Town Council of Merrillville
7820 Broadway Ave - Merrillville, IN 46410
Town Council Meeting Minutes of the Regular Meeting of
May 28, 2024 - 6:35 P.M.

CALL TO ORDER: Councilor Bella called the meeting to order at 6:35 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:

Attorney Svetanoff 's Statement

At the Town Council Meeting on May 14, 2024, a first reading Ordinance was introduced and a vote was taken to consider the re-establishment of the Town Court and repeal the earlier Ordinance closing same.

As the vote was taken, there were three (3) votes in favor of re-establishing the Town Court; three (3) votes against re-establishing the Town Court; and one (1) abstention from the vote.

As defined within the Merriam-Webster Dictionary, the phrase "abstention" is defined as a refusal to vote.

As discussed within the Roberts Rules of Order, to abstain literally means to refrain from voting.

In the usual situation, where a majority vote is required, abstentions have absolutely no effect on the outcome of the vote since what is required is a majority of the votes cast.

On the other hand, under Indiana Code, if the vote required is a majority of the members elected/present an abstention will have the same effect as a "no" vote.

Practically, this means that it takes 4 affirmative (yes) votes to take any action.

The only caveat to this is that the Clerk-Treasurer can break a tie vote on the Town Council only when there are, for any reason, "an even number of Councilmembers present".

In this instance the Clerk-Treasurer becomes an "ex-officio" member of the Town Council for the sole purpose of casting the tie breaking vote, however, the Clerk-Treasurer also has the option to abstain from voting.

Roberts Rules of Order is also very clear that a member cannot be compelled to vote.

Additionally, under the seminole Indiana Court of Appeals case, Evansville v. Fehrenbacher, 517 N.E.2d 111 (Ind. Ct. App. 1987), the issue presented was whether a tie vote by the Town Council and the failure of the Town Council to grant or deny the Ordinance for a period of 90 days required the Ordinance to be granted under Indiana Code.

In determining this issue, the Court considered the meaning of the term "majority".

The Court found that by using language concerning a majority, the Legislature intended to provide a specific means by which the Town Council could act.

The Court stated that "regardless of whether a majority of the quorum, or some greater majority, is required, it is clear that a requirement of any type of majority is a requirement that, on any given question, either the affirmative receive more votes than the negative, or the negative more votes than the affirmative."

The Court further stated that because the affirmative did not receive a greater portion of the votes than the negative, the Ordinance was not adopted.

Here, I.C. 36-5-2-9.6 provides that a "majority vote of the legislative body is required to pass an Ordinance, unless a greater vote is required by statute."

The Ordinance to re-establish the Merrillville Town Court did not receive a majority vote.

Accordingly, as discussed in *Fehrenbacher* and enumerated in Indiana Code, the Ordinance was not adopted.

This is the end of Attorney Svetanoff's Statement

Attorney Svetanoff reported that this is the reasoning behind why the Town Court's ordinance to re-establish the court failed.

Clerk-Treasure Eric January reported that his concerns are based on Roberts's Rule of Order dating back to 1972, and the precedent of the Clerk-Treasurer of the Town of Merrillville casting the deciding vote in the past. The Clerk-Treasurer should have been granted leave by the President of the council to cast a vote to break the tie.

Clerk-Treasurer Eric January stated that he would seek legal counsel to make sure Attorney Svetanoff's statement was accurate.

Attorney Svetanoff responded that the council invites Clerk-Treasurer Eric January to seek legal counsel on his statement.

Employee of the Month for May – Planning & Building

Director Sheila Shine and Town Manager Griffin presented to the council and audience Administration Assistant Mrs. Marie Wilson as May's Employee of the Month for the Town of Merrillville. Mrs. Wilson received a certificate of recognition and a gift card on behalf of the Town of Merrillville. Director Shine elaborated on Mrs. Wilson's exemplary qualities as an employee at the Building and Planning Department.

