Town Council of Merrillville
7820 Broadway Ave - Merrillville, IN 46410
Town Council Meeting Minutes of the Regular Meeting of
March 25, 2025, 2025 - 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 Christian Church.

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

PETITIONS, COMMUNICATIONS, ACKNOWLEDGEMENTS, AND REMONSTRATIONS:

- **Employee of the Month-March 2025:**
  Town Manager Michael Griffin, Director Steve King, Superintendent Kevin Markle, and Department Foreman Tracy Ryan of the Street Department presented Josh Breitsprecher as March's Employee of the Month for the Town of Merrillville to the council and audience. Mr. Breitsprecher received a certificate of recognition and a gift card. Director Steve King and Foreman Tracy Ryan expounded on Mr. Breitsprecher's exemplary work at the Street Department.

- **Letter of Interest to Rep. Metro Board of Police: Murphy Law Firm:**
  President Bella read the letter of interest from Murphy Law Firm representative to the Metro Board of Police into the record.

Lester F. Murphy, Sr. (1899-1973)
Lester F. Murphy (1936-2019)
J. Justin Murphy

Murphy Law Firm
Attorneys at Law
6939 Kennedy Avenue
Hammond, Indiana 46323
Telephone: (219) 844-3025
Fax: (219) 844-3400

E-Mail: jjustinmurphy@sbcglobal.net

VIA EMAIL ONLY

March 21, 2025

Michael W. Griffin
Town Manager
Town of Merrillville
7820 Broadway
Merrillville, Indiana 46410

Re: Letter of Interest
Our File No.: 16412

Dear Mr. Griffin:

This correspondence shall serve to confirm the undersigned's interest in representing the Town Board of Metropolitan Police Commission of the Town of Merrillville as its attorney as well as my willingness to attend regular and special meetings of the Town Board of Metropolitan Police Commissioners as scheduled. For legal services rendered, I proposed an hourly rate of $200.00 per hour plus any ordinary and necessary out-of-pocket expenses incurred upon submission of written of documentation.

Thank you for the opportunity to be considered as the attorney for the Town Board of Metropolitan Police Commissioners of the Town of Merrillville.

Thank you for your attention to this correspondence.

Very truly yours,

MURPHY LAW FIRM

BY: J. JUSTIN MURPHY

JJM:lam

It was moved by Councilor Uzelac and seconded by Vice-President Neal to approve the appointment of Murphy Law Firm to represent the Police Commission on all legal matters.

Upon a voice vote, the motion passed. The appointment of Murphy Law Firm to represent the Police Commission on all legal matters was approved.

PUBLIC HEARING:

1. **Town Attorney Svetanoff review of Proof of Publication(s): Add Proof of Publication with a public hearing date of March 25th, 2025, Re: Ord 25-08 Additional Appropriation.**

Chicago Tribune

Printed: 3/12/2025 2:03:08 PM
Page 3 of 3
* Agency Commission not included

Order ID: 7782997

GROSS PRICE * : $31.81

PACKAGE NAME: IN Govt Legal Rates Post Tribune

NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATIONS
TOWN of MERRILLVILLE, INDIANA

Notice is hereby given the residents and taxpayers of the Town of Merrillville, Indiana that the Town Council of the Town of MERRILLVILLE, INDIANA, will conduct a public hearing on Tuesday, March 25, 2025, at 6:30 p.m. in the plenary meeting chambers/ courtroom, of the Merrillville Town Hall, 7820 Broadway, Merrillville, Indiana to consider the following proposed additional appropriations in a distinct department of the Corporation General Fund:

CORPORATION GENERAL FUND	1101
Court Department	008
Series 100 – Personnel Services	$116,120.00
Series 200 – Supplies	2,904.00
Series 300 – Contractual Services	3,730.00
Department Total	$122,753.00
FUND TOTAL	$122,753.00

The proposed additional appropriation is in addition to the existing appropriations in the budget and existing tax levy for this fund. This proposed additional appropriation shall not have the effect of increasing the tax levy, all pursuant to I.C. 6-1.1-18-5. This additional appropriation in the General Fund is supported by undesignated, unreserved fund (cash) balance on deposit to the credit of the General fund.

Taxpayers appearing at the hearing will have a right to be heard on these proposed additional appropriations. The additional appropriations as finally made will be filed with the department of local government finance for a determination and approving order of the Commissioner.
TOWN OF MERRILLVILLE, INDIANA
Rick Bella President

OFFICE of CLERK-TREASURER
Eric O. January, C.P.A.
Clerk-Treasurer
Mar. 13, 2025 7782997 HSPAXLP

Town 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.

Public Hearing: Re ORD 25-08

- Public Comments:
  No Public Comments were given.

Action on Proposed Ordinance
Action on the ordinance will be taken up under General Orders.

