.

ECONOMIC DEVELOPMENT-PETTIT – Councilor Pettit reported that a Special Redevelopment Committee meeting was held just before this meeting. The committee has two ordinances and two resolutions listed later on the agenda. One is for Andrean High School and the other is for the Boys and Girls Clubs.

PARKS & RECREATION- UZELAC – No report was given.

UTILITY LIAISON – CHANDLER-FELTON – Councilor Chandler-Felton reported that she will defer to Interim Town Manager Griffin for the report.

Interim Town Manager Griffin reported that the Utility Committee had their first meeting with Indiana American Water, and he was invited to attend lunch will the new President of NIPSCO. He would like Councilor Chandler-Felton to attend the lunch with him. We are going to try to set up a liaison meeting with NIPSCO.

SPECIAL COMMITTEES

ABANDONED-BLIGHTED PROPERTIES - HAYNES-EDWARDS & CHANDLER-FELTON– Councilor Haynes-Edwards reported that she will defer to Interim Town Manager Griffin for the report.

Interim Town Manager Griffin reported that he has been tasked to combine the comprehensive amendments of both our nuisance rules and law ordinance and also it implicates the unsafe building law in one document. This document will be reviewed by the Associate Attorney of the firm that represents the Town of Merrillville and all the principal players to discuss rules and each department's role in enforcing the new document. There will be training for Code Enforcement staff on imposing and lifting a lean.

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

SPECIAL TOWN PROJECTS - NEAL – Councilor Neal reported the following;

- The annual Juneteenth Celebration will be held on June 18, 2024, at 5:00 p.m., and includes two movies Hidden Figures and The Princess & Frog at the Dean and Barbara White Community Center. Admission is free. There will also be local vendors, food trucks, and a play area on-site.

- The annual July 4th Fireworks will be on July 3rd at Merrillville High School in the parking lot. The event will start at sundown.

- 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 and continue southward to 80th Place. It is free to participate in the parade. Applications are available on the Town's website, or you can contact the Town Administration at (219) 769-5711.

DEAN & BARBARA WHITE COMMUNITY CENTER - PETTIT – No report was given.

DEPARTMENT & COMMISSION REPORTS

LAKE COUNTY SOLID WASTE MANAGEMENT-NEAL– Councilor Neal reported that a meeting occurred last week. There are a lot of updates for Lake County Solid Waste Management (LCSWM) on their website. Lake County residents can visit their website at www.lcswm.com for more information.

Councilor Neal also updated the council on the following items:

- Residential Composite is still available by appointment only. The composite is half a cubic yard that is free to all Lake County residents. You will have to show proof of residency. Residents can call (219) 337-8341 to make an appointment.

- LCSWM summertime programs for youth

NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION-HARDAWAY – Councilor Hardaway reported that the next meeting will be on September 19th.

STORMWATER MANAGEMENT RESOURCES-LAKE – Director Matt Lake reported on the following projects:

- Independent Cell Third Addition – we are continuing with engineering.

- 97th Grand Avenue – Director Lake reported that he is sending a letter to Mr. Heering and Mr. Nelson regarding some land acquisitions. We do have some appraisals. We did send them some offers to purchase.

- Hendrick Street – we are continuing engineering on this project north of 73rd. This project is about 60% completed. We have a progress meeting this week with VS Engineering.

- Town Orchard – Rosenbaum is almost completed. We have about 20 more trees to plant. We are going to have a mass planting of 160 trees this Thursday. Volunteers are welcome.

- Ball Diamond Park – Director Lake reported that the developer will be removing all the construction materials from the Park until the project is ready to star

- Fee Study Retention Pond – Director Lake is meeting with Carl Cender and Robinson Engineering to go over a fee study for retention ponds and maintenance. A report will be forthcoming to present to the council.

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

FIRE TERRITORY BOARD - NEAL & HARDAWAY – Councilor Neal nor Councilor Hardaway had anything to report at this time.

DEPARTMENT REPORTS/INTERIM TOWN MANAGER

Interim Assistant Director Roberts – Parks and Recreation
Interim Assistant Director Roberts reported on the following events at the Dean and Barbara White Community Center:

- Dana Evans Basketball Camp will be on Thursday, June 25th from 4:00 p.m. until 7:00 p.m.

- American Cross Blood Drive will be on Thursday, June 27th from 10:30 a.m. until 6:30 p.m.

- Farmer Market will be on Saturday, June 29th from 10:00 a.m. until 2:00 p.m. in the parking lot.

Acting Assistant Director Roberts also reported that she is still obtaining quotes for window cleaning, parking lot striping, and gym floor.

Councilor Pettit reported that the standing committee meeting for Park and Recreation is the 4th Thursday of the month at 5:00 p.m. at the Dean and Barbara White Community Center where some of the mentioned items by Interim Director Roberts will be addressed.

Upon a question from Councilor Pettit regarding items that the committee approved for purchase, Interim Director Roberts responded that for the most part, all items on the list have been addressed. The floor coverings, vacuum cleaners, and other items that were on the list. The only issue was making sure the company got paid for drywalling.

Clerk-Treasurer Eric January stated that David Construction might be able to help with the parking lot issue.

Assistant Chief Gonzales – Police Department
Assistant Chief Gonzales reported that calls are steadily increasing due to the warm weather as summer is approaching. Officers are out and about keeping the public safe. He also reminded the public that the Police Department administration civilian and detective staff are currently displaced due to renovations at the station. The light renovation work is due to be completed by June 21st. He thanked the public for their patience during this time.

Director Shine - Building
Director Shine had nothing to report at this time.

Town Manager Griffin – Town Administration
Town Manager Griffin reported that his current monthly report has been submitted to the council.