Town Council Acknowledges Receipt of Timetable for Andrean and Boys/Girls Club Incentives

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Proposed Timetable

(1) TOWN OF MERRILLVILLE, INDIANA, TAXABLE ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS **(ANDREAN PROJECT)**; and (2) TOWN OF MERRILLVILLE, INDIANA, TAXABLE ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS **(BOYS AND GIRLS CLUB PROJECT)**

5/21/2024

Target Date (2024)	✓	Action
May 21 (Tuesday)		Provide Timetable for Andrean and Boys/Girls Club incentives for inclusion in Town Council packets. Add to Town Council agenda (1) nomination by Town Council of person to serve on Economic Development Commission (can be a Town Council member); (2) selection by Town Council President of person to serve on Economic Development Commission.
May 21 (Tuesday)		Begin preparation of Economic Development Agreements with Andrean ad Boys/Girls Club.
By May 24 (Friday)		Circulate drafts of Economic Development Agreements with Andrean and Boys/Girls Club.
May 28 (Tuesday) (6:30 p.m. CST)		**Meeting of Town Council.** Town Council nominates a person to serve on the Merrillville Economic Development Commission (can be a Town Council member). Town Council President selects a person to serve on the Merrillville Economic Development Commission. (Angie Chilcott, possibly?) Town Council acknowledges receipt of Timetable for Andrean and Boys/Girls Club incentives.
By May 28 (Tuesday)		Bob Swintz confirms expiration date of Broadway allocation area.
By May 28 (Tuesday)		Notify County Council of need to nominate a member to the Merrillville Economic Development Commission at its June 11 meeting.

By May 30 (Thursday)		Confirm availability of proposed Economic Development Commission members to have meeting on June 25 at 5:30 p.m. (CST).
By June 4 (Tuesday)		Deliver Notice of Public Hearing of the Economic Development Commission to the *Northwest Indiana Times*.
By June 4 (Tuesday)		Complete substantially final forms of Economic Development Agreements.
By June 4 (Tuesday)		Deliver Resolution for Redevelopment Commission Resolution for June 11.
By June 4 (Tuesday)		Deliver documents to the Town Council for June 11 meeting.
By June 11 (Tuesday)		Notice of Public Hearing of Economic Development Commission published in the *Northwest Indiana Times*.
June 11 (Tuesday) (10 a.m. CST)		**Regular Meeting of Lake County Council.** County Council nominates member to serve on Merrillville Economic Development Commission.
June 11 (Tuesday)		**Special Meeting of Redevelopment Commission.** Redevelopment Commission passes resolution pledging Tax Increment Revenues (from Broadway Allocation Area). Redevelopment Commission passes resolution approving substantially final forms of Economic Development Agreements.
June 11 (Tuesday) (6:30 p.m. CST)		**Meeting of Town Council.** Town Council introduces Ordinance approving the issuance of the Bonds. Town Council passes resolution approving substantially final forms Economic Development Agreements.
June 18 (Tuesday)		Deliver Resolutions (including Reports and Findings of Fact) for Economic Development Commission meeting on June 25 (including forms of Bond Ordinances and Loan Agreements and Trust Indentures for inclusion in meeting minutes).
June 18 (Tuesday)		Deliver forms of Loan Agreements and Trust Indentures to Town Council for inclusion in meeting minutes.
By June 18 (Tuesday)		Town Council President executes Certificates of Appointment of EDC members. (Forms to be provided.) (Town Council appointee to serve until January 1, 2028; Town Council nominee to serve until January 1, 2027; County Council nominee to serve until January 1,

		2026.)
June 25 **(Tuesday)** **(5:30 p.m.)**		**Special Meeting of Economic Development Commission.** (Must precede Town Council meeting.) Members of Economic Development Commission take Oaths of Office. Economic Development Commission holds election of officers. Economic Development Commission conducts public hearings and adopts resolutions (including Reports and Findings of Fact) to recommend issuance of the two series of Bonds. Economic Development Commission delivers Report and Findings of Fact to the Plan Commission.
June 25 **(Tuesday)** **(6:30 p.m. CST)**		**Meeting of Town Council.** Town Council passes Ordinance approving the issuance of the Bonds.
By July 11 **(Thursday)**		Parties sign Economic Development Agreements.
July 11 **(Thursday)**		Closing on Bonds.

Notes:

Town Council meets second and fourth Tuesday of each month at 6:30 p.m. (May 28; June 11; June 25)

Redevelopment Commission meets on fourth Tuesday of each month or as needed.
RC: May 28
June 11 Special meeting
June 25
Fourth Tuesday of month

Economic Development Commission meets as needed.

EDC: Need to have meeting in advance of June 25 final reading of bond ordinance.

Both bonds payable from Broadway Allocation Area.

Councilor Pettit explained the Proposed Timetable.