2. **Town Attorney Svetanoff review of Proof of Publication(s): Add Proof of Publication with a public hearing date of March 25th, 2025, Reso: 25-17-CDGB Funding.**

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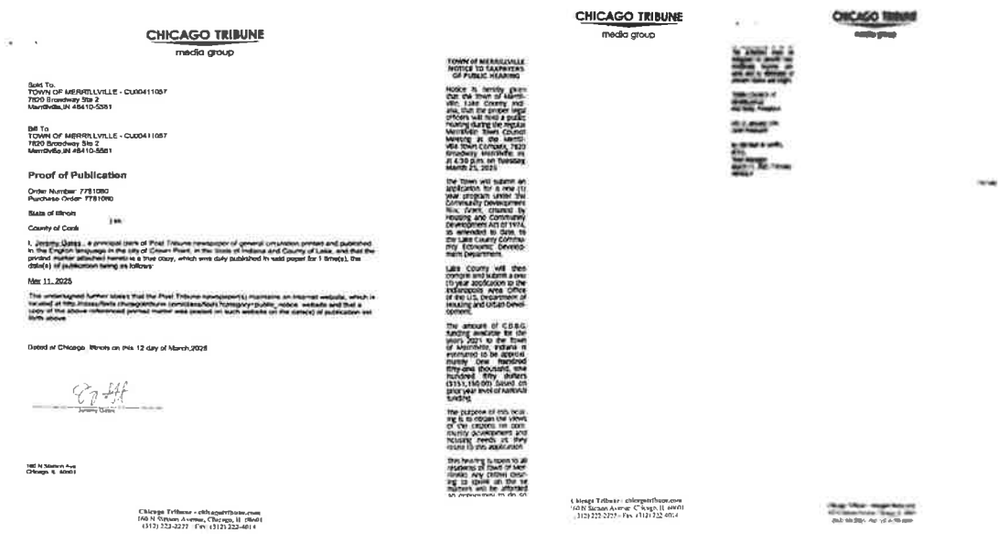


CHICAGO TRIBUNE
media group

Sold To:
TOWN OF MERRILLVILLE - CU00411057
7820 Broadway Ste 2
Merrillville,IN 46410-5561

Bill To:
TOWN OF MERRILLVILLE - CU00411057
7820 Broadway Ste 2
Merrillville,IN 46410-5561

Proof of Publication

Order Number: 7781080
Purchase Order: 7781080

State of Illinois

County of Cook

I, Jeremy Gates, a principal clerk of Post Tribune newspaper of general circulation printed and published in the English language in the city of Crown Point, in the State of Indiana and County of Lake, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time(s), the date(s) of publication being as follows:

Mar 11, 2025

The undersigned further states that the Post Tribune newspaper(s) maintains an internet website, which is located at http://www.chicagotribune.com/classifieds/category/public_notice_website and that a copy of the above referenced printed matter was posted on such website on the date(s) of publication set forth above.

Dated at Chicago, Illinois on this 12 day of March,2025

Jeremy Gates

160 N Stetson Ave
Chicago IL 60601

Chicago Tribune - chicagotribune.com
160 N Stetson Avenue, Chicago, IL 60601
(312) 222-2222 Fax (312) 222-4014

TOWN OF MERRILLVILLE NOTICE TO TAXPAYERS OF PUBLIC HEARING

Notice is hereby given that the town of Merrillville, Lake County, Indiana, that the proper legal officers will hold a public hearing during the regular Merrillville Town Council Meeting in the Merrillville Town Company, 7820 Broadway Merrillville, in at 4:30 p.m. on Tuesday, March 25, 2025.

The Town will submit an application for a new (1) year program under the Community Development Act, Grant, created by Housing and Community Development Act of 1974, as amended to date, to the Lake County Community Economic Development Department.

Lake County will then compile and submit a one (1) year application to the Indianapolis Area Office of the U.S. Department of Housing and Urban Development.

The amount of CDBG funding available for the years 2021 to the Town of Merrillville, Indiana is estimated to be approximately One hundred fifty-one thousand, one hundred fifty dollars ($151,150.00) based on prior year level of NAHAS funding.

The purpose of this hearing is to obtain the views of the citizens on community development and housing needs as they relate to this application.

This hearing is open to all residents of Town of Merrillville. Any citizen desiring to speak on the tax matters will be afforded an opportunity to do so.

Chicago Tribune - chicagotribune.com
160 N Stetson Avenue, Chicago, IL 60601
(312) 222-2222 Fax (312) 222-4014

CHICAGO TRIBUNE
media group

Town 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 read the following opening statement regarding the Community Development Block Grant:

OPENING REMARKS FOR CDBG PUBLIC HEARING

Each spring, the Lake County Community Economic Development Department applies to the U.S. Department of Housing and Urban Development (HUD) for new funding through the Community Development Block Grant program (CDBG).