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

Clerk-Treasurer Eric January reported that the Town collected $57,382.46 in Food and Beverage taxes which is a $112,000.00 decrease from the previous month. We are going in the wrong direction and have to get the message out to businesses and the public.

Clerk-Treasurer Eric January also reported another fraud incident occurred where an individual changed the information on a check but was caught by our office using positive pay through our bank. In light of this latest incident, the Clerk-Treasurer Office will be implementing a policy where all payments will be ACH transactions.

Clerk-Treasurer reported the following financial items as of May 31, 2024:

- Town Funds $12,000,000.00
- Stormwater Funds $5.509,773.58
- Town Court Funds $140,366.49
- Redevelopment Funds $9,849,598.87

Total Funds 27,849,598.87

GENERAL ORDERS

A. Ordinances:

First Reading

1. **Ordinance 24-22 (Discussion and Roll Call Vote)**
   An Ordinance of the Town of Merrillville Indiana, Providing That the Zoning Ordinance Town of Merrillville, Lake County, Indiana be Amended by Changing the Established C-3, Highway Commercial Zoning District Classification to a Planned Unit Development Zoning District Classification.

   Director Shine explained Ordinance 24-22.

It was moved by Councilor Pettit and seconded by Councilor Haynes-Edwards to approve Ordinance 24-22 on the first reading.

Mr. Anderson representative of the Petitioner elaborated on the use of the property located at 1599 East 63rd Avenue.

Councilor Pettit reported that this location is in his ward. He and Councilor Chandler-Felton saw this at the Planning Commission meeting three times with Mr. Anderson and the Petitioner. Bob and Steve are satisfied with everything.

Director Shine added that the Fire Department did change the address and there will be no outside storage.

Upon a question from President Bella regarding a market study completed to prove the need for storage in the Town of Merrillville, Mr. Anderson responded that a market study was done to show that this type of storage is still needed by taking a radius of 5 miles of the project and the number of residents was over 100,000 in that area. There is still a lack of storage.

Clerk-Treasurer Eric January added that we have plenty of storage units in the Town of Merrillville.

Upon a question from Councilor Neal regarding the number of storage units in the Town of Merrillville, Director Shine responded that she would get an accurate count to the council.

Councilor Pettit elaborated on self-storage facilities.

Upon a roll call vote, there were four affirmatives and three negatives. Councilors Neal, Chandler-Felton, Uzelac, and Pettit, voted in the affirmative. Councilors Bella, Haynes-

Edwards, and Hardaway voted in the negative. 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 24-23 (Discussion and Roll Call Vote)**
An ordinance to Amend the Wage & Salary Ordinance No. 24-02 Establishing the Waage and Salary Rates of the Elected Officers, the Non-Elected Officers, and the Employees of the Town of Merrillville, Indiana.

Digest: An ordinance to amend the existing Wage and Salary Ordinance to modify pay rates for the Police Chief and the Assistant Chief to be aligned more equitably with the base pay for the Fire Chief and Deputy Fire Chief. **The change in salary is funded by actions taken by the town council at its prior meeting, is within the adopted budget for 2024, and is sustainable.** ***(Digest included pursuant to MCC Sec.2-69(d))***

ORDINANCE No. 24-23
of the
TOWN of MERRILLVILLE, INDIANA

AN ORDINANCE to AMEND THE WAGE & SALARY ORDINANCE No. 24-02 ESTABLISHING THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of MERRILLVILLE, INDIANA.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, Pursuant to IC 36-8-9-5, the town legislative body shall appropriate a sum sufficient to pay the salaries of the members of the town police department;

WHEREAS, Pursuant to IC 36-8-9-4(b), the town legislative body shall determine the compensation to be paid to members of the police department in amounts that are just and reasonable;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year;

WHEREAS, The Town Council of the Town of MERRILLVILLE, as the town legislative body, adopted Ordinance No. 23-26 and later Ordinance No 24-02 fixing the compensation of its elected officers, appointed officers, and employees of the Town for the year 2024 and thereafter; and,

WHEREAS, The Town Council of the Town of MERRILLVILLE, as the town legislative body, has been reliably advised that a modification is necessary or desirable to that ordinance, so it now desires to fix the compensation of its elected officers, appointed officers and employees of the Town for the year ensuing and thereafter,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of MERRILLVILLE, Lake County, Indiana, that the Wages, Salaries, of the Officers and Employees of the Town of MERRILLVILLE, are hereby established and fixed, pursuant to the provisions indicated herein and as follows:

Section 1. (A) That except as otherwise expressly provided in this ordinance or the personnel policy manual, an ordinance dealing with standing matters of compensation, the salaries or wages outlined in this ordinance is hereby authorized for all regular full-time employees of the municipality who occupy an authorized position of the municipality at the time of its passage and adoption, with any changes set forth herein to be effective from the date indicated in this ordinance;

Section 2. (A) That unless otherwise provided by this ordinance, the rates, and salaries for the elected or appointed officers and employees of the municipality represent the **maximum** that may be paid for each discretely identified position set forth in this ordinance;

(B) *Approved workforce levels.* That the approved staffing levels for certain positions in the various offices and departments, shown under the column heading styled hiring limit, are hereby fixed, and *approved* as indicated by a parenthetical number, or in the absence of a discrete number, are limited to the combined total wage and salary budgetary limit set forth in the same column. If a position has no discrete number or a wage and salary budgetary limit, there is no authorization to hire, without an amendment to this ordinance;

(C) *Town Council Stipend.* Whenever a member of the Town Council is appointed as a legislative member to the Plan Commission, in addition to the salary authorized in this ordinance, a stipend as identified in this ordinance shall be added to the existing salary as a continuing stipend, payable while serving on the plan commission, pursuant to IC 36-5-3-2 (a)(3).