Councilor Pettit reported that it has been the desire of the Town Council past and present to assist the Boys and Girls Club for Merrillville residents to do a gift out of Tax Increment Financing (TIF) proceeds. Bond Council Tom Pittman from Barnes & Thornburg has formulated this proposed timeline which includes not only the Boys and Girls Club incentive but incentive for Andrean High School to be used for the school access improvement.

Councilor Pettit also reported that commitment letters on Town letterhead need to be sent to the Boys and Girls Club and Andrean High School. A meeting needs to be called between Councilor Hardway, Chief Nuses, Director Cilcott, Town Manager Griffin, the Diocese of Andrean High School, and others to talk about the concerns of Andrean High School.

Upon a question from Clerk-Treasurer Eric January regarding borrowing money to give gifts to non-profit agencies, Councilor Pettit responded that the gifts are off the top of the TIF draw. The TIF allocation is about $9,100,000.00. We received our allocation of TIF on January 1st and July 1st and these are tax dollars that don't require repayment.

Clerk-Treasurer Eric January stated that giving money to an organization that doesn't generate money may cause budget problems for the Town of Merrillville.

President Bella reported that this timeline was approved by the council.

Town Council Nominations for Economic Development Commission

It was moved by Councilor Pettit to nominate Angie Chilcott as the Economic Development Director to the commission as required by the timetable.

Upon a question from President Bella regarding any other nominees, the council was silent. There were no other nominees.

Town Council President's Nomination (Appointment) to Serve on the Economic Development Commission

It was moved by Councilor Pettit and seconded by Councilor Haynes-Edwards to appoint Angie Chilcott to the Economic Development Commission.

Upon a voice vote, the motion passed. The nominee Angie Chilcott was approved.

By the leave of President Bella, Town Manager Griffin explained the process of the Lake County Economic Development nominee/appointment process.

Attorney Svetanoff reported that Lake County Council would have to make the recommendation and the Town Council would either accept or reject the recommendation.

PUBLIC HEARING

A.

a) **Town Attorney review of Proof of Publication(s):** Ordinance 24-12 – Add Proof Time Publication with public hearing date 05-28-24

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 24-12 Authorizing Additional Appropriations for the Local Roads & Street Fund**

Public Comment:
No public comments were given regarding Ordinance 24-12.

c) Action on Proposed Ordinance:

It was moved by Councilor Uzelac and seconded by Councilor Neal to approve Ordinance 24-12 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 May 28h, 2024
- AP Register Summary for ARP Purchases for May 28th, 2024
- Approval of Town Council Meeting Minutes of May 14th, 2024
- Memorandum Request of Wavier of Charges: Neal Group Annual Give Back Football Camp

TOWN of MERRILLVILLE
Office of Town Manager

Memorandum

Date: Friday, May 24,2024

Hon. Rick Bella, President and the Merrillville Town Council
Merrillville Parks and Recreation Authority (MMC Sec. 13.5-1)
7820 Broadway Ave
Merrillville, Indiana 46410

Re: **Request of a Waiver of Charges for use of Facilities for NEAL GROUP for the ANNUAL FREE COMMUNITY GIVE BACK FOOTBALL CAMP.**

Dear Mr. President and Members of the Town Council:

Hello. I hope this arrives to find you all doing well. I ask your consideration and favor to approve the following:

I am writing to seek the waiver of charges for the use as described in the subject line at the Dean and Barbara White Community Center Weiss Field on July 6, 2024 from 7:00 a.m. to 5:00 p.m. This is an annual, volunteer effort by a family that gives back to Merrillville. Further no fees are being charged for young people to participate. . The cost of use was forgone in the amount of **$535.00**. I recommend for the forgoing reasons your favor and approval of the waiver.

This matter is placed before the Town Council in its role as the Park Authority. I ask that a waiver be granted for this use.

Thank you.

Sincerely,

Michael W. Griffin, M.P.A., MMC/CPFA/ACPFIM/CMO
(Interim) Town Manager

It was moved by Councilor Pettit and seconded by Councilor Haynes-Edwards 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 the committee met on May 24th. The next meeting will be on June 17th for the 2025 budget session.

COUNCIL AFFAIRS- PETTIT – Councilor Pettit reported that the committee has several ordinances up for a second reading later on the agenda.

STREET DEPARTMENT- UZELAC– Councilor Uzelac reported that she is working with Director King on getting speed humps installed in problem traffic areas. She is also working with Chief Nuses regarding speeders knocking down mailboxes and other issues.