One of the application requirements is to hold public hearings in the communities where CDBG funding is allocated in order to obtain input from the local citizens on the proposed use(s) of the new funding. For FY 2025, the Town of Merrillville CDBG allocation is approximately **$151,150.00.**

The most common use of CDBG funds is for infrastructure, including street reconstruction, sanitary sewers, water line extensions, storm drainage improvements, sidewalks, and projects to remove architectural barriers (handicapped access), such as curb cuts and wheelchair ramps. CDBG **funds may also be used to eliminate slums and blight through demolition of unsafe buildings or other clearance activities.**

CDBG funded infrastructure projects may only be done in areas where the neighborhood is at least 42% low/moderate income according to HUD guidelines. In most cases, an income survey must be done to qualify the area for funding eligibility. The income information taken by the survey is strictly confidential and is used solely for the purpose of determining the area's eligibility for CDBG funding.

Handicapped access projects and demolition may be done anywhere in a community, without the need for area income determinations.

The public hearing is just the start of the application process for Lake County. There are a series of legal advertisements and comment periods that take place during the summer, prior to final grant approval from HUD in late August. New CDBG funding is released to the County and its entitlement communities on or around **September 1st, and needs to be expended by June 15th of the following year.**

After public comment tonight, the Affirmative Action Program, Section 3 Understanding will be formally approved as part of the consideration of Resolution No. 25-~~17~~ 25-17

Public Hearing: Re: Reso: 25-17 CDGB Funding.

- Public Comments:
  No Public Comments were given.

Action on Proposed Ordinance
Action on the ordinance will be taken up under General Orders.

MOTIONS ON THE TABLE: ***NONE***

CONSENT AGENDA:

- Accounts Payable Register Voucher Approval for March 25th, 2025
- Approval of Town Council Meeting Minutes March 11th, 2025
- Approval of Council Affairs Meeting Minutes for March 18th, 2025
- Contract Approval – BHS- Letter from Town Engineer

Town of Merrillville
219.769.6784 Fax 219.755.6005
13 W. 73rd Ave.
Merrillville, IN 46410
sking@merrillville.in.gov

Town of Merrillville
7820 Broadway
Merrillville, IN 46410

March 20, 2025

Attn: Mr. Rick Bella, Council President

Re: Recommendation for Approval

President Rick Bella and Town Council,

Butler, Fairman and Seufert (BF&S), has submitted a proposal to complete our 2025 and 2026 Paser Rating in the amount "Not to Exceed" $31,900. BF&S has been performing this service for The Town of Merrillville for the past 5 years. I recommend that the Town Council approve this proposal, as quoted.

Very Truly Yours,

Steven J. King
Engineering Administrator/
Street Department Director

It was moved by Councilor Uzelac 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**—Vice-President Neal had nothing to report.

STREET DEPARTMENT & PARK MAINTENANCE - UZELAC– Councilor Uzelac reported the following:

- Chapel Hill—Due to strong winds, drywall from the construction site due to strong winds is flying in the area. Director Kings sent out a couple of workers to help the residents clean up the debris.

- Pothole Patching and Street Cleaning – The Street Department is filling potholes throughout the Town.
- Leaf Pickup – A one-day leaf pickup will be on April 14th.
- Parks Maintenance – Maintenance of the local parks is ongoing including cleaning and picking up garbage.

Upon a question by President Bella regarding leaf pickup being for one day to allow residents to clear leaves that were not picked up last year, Director Steve King responded that is correct.

COUNCIL AFFAIRS- PETTIT– Councilor Pettit reported that two Council Affairs committee meetings occurred the week of March 17th on Wednesday and Friday. Several first-reading ordinances on tonight's agenda will be taken up under General Orders.

PERSONNEL POLICY & EMPLOYEE BENEFITS – HARDAWAY- Councilor Hardaway reported there is a current opening for a Building Maintenance Assistant at the Dean and Barbara White Community Center posted on the Town's website at www.merrillville.in.gov/departments/human_resources.phpas, well as indeed.com. If you are interested or know of someone who meets the qualification requirements, please do not hesitate to apply.

ENVIRONMENTAL AFFAIRS- UZELAC – Councilor Uzelac had nothing to report.

PUBLIC SAFETY- HARDAWAY- Councilor Hardaway reported that contract negotiations are underway, and a meeting will be held with the full council in an executive session on March 26, 2025.

ELECTIONS, PUBLIC RELATIONS, & TOWN BEAUTIFICATION - NEAL- Vice-President Neal reported that spring beautification is in process and deferred to Director Steve King for an update regarding the Town's greenhouse and plants.

Director King reported that a greenhouse has been installed as of this morning. At Moe's Building, about 2,000 plants are growing which will be planted soon. The hanging baskets have been ordered, and we are repairing planters that have been damaged by vehicles.