Section 3. That subject to the provisions of this ordinance, the salary and wages for the elected officers, non-elected officers, and employees of the Town of MERRILLVILLE are hereby fixed for its departments and offices as follows:

Elected Officials	Hiring Limit	Compensation Pay Frequency	Pay Rate	Pay Annualized
Town Council President (Municipal Executive)	1	Monthly	$ 1,433.33	$ 17,199.96
Town Council Members	6	Monthly	$ 1,333.33	$ 15,999.96
Stipend as legislative appointments to Plan Commission (monthly)	3	Monthly	$ 50.00	$ 600.00
Clerk-Treasurer	1	Bi-weekly	$ 2,326.94	$60,500.44
Town Court Judge	1	Bi-weekly	$ 2,269.24	$59,000.24

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Town Administration				
Town Manager/Director of Municipal Operations	1	Bi-weekly	$ 3,557.69	$92,499.94
Interim Town Manager/Director of Municipal Operations	1	Bi-weekly	$ 3,557.69	$92,499.94
Administrative Manager, Special Ass't. to Town Manager & Town Council	1	Bi-weekly	$ 1,919.35	$49,903.10
Information Technology Director (Partial PNR)	1	Bi-weekly	$ 2,692.30	$69,999.80
Content Manager (1,000 hours)	$25,000	Hourly	$ 25.00	
Town Hall Building Maintenance	1	Bi-weekly	$ 1,260.72	$32,778.72
Human Resource Department				
Human Resources Director	1	Bi-weekly	$ 2,626.50	$68,289.00
Administrative Secretary	1	Bi-weekly	$ 1,616.30	$42,023.80
Economic Development Department				
Economic Development Director	1	Bi-weekly	$ 2,626.50	$68,289.00
Administrative Secretary	1	Bi-weekly	$ 1,616.30	$42,023.80
Town Court				
Judge Pro Tempore	1	Bi-weekly	$ 698.46	$18,159.96
Part-Time Judge Pro Tempore		Bi-weekly	$ 557.70	
Administrative Assistant, Court	1	Bi-weekly	$ 2,138.85	$55,610.10
Civil Court Administrator	1	Bi-weekly	$ 1,750.00	$45,500.00
Secretary, Class I, Court	1	Bi-weekly	$ 1,509.62	$39,250.12
Secretary, Class II, Court		Bi-weekly	$ 1,375.00	
Secretary, Class III, Court	2	Bi-weekly	$ 1,192.31	
Part-Time Secretaries, Court	$ 55,915.00	Hourly	$ 15.79	
Public Defender I	1	Bi-weekly	$ 663.46	$17,249.96
Public Defender II	1	Bi-weekly	$ 625.01	$16,250.26
Court Bailiff (Full time)		Bi-weekly	$ 1,365.39	$35,500.14
Part-Time Court Bailiffs	$ 39,690.00	Hourly	$ 15.00	
Probation Officer	1	Bi-weekly	$ 598.46	$15,559.96
Part-Time Staff, Court		Hourly	$ 13.04	
Office of Clerk-Treasurer				
Administrative Bookkeeper, Clerk-Treasurer	1	Bi-weekly	$ 2,295.79	$59,690.54
Office Manager, Clerk-Treasurer	1	Bi-weekly	$ 1,978.83	$51,449.58
Payroll Administrator, Clerk-Treasurer	1	Bi-weekly	$ 1,978.83	$51,449.58
Administrative Secretary, Class I, Clerk-Treasurer	3	Bi-weekly	$ 1,650.59	$42,915.34
Administrative Secretary, Class II, Clerk-Treasurer		Bi-weekly	$ 1,591.35	$41,375.10
Administrative Secretary, Class III, Clerk-Treasurer		Bi-weekly	$ 1,495.09	$38,872.34
Administrative Secretary, Class II, Clerk-Treasurer (F&H)	1	Bi-weekly	$ 1,591.35	$41,375.10
Part-Time Secretary	$15,000	Hourly	$ 16.60	
Police Department				
Town Board of Metropolitan Police Commission, Members	5	Monthly	$ 100.00	$ 1,200.00
Police Chief	1	Bi-weekly	$ 3,556.07	$92,457.82
Assistant Police Chief	1	Bi-weekly	$ 3,310.29	$86,067.54
Operations Commander	1	Bi-weekly	$ 2,937.88	$76,384.88
Police Captain		Bi-weekly	$ 2,876.68	$74,793.68
Police Department Commander	3	Bi-weekly	$ 2,876.68	$74,793.68
Police Lieutenant	5	Bi-weekly	$ 2,815.46	$73,201.96
Shift Commander	4	Bi-weekly	$ 2,815.46	$73,201.96
Police Sergeant	4	Bi-weekly	$ 2,754.26	$71,610.76
Police Corporal	6	Bi-weekly	$ 2,693.06	$70,019.56
Detective	7	Bi-weekly	$ 2,693.06	$70,019.56
Patrol Officer, Special First Class	1	Bi-weekly	$ 3,070.18	$79,824.68
Master Patrol Officer		Bi-weekly	$ 2,631.86	$68,428.36
Patrol Officer, First Class (After 24 months service in good standing)	32	Bi-weekly	$ 2,631.86	$68,428.36
Patrol Officer, Second Class (13 to 24 months service in good standing)		Bi-weekly	$ 2,550.24	$66,306.24
Patrol Officer, Probationary (1 to 12 months service in good standing)		Bi-weekly	$ 2,468.63	$64,184.38
Administrative Assistant (Executive Assistant), Police	1	Bi-weekly	$ 1,946.52	$50,609.52
Senior Secretary, Class I, Police	1	Hourly	$ 21.50	$36,915.50 [1]