Upon a question from Councilor Pettit regarding the Tiger Mower being back in service, Director King responded that the Tiger Mower was back in service.

Upon a question from Councilor Uzelac regarding the underground tanks, Director King responded that Northern Mechanical has applied for permits with the state to remove the tank and a request has been submitted to the ARPA committee for the funding to pay the vendor for removing the tank.

Upon a question from President Bella regarding contacting INDOT to change the timing of the traffic lights where paving is being done to prevent backup traffic, Director King responded he would contact INDOT.

Upon a question from Councilor Hardaway regarding an update on the 61st Avenue project, Director King responded that he would give an update during his report.

ELECTIONS, PUBLIC RELATIONS, & TOWN BEAUTIFICATION - NEAL- Councilor Neal reported that the committee has been meeting with Robertson Engineering and the next meeting is June 3rd. ASI signage will be at the meeting so we can move forward with creating our slogan For the Town's new signs.

We meet every two weeks to go over the action item list of beautifications for the Town of Merrillville which includes the entryway and gateway signs with the new slogan.

ENVIRONMENTAL AFFAIRS- PETTIT – Councilor Pettit reported that he will defer to Councilor Neal for his report. Councilor Neal will give the report later on the agenda under the special committee.

PERSONNEL POLICY & EMPLOYEE BENEFITS – HARDAWAY- Councilor Hardaway reported there are several job openings at the Parks Department for Site Supervisor and Front Desk positions available.

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

ECONOMIC DEVELOPMENT-PETTIT – Councilor Pettit reported that a Redevelopment Committee meeting was held just before this meeting. The committee approved Tri-Electronic to

update the security measures at Town Hall. The funding used for this update will come from the Mississippi TIF allocation. A resolution was also passed to ask for the maximum amount of increment possible to be calculated by Lake County.

PARKS & RECREATION- UZELAC - Councilor Uzelac reported that Independence Hill Park located on 73rd Avenue is in dire need of mowing. This park belongs to the Ross Township Trustee and they need to be contacted regarding this problem.

Upon a question from President Bella regarding who was going to make the call, Councilor Uzelac responded she would make the call.

Councilor Uzelac also reported that the construction material is still sitting on Jenning Street Park property and Mr. Rodriguez hasn't started the project.

Director Lake recommended some enforcement action through the Building and Planning Department.

UTILITY LIAISON – CHANDLER-FELTON – Councilor Chandler-Felton had nothing to report at this time.

SPECIAL COMMITTEES

ABANDONED-BLIGHTED PROPERTIES - HAYNES-EDWARDS & CHANDLER-FELTON– Councilor Haynes-Edward reported that she needs to schedule a meeting with Chief Nuses.

Upon a question from Councilor Pettit regarding the status of 6935 Broadway, Director King that the contract has gone out for signature, the water service has been retired, and the gas and electric will be retired in about five weeks.

Councilor Pettit stated something must be done regarding clearing the trees and cutting the grass.

Director King stated the trees will be cleared, but we have to have the property surveyed by the state.

Attorney Svetanoff stated that we don't need a state survey to cut the grass and clear the trees on the property. He also stated that the Town's blighted building process has been slowed down by these outside forces.

Councilor Pettit recommended that the Utility Liaison Committee set up a meeting with NIPSCO's Alexius Barbar. Town Manager Griffin stated that he would copy the chair of the utility committee.

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 onsite.

- 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.

- The annual Job Fair will be held on July 24th at the Dean and Barbara White Community Center. There will be numerous employers will be onsite. Job seekers will have an opportunity to enter to win a snag bag prize or receive a free raffle ticket to win a laptop or tablet. The first 150 attendees will receive a lunch ticket which can be redeemed at one of the food trucks that will be on-site.

DEAN & BARBARA WHITE COMMUNITY CENTER - PETTIT – Councilor Pettit reported that the standing committee meeting was held on Thursday, May 23rd. Town Manager Griffin and Financial Advisor Hudson were at the meeting. The committee discussed progress reports and reviewed funding templates, event bookings, hours of usage, and other matters of concern regarding the Dean and Barbara White Community Center.

LAKE COUNTY SOLID WASTE MANAGEMENT-NEAL– Councilor Neal reported a meeting will be held on May 30th.

Councilor Neal also updated the council on the following item:

- 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.