ECONOMIC DEVELOPMENT-PETTIT – Councilor Pettit had nothing to report.

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

PARKS AND DEAN & BARBARA WHITE COMMUNITY CENTER - PETTIT – Councilor Pettit reported that a committing meeting will be held on Thursday March 27th at 5:00 p.m. where the following items will be discussed:

- Merrillville Garden Club at Rosenbalm Park
- Sponsorships at the Dean and Barbara White Community Center

SPECIAL COMMITTEES

ABANDONED-BLIGHTED PROPERTIES - HAYNES-EDWARDS & CHANDLER-FELTON– Councilor Haynes-Edward had nothing to report.

SPECIAL TOWN PROJECTS - NEAL – Vice-President Neal reported on the following event:

- Easter Bunny Blast – The Town of Merrillville has partnered with Ross Township to hold an Easter Bunny Blast at Hidden Lake Park on April 12th from 11:00 a.m. until 1:00 p.m. This event will have bike giveaways, pictures with the Easter Bunny, Candy Dash, Horse Rides, and Face Painting.

Vice-President Neal also reported that information will be forthcoming regarding Juneteenth and Fourth of July events. The committee will be starting early for signups for the parade. The committee is also seeking donations of new bikes for the Easter event.

SEMI-QUINCENTENN IAL COMMITTEE - HAYNES-EDWARDS – Councilor Haynes-Edwards had nothing to report.

DEPARTMENT & COMMISSION REPORTS:

STORMWATER MANAGEMENT RESOURCES-LAKE – Director Matthew Lake was absent.

NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION-HARDAWAY – Councilor Hardaway had nothing to report.

LAKE COUNTY SOLID WASTE MANAGEMENT-NEAL– Vice-President Neal reported that a meeting was held at Lake County Solid Waste Management District (LCSWMD) on March 20, 2025. The LCSWMD is gearing up for its summer program and encourages parents to go to the website at www.lcswmd.com to sign up for the programs with a variety of ages, dates, times, and the following activities:

- Bowling
- What's In Our Water
- Edible Land Field
- Craft with the Boat
- Recycling Carnival
- Several Other Activities

The next meeting is scheduled for May 15th. The Household Hazard Waste Collection schedule for 2025 has been posted on their website and the Town's website at www.merrillville.im.gov. The next collection will be on April 12th at Public Works in Munster Indiana 508 Fisher Street. Paper recycling will not be available at this location. The Latex Paint Collection will be held on Saturday, May 10th from 9:00 a.m. until 1:00 p.m. at 8695 Broadway in Merrillville, Indiana.

THE SHARED ETHICS ENTITY-HARDAWAY – Councilor Hardaway reported that the Joint Board of Delegates and the Shared Ethics Committee will be holding training for those on both committees and the board. There is also an email that went out regarding ethics training that will be on May 25th.

FIRE TERRITORY BOARD - NEAL & HARDAWAY – Councilor Hardaway had nothing to report.

DEPARTMENT REPORTS/ TOWN MANAGER

Clerk-Treasurer Eric January – Clerk's Office

Clerk-Treasurer Eric January reported on the following:

- Ending Balance as of February 28th - $45,230,599.51
- Disbursements for Year-to-Date - $10,934,959.49

- Cash Balance (majority is RDA) - $16,730,636.80
- General Fund - $4,540,592.61

Clerk-Treasurer Eric January also reported that all the accounts are in balance and there was no fraudulent check activity as reported by our Positive Pay System.

Director McCartney – Parks Department
Director McCartney reported on the following:

- Parks Master Plan – The final public community meeting will be on April 3rd at 6:00 p.m. at the Dean an Barbara White Community Center.
- Adult and Youth Yoga, & Dance Programs – Registration is open for these programs.
- Summer Flag Football and Basketball League – Registration is open also for these programs.

Director McCartney also reported that anyone interested in registering for any of the programs can go to merrillvilleparks.recdesk.com to sign up for the activities.

Chief Nuses– Police Department
Chief Nuses reported that he hopes to have March's numbers at the next council meeting. Chief Nuses also reported that a difficult decision had to be made regarding dissolving the Merrillville Tactical Apprehension Squad (MTAS) our SWAT Team. We joined back up with the Northwest Regional (NWR)SWAT Team. This was a financially feasible decision at the time because of the funding. In return of being back with NWR, we are going to have three officers going to NWR this year and possible two or three next year. By joining NWR, we are getting a team of 60 to 70 individuals.

Chief Nuses also reported on the following events:

- Coffee with A Cop - The event will be held at Panera Bread located at 303 East 81st Avenue on April 17th from 9:00 a.m. until 11:00 a.m. The Community is invited to talk and interact with the Chief of Police and officers.

- Police Community Night - This event will be held on May 22nd and more information will be forthcomin later.