Police Department Continued					
Senior Secretary, Class II, Police	1	Hourly	$ 19.96	$34,271.32	[1]
Secretary, Class I		Hourly	$ 19.42		
Secretary, Class II		Hourly	$ 18.81		
Secretary, Class II, Probation	1	Hourly	$ 17.84	$37,107.20	[2]
Secretary, Part-Time		Hourly	$ 16.60		
Law Enforcement Technician	1	Hourly	$ 21.50	$44,720.00	
Information Technology Technician	1	Bi-weekly	$ 2,222.42	$57,782.92	
Special Service Officer	1	Bi-weekly	$ 1,666.82	$43,337.32	
Animal Control Officer, Part-Time	$ 10,000.00	Hourly	$ 15.00		

[1] Annual salary listed is based on 64 hours pay period schedule, with additional for holiday pay.

[2] Annual salary listed is based on 80 hours pay period schedule.

Code Enforcement				
Director of Code Enforcement	1	Bi-weekly	$ 2,060.77	$53,580.02
Code Enforcement Officer	1	Bi-weekly	$ 1,571.86	$40,868.36
Code Enforcement Officer	2	Bi-weekly	$ 1,373.86	$35,720.36

Planning & Building				
Board of Zoning Appeals Member (Not from the Plan Commission)	3	Monthly	$ 100.00	$ 1,200.00
Plan Commission Member (non legislative appointees)	4	Monthly	$ 200.00	$ 2,400.00
Planning & Building Director	1	Bi-weekly	$ 3,030.58	$78,795.08
Planning & Building Assistant	1	Bi-weekly	$ 1,777.93	$46,226.18
Fire Inspector	1	Bi-weekly	$ 2,020.38	$52,529.88
Senior Secretary, Planning & Building	1	Bi-weekly	$ 1,600.15	$41,603.90
Secretary, Planning & Building	1	Bi-weekly	$ 1,535.49	$39,922.74
Secretary, Part-Time Planning & Building	$ 26,520.00	Hourly	$ 20.00	

Public Works/Street Department					
Public Works Director/ Engineering Administrator	1	Bi-weekly	$ 3,111.38	$80,895.88	
Street Superintendent	1	Hourly	$ 28.69	$59,675.20	[2]
Public Works Administrative Secretary	1	Bi-weekly	$ 1,666.82	$43,337.32	
Part Time Secretary		Hourly	$ 16.60		[2]
Foreman	1	Hourly	$ 27.63	$57,470.40	[2]
Senior Operator	4	Hourly	$ 24.81	$51,604.80	[2]
Mechanic/Shop Foreman	1	Hourly	$ 26.04	$54,163.20	[2]
Mechanic/Shop Foreman	2	Hourly	$ 24.81	$51,604.80	[2]
Operator II	5	Hourly	$ 24.41	$50,772.80	[2]
Operator I	1	Hourly	$ 24.04	$50,003.20	[2]
Labor Class II	3	Hourly	$ 23.51	$48,900.80	[2]
Labor Class I	7	Hourly	$ 22.73	$47,278.40	[2]
Summer Help Class I	$ 60,000	Hourly	$ 14.60		
Summer Help Class II		Hourly	$ 15.10		
Part Time, Regular	$ 40,762	Hourly	$ 21.64		

[2] Annual salary listed is based on 80 hours pay period schedule.

Parks Department					
Parks Director (Pay partial from PNRO Fund)	1		Bi-weekly	$ 3,030.57	$78,794.82
Assistant Director (Pay partial from PNRO Fund)	1		Bi-weekly	$ 2,002.60	$52,067.60
Recreation Coordinator/Office Manager (Pay from PNRO Fund)	2		Bi-weekly	$ 1,616.31	$42,024.06
Building Manager (Pay partial from PNRO Fund)	2		Bi-weekly	$ 1,616.31	$42,024.06
Site Supervisor, Full-time (Pay from PNRO Fund)		$ 120,000	Hourly	$ 15.76	
Site Supervisor, Part-time (Pay from PNRO Fund)			Hourly	$ 15.30	
Front Desk Supervisor (Pay from PNRO Fund)	1		Bi-weekly	$ 1,616.31	$42,024.06
Front Desk Attendant, Level I (Pay from PNRO Fund)		$ 80,000	Hourly	$ 13.00	
Front Desk Attendant, Level II (Pay from PNRO Fund)			Hourly	$ 9.00	
Event Center Manager (Pay from PNRO Fund)	1		Bi-weekly	$ 1,616.31	$42,024.06
Event Center Coordinator (Pay from PNRO Fund)		$ 50,000.00	Hourly	$ 15.00	
Maintenance Supervisor (Pay partial from PNRO Fund)	1		Bi-weekly	$ 1,818.35	$47,277.10
Custodian (Pay from PNRO Fund)	2		Bi-weekly	$ 1,260.72	$32,778.72
Maintenance Crew (Pay partial from PNRO Fund)		$ 40,000	Hourly	$ 15.30	
Maintenance Crew (Pay partial from PNRO Fund)			Hourly	$ 14.89	
Laborer (Pay partial from PNRO Fund)		$ 25,000	Hourly	$ 11.00	
Activity Leader, Level I (Pay from PNRO Fund)		$ 10,000	Hourly	$ 15.00	
Activity Leader, Level II (Pay from PNRO Fund)			Hourly	$ 9.00	
Fire Protection Territory					
Fire Chief	1		Bi-weekly	$ 3,556.07	$92,457.82
Deputy Fire Chief	1		Bi-weekly	$ 3,310.29	$86,067.54
Fire Captain	3		Bi-weekly	$ 2,818.69	$73,285.94
Lieutenant	3		Bi-weekly	$ 2,683.49	$69,770.74
Firefighter/EMT (Special)	1		Bi-weekly	$ 3,082.14	$80,135.64
Firefighter/EMT		$ 331,227	Bi-weekly	$ 2,548.29	$66,255.54
Firefighter Probationary			Bi-weekly	$ 2,376.22	$61,781.72
Fire Department Administrative Assistant	1		Hourly	$ 25.73	$53,518.40
Volunteer Firefighter (on scene)			Per call	$ 22.04	
Volunteer Firefighter (on standby)			Per call	$ 17.15	
Volunteer Firefighter (in training)		$ 440,000	Per Training	$ 24.51	
Volunteer Officer (on scene)			Per call	$ 24.51	
Part Time Firefighter			Hourly	$ 16.50	
Part Time Firefighter/EMT			Hourly	$ 22.00	
Stormwater Management Department					
Stormwater Management Board of Directors	3		Monthly	$ 100.00	$ 1,200.00
Stormwater Executive Director	1		Bi-weekly	$ 3,680.00	$93,080.00
Stormwater Administrative Secretary	1		Bi-weekly	$ 1,968.60	$51,183.60
Stormwater Superintendent	1		Bi-weekly	$ 1,736.94	$45,160.44
Stormwater Senior Operator	1		Hourly	$ 28.31	$58,884.80 [2]
Stormwater Crew Member/Part Time I		$ 44,000	Hourly	$ 20.00	
Stormwater Crew Member/Part Time II			Hourly	$ 20.00	