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:

- Grimmer Construction is working on the project located on 69th Connecticut Street at the outlet side by Skinner Pond. There has only been one change order on this project.

- Director Lake reported that he attended a Little Calumet River Basin Development Commission Advisory Board meeting where he presented to try to obtain 50% of the cost for the 69th Connecticut Street project for $239,000.00. The information was well received by the Advisory Board and next, he will present the same information to the full Commission Board.

- 97th Grand Avenue – we are waiting for the Right-of-Way to proceed with the project. We received a commitment from the Little Calumet River Basin Development Commission for $345,000.00 for this project. It will be completed this summer.

- Stormwater Annual Meeting (MS4) – we had over 300 attendees at this event.

Director Lake elaborated on several other activities and projects of Stormwater Management.

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

FIRE TERRITORY BOARD - NEAL & HARDAWAY– Councilor Hardaway reported that Chief Ed Yerga will give the report:

Upon a question from President Bella regarding board action that needs to be taken for the two new Firefighters, Councilor Hardaway responded that she is waiting for an answer to that question.

Chief Ed Yerga reported the following:

- Broadway Fire – Chief Yerga explained the diesel fuel fire on Broadway that occurred earlier today and apologized for the traffic congestion on Broadway this afternoon.

- Fire Territory Board – A meeting is scheduled for June 11th for the 2024 Fire Territory Bonds and other business will be discussed.

- Annual Fire Fighter Memorial Services – The Memorial Service was held May 27, 2024, and was well attended by the public.

- Helicopter Training – On Wednesday, May 29th through Friday, May 31st, the Fire Department will be doing medical helicopter training with the University of Chicago at the Dean and Barbara White Community Center.

- Ordinances – Chief Yerga reported that he has a couple of ordinances later on the agenda. Chief Yerga explained the ordinances.

DEPARTMENT REPORTS/INTERIM TOWN MANAGER

Clerk-Treasurer Eric January – Office of the Clerk-Treasurer
Clerk-Treasurer Eric January reported that the budget which is the responsibility of the council is at 54% for the year. The council may have to do some additional appropriations in the upcoming months. The Town is moving in the right direction despite some of the decisions that were made.

Acting Assistant Director Roberts – Parks and Recreation
Interim Assistant Director Roberts reported that more staffing is needed. The Park Department did hire two event staff employees. The department is looking to hire a night Janitor and part or full-time Site Supervisor. The current Full-time Site Supervisor position is vacant.

Acting Assistant Director Robert reported that she is obtaining quotes for window cleaning, parking lot restriping, and comprehensive cleaning as a backup to the janitor.

Councilor Pettit reported that the council received thank you cards from kids who stayed at the Dean and Barbara White Community Center due to the apartment complex fire.

Chief Nuses – Police Department
Chief Nuses reported the unofficial numbers for May 2024. The report listed the following:

- 2,500 calls for service.
- 480 traffic stops.

Chief Nuses also reported as the temperature warms up the spike in calls increases. The department has experienced 70-plus calls during the day shift. As the months progress, we are looking at about 4,000 calls for service.

Chief Nuses reported that the department is aware of the speeding problem in the Town. We are going to address the problem after we get some of the service calls reduced. The department is also preparing for the upcoming Town's Spring and Summer events.

Director Shine - Building
Director Shine reported that the Golden Corral has experienced interior and exterior remodeling and will be opening soon.

Director Shine also reported that she and Bob Pillman met with Mecca Engineering regarding the Carquest building and construction should be starting soon.

Upon a question from President Bella regarding an update on the old Ponderosa building, Director Shine responded that she and Bob Pillman had a conversation with the Manager. The Manager sent an email stating that she would be working on the parking lot as well as the interior of the building. Director Shine informed the Manager that the exterior of the building must be addressed especially the graffiti on the building.

Upon a question from Councilor Uzelac regarding ownership of the Golden Corral, Director Shine responded the owners are new.

Upon a question from Councilor Haynes-Edwards regarding fines for contractors working without a permit in the Town of Merrillville, Director Shine responded there are fines by the ordinance.

Director King – Street Department
Direct King reported the following:

- Speed Humps are being installed.
- The Community Crossing Grant Project on 61st Avenue is ongoing. The concrete restoration should be finished this week. Asphalt patching will start next week.
- CN Railroad will be working on the tracks on Hendricks Street which will start Monday, June 3rd through Wednesday, June 19th. A detour route was sent out to Chief Nuses, Chief Yerga, and Chas Reily.
- Advance Railroad Warning Signals will be discussed with a CN representative.
- The Planting is completed. Watering and weeding will continue.