Chief Nuses explained Greek Independence Day and its history.

Director Shine – Building and Planning
Director Shine reported that the permits and plans are being digitized and there will be less paper in the Building and Planning Department.

Director King – Street Department
Director King reported on the following:

- Construction Projects – Construction projects for 2025 have started, contractors are currently working in the Broadfield Subdivision. We are in the process of having a pre-construction meeting for our Community Crossing Project.
- Speed Humps – Installation of the speed humps will start next week.

President Bella stated that he has been getting a lot of calls regarding location flags and curb cutting. Director King responded that the location flags are for the construction projects of curb removal, sidewalk removal and replacement which require utilities locates. The residents have received notification from the contractor.

Upon a question from Councilor Pettit regarding the approved 1's and 2's $6,000,00.00 construction project from last year, Director King responded that this is Phase 1 of the construction project, and a little paving work was done in 2024. The majority will happen this year.

Upon a question from President Bella regarding 1's and 2's, explanation, Director King responded that our roads are rated by a Paser System, which is used by every Municipality in the state to rate roads. A rating of 1 or 2 are the lowest rated roads.

Town Manager Griffin – Town Administration

Town Manager Griffin reported that the two reports, including the staff report, have been given to the council members and Clerk-Treasurer Eric January in accordance with section 227 of the municipal code.

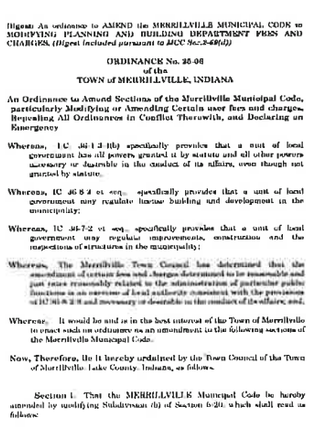
GENERAL ORDERS

A. Ordinances: (Discussion and Roll Call Vote)

Zoning: (motion to adopt or reject; confer IC 36-5-2-10(d)
NONE

First Reading: Ordinance (Discussion and Roll Call Vote)

1. **Ordinance 25-06 (Discussion and Roll Call Vote)**
   An Ordinance to Amend Sections of the Merrillville Municipal Code, particularly Modifying or Amending Certain user fees and charges, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency.



Digest: An ordinance to AMEND the MERRILLVILLE MUNICIPAL CODE to MODIFYING PLANNING AND BUILDING DEPARTMENT FEES AND CHARGES. *(Digest included pursuant to MCC Sec.2-48(d))*

ORDINANCE No. 25-06
of the
TOWN of MERRILLVILLE, INDIANA

An Ordinance to Amend Sections of the Merrillville Municipal Code, particularly Modifying or Amending Certain user fees and charges, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency

Whereas, I.C. 36-1-3-8(6) specifically provides that a unit of local government has all powers granted it by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute.

Whereas, IC 36-8-2 et seq., specifically provides that a unit of local government may regulate license building and development in the municipality;

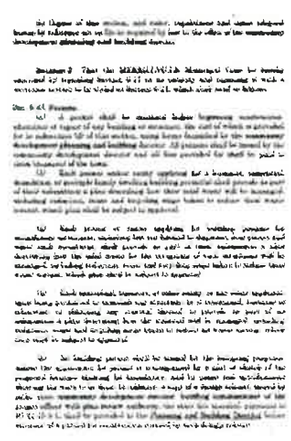
Whereas, IC 36-7-2 et seq., specifically provides that a unit of local government may regulate improvements, construction and the inspections of structures in the municipality;

Whereas, The Merrillville Town Council has determined that the amendment of certain fees and charges determined to be reasonable and just rates reasonably related to the administration of particular public functions in an exercise of local authority consistent with the provisions of IC 36-1-3-8 and necessary or desirable in the conduct of its affairs; and,

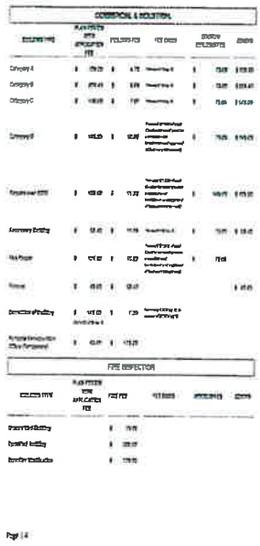
Whereas, It would be and is in the best interest of the Town of Merrillville to enact such an ordinance as an amendment to the following sections of the Merrillville Municipal Code.

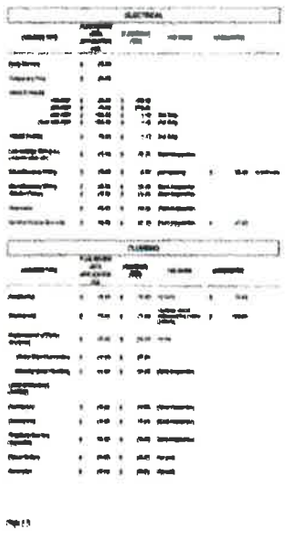
Now, Therefore, Be It hereby ordained by the Town Council of the Town of Merrillville Lake County, Indiana, as follows.