[2] Annual salary listed is based on 80 hours pay period schedule.

Section 4. *Longevity/Full Time Employees.* The Longevity Program is again adopted for full time employees and elected officials. Please refer to Section 6.12 in the Personnel Policy Manual for the policy and levels of longevity compensation.

Section 5 *Holidays.* The Holiday Schedule for Calendar Year 2024 is to follow that adopted by the Town Council in Resolution 23-42, or any superseding Resolution thereto.

Section 6. *Overtime, Holiday Pay, Vacation Leave, Sick Leave and Personal Days.* Refer to the current Personnel Policy Manual for the Overtime, Holiday Pay, Vacation Leave, Sick Leave, and Personal Days policies.

Section 7. *Merrillville Police Depart specific policies.* The policies outlined in the APPENDIX A involving the employees of the Merrillville Police Department are hereby adopted.

Section 8. *Merrillville Fire Protection Territory specific policies.* The policies outlined in the APPENDIX B involving the employees of the Merrillville Fire Protection Territory are

hereby adopted.

Section 9. That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect. Further, that wages and salaries paid in the year 2023, in the positions that are being particularly amended with this ordinance, that were or may have been paid pursuant to this amended ordinance prior to its passage and adoption are hereby ratified and approved, all pursuant to IC 36-1-4-16.

Section 10. That except where otherwise noted herein, other compensation and benefits matters not expressly provided herein for salaried and hourly employees and the other officers of the municipality, shall be as set forth in the Personnel Policy Manual, Codified as Section 2-87 of the Merrillville Municipal Code, commonly called the personnel Policy Manual as amended from time to time.

Section 11. Pay Period. *Except where expressly defined differently for public safety sworn workers, and for those officers whose pay frequency is monthly,* the pay period for salaried and hourly employees is hereby defined as bi-weekly. The bi-weekly term for such pay represents the fourteen (14) day period, commencing at 12:01 a.m. Sunday and extending to and concluding just before Midnight of the second, following Saturday, immediately preceding the week of the scheduled payday; beginning on December 31, 2023, and continuing thereafter;

Section 12. (A) That an emergency exists for the immediate taking effect of this ordinance, which, shall become effective and shall remain in full force and effect from and after the date of its passage and adoption, subject to any express provisions herein, and to any express effective dates herein described to the contrary and until its repeal or amendment by subsequent ordinance;

(B) That for those workers whose positions are highlighted in yellow, whose pay was reduced in previous iterations of the wage and salary ordinance from what was previously paid, the Clerk-Treasurer is authorized and instructed to provide for corrective pay based upon the disparity between the former rate of pay and the pay rate that was used to calculate their pay on the pay days of January 19, 2024 and February 2, 2024, retroactive to the pay period that began on 31 December 2023, through the second pay period ending January 27, 2024;

(C) That the annualized limitation for salaried workers is based upon a year in which 26 paydays occur. For those years for which there is an additional or 27th pay period, the annualized limit is waived. Further, for those officers whose pay frequency is monthly, the payday or time that the pay should be remitted should be as close to the end of the month as possible so as to comply with IC 5-7-3 et seq., which prohibits officers from drawing their pay in advance;

(D) That for the salaries authorized by the passage and adoption of this ordinance for the police chief and the assistant police chief, these bi-weekly salaries are effective retroactively from the pay period commencing on December 31, 2023 and consistent with Section 12 (E) of this ordinance, the Clerk-Treasurer is instructed and requested to implement the change authorized by this ordinance with all due deliberation and dispatch;

(E) That the Clerk-Treasurer shall have authority to implement the provisions of this ordinance pursuant to the authority expressly set forth in IC 36-5-6-6 (a) (3) & (4).

Introduced and Filed 11th day of June 2024.

DULY ORDAINED and ADOPTED this _____ Day of June ____ 2024, by the Town Council of the Town of MERRILLVILLE, Lake County, Indiana

TOWN COUNCIL of the TOWN of MERRILLVILLE, INDIANA

_____

Rick Bella, President (IC 36-5-2-10)

Attest:

_____

Eric O. January
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5; IC 36-5-2-10.2)

APPENDIX A TO ORDINANCE 24-23

The following sections relate to the employees of the Merrillville Police Department.