Director King elaborated on the other activities of the Street Department.

Town Manager Griffin – Town Administration
Town Manager Griffin reported that his current monthly report has been submitted to the council. He highlighted the following areas from the report:

- Director Matt Lake accepted the MS4 Partnership Award for excellence at the Annual Conference.
- The standing staff meeting may be delayed due to briefing the Council regarding an item that was discussed in the Budget and Finance Committee meeting.

GENERAL ORDERS

A. Ordinances:

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).

It was moved by Councilor Pettit and seconded by Councilor Hardaway to approve Ordinance 24-19 on the first 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 first reading.

(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).

It was moved by Councilor Pettit and seconded by Councilor Haynes-Edwards to approve Ordinance 24-20 on the first reading.

President Bella requested that Town Manager Griffin add up the column listed on the ordinance. Town Manager Griffin responded that the total is incorrect in the series. The amount will be corrected for the second reading.

Town Manager Griffin explained Ordinance 24-20.

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.)

3. **Ordinance 24-21 (Discussion and Roll Call Vote)**
   An Ordinance of the T (Public Hearing to be held 6/11/24).

It was moved by Councilor Neal and seconded by Councilor Chandler-Felton to approve Ordinance 24-21 on the first 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 first reading.

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

Second Reading:

1. **Ordinance 24-12 (Discussion and Roll Call Vote)**
   An Ordinance of the Town of Merrillville, Lake County, Indiana Authorizing Additional Appropriations in the 2024 Budget Engineering Fees Fund (Public Hearing to be held on 05/28/24)

This ordinance was approved under the Public Hearing section.

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

2. **Ordinance 24-13 (Discussion and Roll Call Vote)**
   An Ordinance Amending Town Code Chapter 13, Article 1 Entitled "nuisance – In General", and Repealing All Town Code Sections and Ordinances, or Parts Thereof, in Conflict Herewith.

Attorney Svetanoff explained Ordnance 24-13.

It was moved by Councilor Uzelac and seconded by Councilor Pettit to approve Ordinance 24-13 on the second and final reading.

Upon a question from President Bella regarding the ordinance giving Code Enforcement the substance it needs to enforce the law, Chief Nuses responded once it gets adopted.

There were no public comments.

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.

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

3. **Ordinance 24-14 (Discussion and Roll Call Vote)**
   An Ordinance of the Town Council of the Town of Merrillville Amending the Merrillville Municipal Code Establishing and Authorizing the Office of Vice President of the Town Council, Pursuant to I.C. 36-5-2-9 and I. C. 36-1-3 et seq.

It was moved by Councilor Pettit and seconded by Councilor Hardaway to approve Ordinance 24-14 on the second and final reading.

There were no public comments

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.

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

4. **Ordinance 24-15 (Discussion and Roll Call Vote)**
   An Ordinance Amending Town Code Chapter 7.5 Entitled Fire and Hazardous Materials Safety, and Repealing All Town Code Sections and Ordinances, or Parts Thereof, in Conflict Herewith.

Attorney Svetanoff explained Ordinance 24-15.

It was moved by Councilor Uzelac and seconded by Councilor Neal to approve Ordinance 24-15 on the second and final reading.

Upon a question from President Bella regarding the ordinance satisfying the needs of Chief Yerga, Chief Yerga responded that it does.

There were no public comments

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.

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

5. **Ordinance 24-16 (Discussion and Roll Call Vote)**
   An Ordinance Amending Town Code Chapter 4, Entitled, "Ambulances and Systems," and Repealing All Town Code Sections and Ordinances, or Parts Thereof, in Conflict Herewith.

Attorney Svetanoff explained Ordinance 24-16.

It was moved by Councilor Uzelac and seconded by Councilor Neal to approve Ordinance 24-16 on the second and final reading.

There were no public comments.

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.

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

6. **Ordinance 24-18 (Discussion and Roll Call Vote)**
   An Ordinance to Amend Sections 2-139 of the Code of Ordinances for the Town of Merrillville Purchasing Code, all Pursuant to I.C. 36-1-5- Et Seq.

It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve Ordinance 24-18 on the second and final reading.