Section 1. That the MERRILLVILLE Municipal Code be hereby amended by modifying Subdivision (h) of Section 6-20, which shall read as follows:





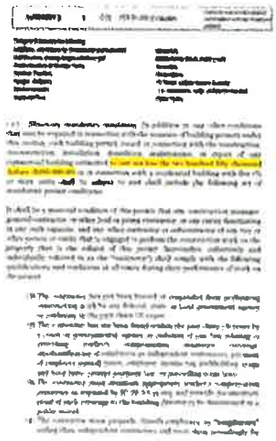


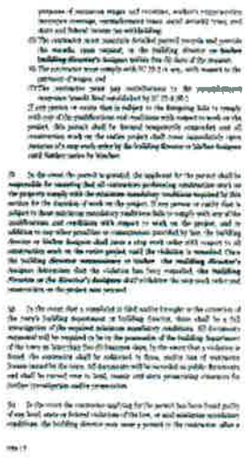


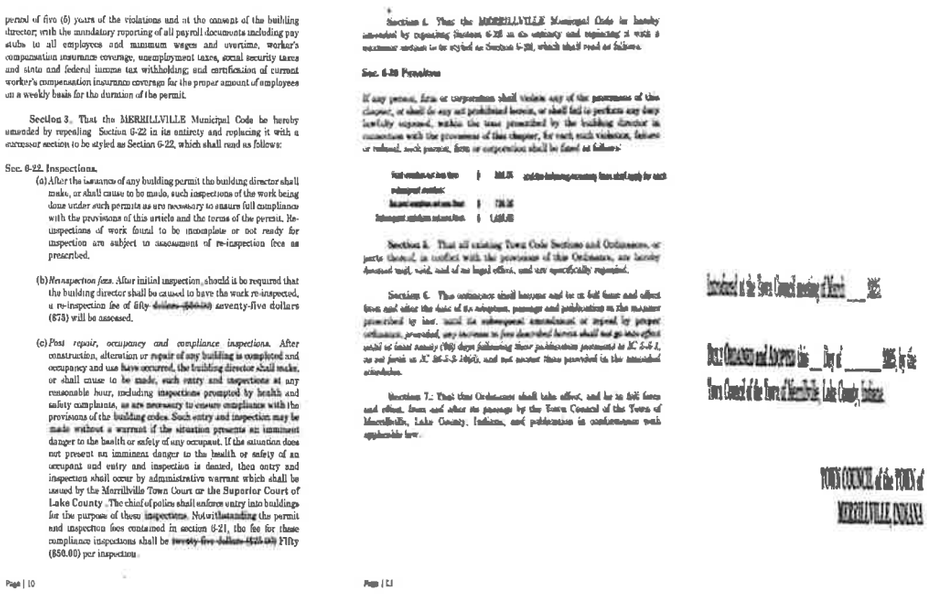




Classification of General Construction
All Non-Residential Buildings







period of five (5) years of the violations and at the consent of the building director; with the mandatory reporting of all payroll documents including pay stubs to all employees and minimum wages and overtime, worker's compensation insurance coverage, unemployment taxes, social security taxes and state and federal income tax withholding; and certification of current worker's compensation insurance coverage for the proper amount of employees on a weekly basis for the duration of the permit.

Section 3. That the MERRILLVILLE Municipal Code be hereby amended by repealing Section 6-22 in its entirety and replacing it with a successor section to be styled as Section 6-22, which shall read as follows:

Sec. 6-22. Inspections.

(a) After the issuance of any building permit the building director shall make, or shall cause to be made, such inspections of the work being done under such permits as are necessary to ensure full compliance with the provisions of this article and the terms of the permit. Re-inspections of work found to be incomplete or not ready for inspection are subject to assessment of re-inspection fees as prescribed.

(b) *Re-inspection fees.* After initial inspection, should it be required that the building director shall be caused to have the work re-inspected, a re-inspection fee of fifty ~~dollars ($50.00)~~ seventy-five dollars ($75) will be assessed.

(c) *Post repair, occupancy and compliance inspections.* After construction, alteration or repair of any building is completed and occupancy and use have occurred, the building director shall make, or shall cause to be made, such entry and inspections at any reasonable hour, including inspections prompted by health and safety complaints, as are necessary to ensure compliance with the provisions of the building codes. Such entry and inspection may be made without a warrant if the situation presents an imminent danger to the health or safety of any occupant. If the situation does not present an imminent danger to the health or safety of an occupant and entry and inspection is denied, then entry and inspection shall occur by administrative warrant which shall be issued by the Merrillville Town Court or the Superior Court of Lake County. The chief of police shall enforce entry into buildings for the purpose of these inspections. Notwithstanding the permit and inspection fees contained in section 6-21, the fee for these compliance inspections shall be ~~twenty-five dollars ($25.00)~~ Fifty ($50.00) per inspection.