Section A-1. *Credit for Previous Law Enforcement Service.* An individual hired for the Merrillville Police Department as a sworn officer will be given a credit for previous service for salary purposes only if he or she was a sworn full-time officer in another police department for at least two (2) years. The individual will be compensated as a 2nd Class patrolman for the first year of employment and as a first-class patrolman for the second year of employment.

Section A-2. *Specialty Pay.* The Chief of Police will establish approved categories classified as Specialists. Officers on the approved Specialist list will receive an additional $500.00 annually. Specialists serving on more than one (1) approved category will receive no more than $500.00 annually.

Section A-3. *Overtime and Compensatory Time.* Notwithstanding this ordinance or the provisions of the Personnel Policy Manual the following provisions shall govern the manner in which overtime and compensatory time is managed in the police department:

(A) Full time employees of the Police Department who work additional hours which would be deemed overtime in relationship to any federal, state or county grant or for a specific law enforcement purpose approved by the Chief of Police is entitled to receive overtime compensation at a rate of one and one half (1 ½) times their calculated base hourly pay.

(B) The full-time employees of the Police Department will receive in lieu of overtime compensation, compensatory time off at a rate of not less than one- and one-half hours for each hour of employment for which overtime compensation is required pursuant to the Fair Labor Standards Amendments of 1985.

(C) Such employees shall receive compensatory time off in lieu of overtime for hours worked according to a 28-day 7(k) work period system.

(D) Such employees may accrue not more than four hundred eighty (480) hours of compensatory time for hours worked after April 14, 1986. Any employees who accrue four hundred eighty (480) hours of compensatory time off shall, for additional overtime hours of work, be paid overtime compensation.

(E) An employee who has accrued compensatory time off authorized to be provided hereunder shall, upon termination of employment, be paid for the unused compensatory time off at a rate of compensation not less than:

(1) The average regular rate received by such employee during the last three (3) years of the employee's employment; or
(2) The final regular rate received by such employee, whichever is higher.

(F) An employee under this SECTION who has accrued compensatory time off who has requested the use of such compensatory time, shall be permitted by the Town to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operation of the Town.

(G) An employee under this SECTION who agrees to be employed on a special detail by a separate or independent employer, such hours the individual was employed by such separate and independent employer, shall be excluded by the Town in the calculation of compensation, if the Town:

(1) Required that the employee be hired by a separate and independent employer to perform the special detail;
(2) Facilitates the employment of such employees by a separate and independent

employer; or

(3) Otherwise affects the condition of employment of such employees by a separate and independent employer.

(H) If an employee under this SECTION on an occasional or sporadic basis and solely at his or her option, has part time employment for the Town which is in a different capacity from any capacity in which the employee is regularly employed with the Town, the hours such employee was employed in performing the different employment shall be excluded by the Town in a calculation of the hours for which the employee is entitled to overtime compensation.

Section A-4. *Sick Leave.* Police Officers may accumulate sick leave from year to year, up to a maximum of three hundred sixty (360) hours. Sick leave is accumulated at six (6) hours per month of service.

End of APPENDIX A TO ORDINANCE 24-23

APPENDIX B TO ORDINANCE 24-23

The following sections relate to the employees of the Merrillville Fire Protection Territory.

Section B-1. *Additional Compensation.* The Fire Chief and Deputy Fire Chief are authorized to fill in any open duty rig positions that are available. These positions need to be filled due to call-offs, vacations, compensatory days, or lack of part-time firefighter/EMT's to fill in. This is necessary to have adequate staffing to provide service. When the Fire Chief or Deputy Fire Chief fills in, the Fire Chief or the Deputy Fire Chief will be compensated at the part-time firefighter/EMT rate for hours worked beyond the daily respective schedule, which is additional compensation to the respective salary listed herein.

End of APPENDIX B TO ORDINANCE 24-23

It was moved by Councilor Hardaway and seconded by Councilor Pettit to approve Ordinance 24-23 on the first reading.

Town Manager Griffin explained Ordinance 24-23.

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

President Bella reported that this is the first step in adjusting salaries. Interim Town Manager Griffin is conducting a salary study on all Town employees before the next budget cycle.

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

3. **Ordinance 24-24 (Discussion and Roll Call Vote)**
   An Ordinance of the Town Council of the Town of Merrillville, Indiana, Authorizing the Issuance of the Town of Merrillville, Indiana, Economic Development Revenue Bonds (Including Bond Anticipation Notes) and Approving and Authorizing Other Actions in Respect Thereto (Boys & Girls Clubs of Greater Northwest Indiana Incentive).

Councilor Pettit explained Ordinance 24-24.

Councilor Pettit reported that this action was approved at the Redevelopment Commission meeting by Resolution 24-7 earlier today by a 3-0 vote. This is a commitment of over 10 years at $200,000.00 per year for a total of $2,000.000.00 of TIF allocation for the Boys and Girls Club.

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

Clerk-Treasurer Eric January reported we are borrowing money to give to a not-for-profit organization.

President Bella reported that borrowing is just a mechanism we use. We don't have to pay back the TIF funding and asked Bob Swintz to elaborate on the bond mechanism.

Bob Swintz explained on the bond mechanism.

Upon a roll call vote, there were seven affirmatives and no negatives. Councilors Neal, Haynes-Edwards, Chandler-Felton, Uzelac, Pettit, Hardaway, 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 24-25 (Discussion and Roll Call Vote)**
An Ordinance of the Town Council of the Town of Merrillville, Indiana, Authorizing the Issuance of the Town of Merrillville, Indiana, Economic Development Revenue Bonds (Including Bond Anticipation Notes) and Approving and Authorizing Other Actions in Respect Thereto (Andrean Incentive).