Town Manager Griffin explained Ordinance 24-18.

Upon a question from President Bella regarding Ordinance 24-18 being reviewed by the Clerk-Treasurer, Clerk-Treasurer Eric January responded that he and his staff have reviewed Ordinance 24-18.

The were no public comments.

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.

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

NONE

B. Resolutions:

1. **Resolution 24-12 (Discussion and Voice Vote)**
   An Exigent Resolution Providing for the Transfer of Appropriation Balances From and Among Major Budget Classifications in the Administration and Police Departments in the General Fund as Requested by the Proper Officer and Forwarded to the Town Council for its Action Pursuant to I.C. 6-1.1-186.

It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve Resolution 24-12.

Town Manager Griffin explained Resolution 24-11.

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

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

1. Letter from Robert Csanyi – Robinson Engineering Release of Maintenance Bond Pursuant to MMC sec 19-25(F)

   1. Letter of recommendation

Director Shine read the letter:

Robinson ENGINEERING

May 15, 2024
24-R0084

Town of Merrillville
Planning & Building Department
7820 Broadway
Merrillville, IN 46410

Attn: Sheila Shine, Building and Planning Director

RE: Ameriplex at the Crossroads
All Street Lighting in Public Right-of-Way
Release of Surety/Maintenance Bond
Recommendation for Approval

Dear Sheila:

Robinson Engineering received the electrical inspection reports on May 8, 2024. The town's electrical inspector performed the inspection on May 7, 2024, and find the Street Lights; light poles and lighting in Ameriplex are operational and agree there are no known issues found. The site meets the town's ordinances and we, therefore, recommend the Maintenance Bond be released for this development. In addition, it is my recommendation the town accept all streetlights and poles within the right-of-way into the town's inventory.

Should you have any questions, please contact me at your convenience.

Very truly yours,

Robert J. Csanyi
Project Manager
(219) 525-4881
bcsanyi@reltd.com

cc: Steve King, Engineering Administrator/Street Department Director, (via email)
Shawn Pettit, Councilman Ward 6, (via email)
Michael Griffin, Town Manager, (via email)
Michael O'Connor, Holladay Properties, (via email)
File

Encl:

233 East 84th Drive, Park Tower, Suite 102, Merrillville, IN 46410 | (219) 791-0700 | www.reltd.com

b) Council Action

It was moved by Councilor Pettit and seconded by Councilor Uzelac to accept the letter from Robinson Engineering, take the streetlights at Ameriplex at Crossroad into inventory, and release the bond, second by Councilor Uzelac.

Upon a question from President Bella regarding Director King being satisfied will the letter, Director King responded he was satisfied because an electrical inspection was done and everything had been verified by the inspectors.

Upon a question by President Bella regarding a voice vote being acceptable on the motion, Attorney Svetanoff responded that a voice vote is acceptable on this motion.

Upon a voice vote, the motion passed. The letter was accepted by the Council.

C. BZA & LARGE GATHERING ACTIONS

NONE

OLD BUSINESS

Street Pavement

Upon a question from Councilor Pettit regarding an update on Street Pavement, Director Lake responded that his department has received the estimates and would like to submit them along with a map at the next council workshop.

Upon a question from President Bella regarding looking at funding sources up to $5,000,000.00, Town Manager Griffin responded that he would look into it.

Clerk-Treasurer Eric January thanked President Bella for the information regarding the Ordinance 24-17, but he will still do his investigation to make sure his rights to cast the tie-breaking vote wasn't violated.

NEW BUSINESS

NONE

PUBLIC COMMENT

1. The commentator didn't state her name or address but had concerns regarding closing the Town Court.

2. Bryon Messer Merrillville, Indiana voiced his concerns regarding safety vests for the Code Enforcement employees, Andrean High School gift of TIF funding, Town Court, and nomination for Vice President of the Town Council.

3. Trustee Eric Blackmon, Merrillville, Indiana voiced his concerns regarding Independence Park upkeep.

ANNOUNCEMENTS

The Town Council President announced the following:

- Town Council Meeting Tuesday, June 11th at 6:30 p.m.
- RDC Meeting Tuesday, June 11th 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

ADJOURNMENT

Having completed all items on the agenda, the President declared the meeting adjourned at 8:15 p.m.

Rick Bella, Town Council President

Eric O. January, Clerk-Treasurer

Respectfully Submitted By Angela Lewis