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Section 4. That the MERRILLVILLE Municipal Code be hereby amended by repealing Section 6-28 in its entirety and replacing it with a successor section to be styled as Section 6-28, which shall read as follows:

Sec. 6-28 Penalties

If any person, firm or corporation shall violate any of the provisions of this chapter, or shall do any act prohibited herein, or shall fail to perform any duty lawfully imposed, within the time prescribed by the building director in connection with the provisions of this chapter, for each such violation, failure or refusal, such person, firm or corporation shall be fined as follows:

First violation or less than	$	[illegible] and the following accruing fees shall apply for each
subsequent violation:		
[illegible]	$	[illegible]
Subsequent violation [illegible]	$	[illegible]

Section 5. That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed void, void, and of no legal effect, and are specifically repealed.

Section 6. This ordinance shall become and be in full force and effect from and after the date of its adoption, passage and publication in the manner prescribed by law, until its subsequent amendment or repeal by proper ordinance, provided, any increase in fees described herein shall not go into effect until at least twenty (90) days following their publication pursuant to IC 5-3-1, as set forth in IC 36-5-3-10(d), and not earlier than provided in the amended schedules.

Section 7. That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of Merrillville, Lake County, Indiana, and publication in conformance with applicable law.

Introduced at the Town Council meeting of March ___ 2025

Duly Ordained and Adopted this ___ Day of _____ 2025 by the Town Council of the Town of Merrillville, Lake County, Indiana.

TOWN COUNCIL of the TOWN of MERRILLVILLE, INDIANA

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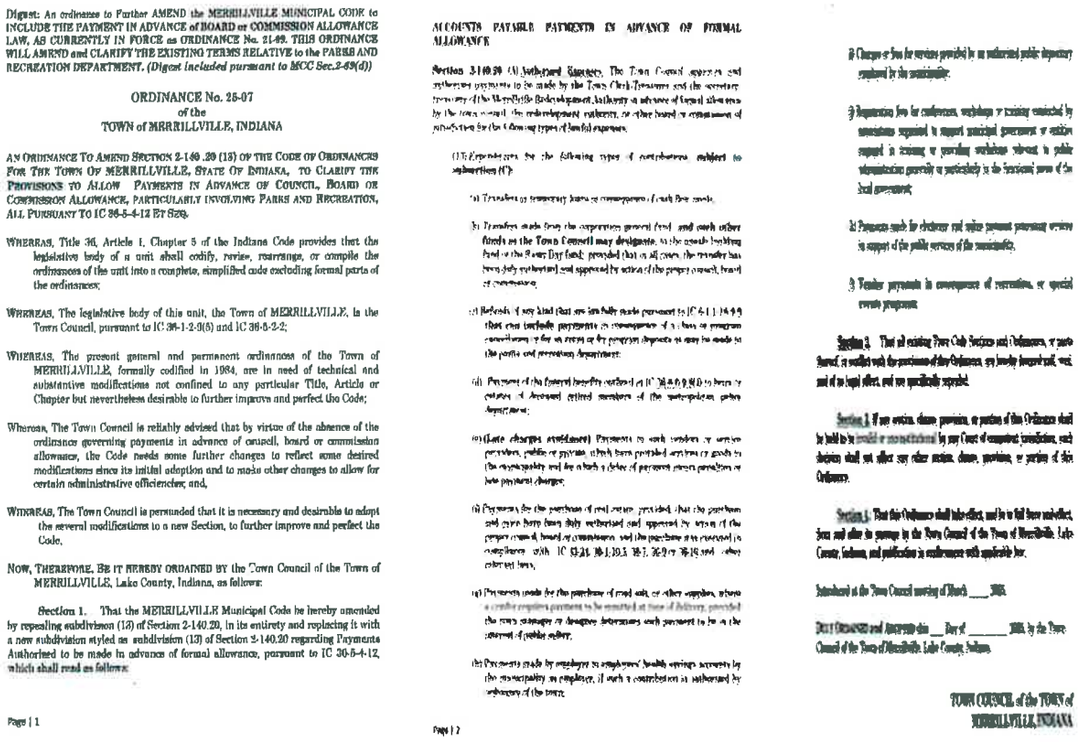
It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve Ordinance 25-06 on the first reading.

Director Shield explained Ordinance 25-06 regarding the Building and Planning fees that have not been changed since 2008.