Councilor Pettit reported that Ordinance 24-25 is a similar situation to the Boys and Girls Club. This is a commitment of over 10 years at 100,000.00 per year for a total of $1,000.000.00 of TIF allocation for Andrean to improve the access off of 61st Avenue at some location back into the Andrean facility. We had a meeting with the dioceses, and they are committed to staying at 5959 Broadway on the North End. Andrean will be investing millions in the school over the next 10 years. The projected improvement is estimated to be $30,000.000.00.

It was moved by Councilor Pettit and seconded by Councilor Hardaway to approve Ordinance 24-25 on the first reading.

Clerk-Treasurer Eric January reported that we are giving away the Town's money. The ordinance states the facility constitutes a public purpose and Andrean is a private religious organization.

President Bella stated this is Economic Development. This funding will allow Andrean to be competitive and keep enrollment up.

Councilor Pettit reported that part of the Tax Abatement Ordinance we approve at the Economic Development Committee includes asking for a 10% goal of the number of employees hired to be Merrillville residents. Based on legal counsel, we can't demand it, but we always ask for it.

Clerk-Treasurer Eric January requested to conduct an audit on the hiring.

Councilor Pettit reported that a form CF-1 is filed with the state.

Interim Town Manager Griffin reported that we need to have a public hearing regarding the CF-1 and petitioners will have to appear before the council and demonstrate that they've met the metrics that have been established before abatement was granted. The CF-1 has been filed with the state.

Councilor Neal added that we have created jobs in the Town of Merrillville.

Upon a roll call vote, there were seven affirmatives and no negatives. Councilors Neal, Haynes-Edwards, Chandler-Felton, Uzelac, Pettit, Hardaway, 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 Reading

1. **Ordinance 24-19 (Discussion and Roll Call Vote)**
An Ordinance of the Town of Merrillville, Lake County, Indiana Authorizing an Additional Appropriation Within the 2024 Cumulative Fire Equipment Fund. (Public Hearing to be held 6/11/24).

This ordinance was approved under the Public Hearing section.

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

2. **Ordinance 24-20 (Discussion and Roll Call Vote)**
   An Enactment Appropriating Additional Money over in Excess of the Annual Budget for the Town Donation Fund, all pursuant to I.C.6-1.1-18. I.C. 36-5-3-5, et seq. (Public Hearing to be held 6/11/24).

This ordinance was approved under the Public Hearing section.

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

3. **Ordinance 24-21 (Discussion and Roll Call Vote)**
   An Ordinance of the Town of Merrillville, Lake County, Indiana Authorizing Additional Appropriation within the 2024 Fire Equipment Cell Town Fund. (Public Hearing to be held 6/11/24

This ordinance was approved under the Public Hearing section.

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

B. Resolutions:

1. **Resolution 24-13 (Discussion and Voice Vote)**
   Resolution of the Town Council Approving an Economic Development Agreement and Related Matters (Boys & Girls Clubs of Greater Northwest Indiana Incentive).

Councilor Pettit explained Resolution 24-13.

It was moved by Councilor Pettit and seconded by Councilor Hardaway to approve Resolution 24-13.

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

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

2. **Resolution 24-14 (Discussion and Voice Vote)**
   Resolution of the Town Council Approving an Economic Development Agreement and Related Matters (Andrean Incentive).

It was moved by Councilor Pettit and seconded by Councilor Hardaway to approve Resolution 24-14.

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

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

C. BZA & LARGE GATHERING ACTIONS

Petitioner:	OPS Living Merrillville
Owner:	OPS Living Merrillville LLC
Request:	Special Exception Approval
Purpose:	To Allow A Behavioral Health Treatment Center
Location:	8253 Virginia Street
Zoning:	C-3 Highway Commercial Zoning District

Planning and Building Director Shine reported that the ABZA gave a no recommendation for this use variance. Director Shine reported there was one Petitioner who opposed the BZA action, but after meeting with the attorney and business owner she changed her mind.

By leave of President Bella, Director Shine read the Petitioner's email into the record:

Gmail **Sheila Shine <sshine@merrillville.in.gov>**

follow up
1 message

Bridget Harrison <bharrison@innil.net> Tue, May 28, 2024 at 1:33 PM
To: Sheila Shine <sshine@merrillville.in.gov>
Cc: "asworden@swordenlaw.com" <asworden@swordenlaw.com>

Hi Shelia,

I wanted to reach out as I was able to speak to Adam today regarding the proposed business change at the Virginia Place residence. After the meeting, our management team talked and we considered the information presented by the owners of the proposed treatment center as well as reevaluating the potential risks to our business and the children and adults we serve. After our initial concern, we do believe the change in business is likely to present minimal increased risk to us or our clients. We believe our mutual interests are best served by establishing open communication and we do not want to be creating a potential conflict between us and the new business owners from the very start. With that said, we will not provide any additional opposition to the proposed changes in business transition.

What we do ask if for open communication and the ability to work through any future challenges collaboratively. One of the things mentioned at the meeting is including a future check-in as the business fully transitions and it meets capacity. I know the 6 month time frame was not appropriate due to the time it will take to transition, so maybe an adjusted time-frame for checking in can be established.

Please do not hesitate to reach out to me if you have additional questions.

Thank you.

Bridget Harrison, PhD, HSPP, BCBA-D

Clinical Director

Innovations In Learning, PC

8200 Georgia Street

Merrillville, IN 46410

By leave of President Bella, Director Shine read Councilor Pettit's email into the record:

Gmail **Sheila Shine <sshine@merrillville.in.gov**

follow up

Shawn Pettit <spettit1227@gmail.com> Tue, May 28, 2024 at 3:22 PI
To: Sheila Shine <sshine@merrillville.in.gov>
Cc: Michael Griffin <mgriffin@merrillville.in.gov>, Bridget Harrison <bharrison@innil.net>

Shelia,

When this petition is presented to the TC, please add the condition of a one year review of the operation and any recorded incidents that may have occurred during the first 12 months of the new operation of the proposed petitioner..

Thanks,

Shawn Michael Pettit
Ward 6 Town Councilman
1612 East 87th Court
Merrillville, IN 46410
219-746-7269
spettit1227@gmail.com
Visit my website: www.Shawn4Ward6.com

The owner's attorney Adam reported that the minimum stay is 30 days or longer than the 30 days. The business will be licensed as a residential facility. Harsha Recovery Center Merrillville LLC is the new entity that has been created.

Upon a question from President Bella regarding why no action was taken by the Board of Zoning Appeals, Director Shine responded that after hearing both sides the BZA wants the Town Council to decide the action without any recommendation from BZA.

The council asked several questions which the Petitioner's Attorney answered. The Attorney for the business owner also called up the owner to answer the council's questions.

It was moved by Councilor Pettit and seconded by Councilor Hardaway to table the BZA Action for 30 days.

Upon a question by Councilor Pettit regarding the BZA timeline, Attorney Svetanoff responded that if the council takes no action in 90 days, the BZA's recommendation is the law.

Upon a question from President Bella regarding returning this to the BZA, Director Shine responded she didn't know since the BZA sent it to the council with no recommendation.

President Bella reported that the BZA needs to make a recommendation.

By leave of President Bella, Interim Town Manager Griffin added that the council may want to defer the motion instead of tabling the motion and have the 30 days line up with the next council meeting which is July 9th. The statute does allow the ABZA to make a non-favorable recommendation and no recommendation in Lake County and St. Joseph County.

It was moved by Councilor Pettit to amend his motion and defer the BZA Action until the next Town Council Meeting scheduled for July 9th, 2024, and Councilor Hardaway's second still stands with Councilor Pettit's amendment.

Upon a roll call vote, there were seven affirmatives and no negatives. Councilors Neal, Haynes-Edwards, Chandler-Felton, Uzelac, Pettit, Hardaway, and Bella voted in the affirmative. There were no negatives. The motion passed. The BZA action was deferred until the next council meeting on July 9th.

Petitioner: MHC LLC
Owner: HI Tec-Storage LLC/Self Storage
Request: Special Exception Approval
Purpose: To Allow the Existing Storage Facility
Location: 240 West 79th Avenue
Zoning: C-3 Highway Commercial Zoning District

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

Upon a question from Attorney Svetanoff regarding the existing self-storage facility changing ownership, the Attorney for the current owner responded that this is the case only the ownership is changing.

Upon a question from President Bella regarding room to expand, Director Shine responded there isn't room to expand at the self-storage facility.

It was moved by Councilor Pettit and seconded by Councilor Haynes-Edwards to approve the BZA Action.

Upon a roll call vote, there were seven affirmatives and no negatives. Councilors Neal, Haynes-Edwards, Chandler-Felton, Uzelac, Pettit, Hardaway, and Bella voted in the affirmative. There were no negatives. The motion passed. The BZA Action was approved.

OLD BUSINESS

NONE

NEW BUSINESS

President Bella reported that the Town Council Workshop's regular scheduled meeting for Wednesday, June 19th will be rescheduled due to the Juneteenth Holiday. The new date will be communicated to the council.

PUBLIC COMMENT

1. Maceo Rainey, Merrillville Indian voiced his concerns regarding the gift of TIF funding to Andrean High School.

2. Bryon Messer Merrillville, Indiana voiced his concerns regarding safety vests for the Code Enforcement employees, the Boys and Girls Club gift of TIF funding, Andrean High School gift of TIF funding, and the lack of funding for Public Safety to increase hiring for the Police and Fire Departments.

3. Darian Collins Merrillville, Indiana voiced her concerns regarding Storage Facilities, Andrean High School gift of TIF funding, Merrillville High School, Town Court, and BZA MHC LLC.

4. Chanda Flowers Merrillville, Indiana voiced her concerns regarding her longevity pay and equality for all employees and elected officials.

5. Diamond Jackson Merrillville, Indiana voiced her concerns regarding Andrean High School's gift of TIF funding and BZA MHC LLC.

6. Leonard White Merrillville, Indiana voiced his concerns regarding Andrean High School's gift of TIF funding and Merrillville's jobs.

7. Steven Mays, Merrillville Indiana voiced his concerns regarding TIF funding usage, the voting process of the council, and the Town Court.

ANNOUNCEMENTS

The Town Council President announced the following:

- Town Council Meeting Tuesday, June 25th at 6:30 p.m.
- RDC Meeting Tuesday, June 25th at 6:15 p.m.
- Juneteenth Family Movie Night June 18th at 6:30 p.m. at the Dean & Barbara White Community Center Parking Lot
- Fireworks show July 3rd at Merrillville High School's Parking Lot at sundown.
- July 4th Parade July 4th at 11:00 a.m. starting at 6600 Broadway and heading South towards 80th Place.
- Job Fair July 24th from 11:30a.m – 2:30 p.m. at the Dean and Barbara White Community Center

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ADJOURNMENT

Having completed all items on the agenda, the President declared the meeting adjourned at 8:35 p.m.

Rick Bella, Town Council President

Eric O. January, Clerk-Treasurer

Respectfully Submitted By Angela Lewis