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

2. **Ordinance 25-07 (Discussion and Roll Call Vote)**
   An Ordinance to Amend Section 2-140.20 (13) of the Code of Ordinances for the Town of Merrillville, State of Indiana, to Clarify the Provisions to Allow Payments in Advance of Council, Board, or Commission Allowance, Particularly Involving Parks, and Recreation All Pursuant to IC 36-5-4-12 – ET SEQ.



Digest: An ordinance to Further AMEND the MERRILLVILLE MUNICIPAL CODE to INCLUDE THE PAYMENT IN ADVANCE of BOARD or COMMISSION ALLOWANCE LAW, AS CURRENTLY IN FORCE as ORDINANCE No. 21-09. THIS ORDINANCE WILL AMEND and CLARIFY THE EXISTING TERMS RELATIVE to the PARKS AND RECREATION DEPARTMENT. *(Digest included pursuant to MCC Sec.2-69(d))*

ORDINANCE No. 25-07
of the
TOWN of MERRILLVILLE, INDIANA

AN ORDINANCE TO AMEND SECTION 2-140 .20 (13) OF THE CODE OF ORDINANCES FOR THE TOWN OF MERRILLVILLE, STATE OF INDIANA, TO CLARIFY THE PROVISIONS TO ALLOW PAYMENTS IN ADVANCE OF COUNCIL, BOARD OR COMMISSION ALLOWANCE, PARTICULARLY INVOLVING PARKS AND RECREATION, ALL PURSUANT TO IC 36-5-4-12 ET SEQ.

WHEREAS, Title 36, Article 1, Chapter 5 of the Indiana Code provides that the legislative body of a unit shall codify, revise, rearrange, or compile the ordinances of the unit into a complete, simplified code excluding formal parts of the ordinances;

WHEREAS, The legislative body of this unit, the Town of MERRILLVILLE, is the Town Council, pursuant to IC 36-1-2-9(5) and IC 36-5-2-2;

WHEREAS, The present general and permanent ordinances of the Town of MERRILLVILLE, formally codified in 1984, are in need of technical and substantive modifications not confined to any particular Title, Article or Chapter but nevertheless desirable to further improve and perfect the Code;

Whereas, The Town Council is reliably advised that by virtue of the absence of the ordinance governing payments in advance of council, board or commission allowance, the Code needs some further changes to reflect some desired modifications since its initial adoption and to make other changes to allow for certain administrative efficiencies; and,

WHEREAS, The Town Council is persuaded that it is necessary and desirable to adopt the several modifications to a new Section, to further improve and perfect the Code,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of MERRILLVILLE, Lake County, Indiana, as follows:

Section 1. That the MERRILLVILLE Municipal Code be hereby amended by repealing subdivision (13) of Section 2-140.20, in its entirety and replacing it with a new subdivision styled as subdivision (13) of Section 2-140.20 regarding Payments Authorized to be made in advance of formal allowance, pursuant to IC 36-5-4-12, which shall read as follows:

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ACCOUNTS PAYABLE PAYMENTS IN ADVANCE OF FORMAL ALLOWANCE

Section 3-140.20 (A) Authorized Situations. The Town Council approves and authorizes payments to be made by the Town Clerk-Treasurer and the secretary-treasurer of the Merrillville Redevelopment Authority in advance of formal allowance by the town council, the redevelopment authority, or other board or commission of jurisdiction for the following types of lawful expenses:

(13) Expenses for the following types of contributions, subject to subsection (C):

(a) Transfers of temporary loans or conveyances of cash from one fund;

(b) Transfers made from the corporation general fund and each other fund as the Town Council may designate, to the goods working fund or the Petty Cash fund; provided that in all cases the transfer has been duly authorized and approved by action of the proper council, board or commission;

(c) Refunds of any kind that are lawfully made pursuant to IC 6-1.1-14-9 that may include payments in consequence of actions or programs conducted by the town or the program proposes as may be made to the parks and recreation department;

(d) Payments of the general benefits authorized in IC 36-8-7.5-18.6 to heirs or retirees of deceased retired members of the metropolitan police department;

(e) (Late charges, avoidance) Payments to each employee or service providers, public or private, which have provided services or goods to the municipality and for which a delay of payment causes penalties or late payment charges;

(f) Payments for the purchase of real estate, provided that the purchase and price have been duly authorized and approved by action of the proper council, board or commission and the purchase is executed in compliance with IC 32-24, 36-1-10.5, 36-7, 36-9 or 36-10 and other relevant laws;

(g) Payments made for the purchase of road salt or other supplies, where a similar expense payment to be remitted at time of delivery, provided the town manager or designee determines such payment to be in the interest of public safety;

(h) Payments made by employer to employees' health savings accounts by the municipality as employer, if such a contribution is authorized by ordinance of the town;

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(i) Charges or fees for services provided by an authorized public department employed by the municipality;

(j) Registration fees for conferences, workshops or training conducted by associations organized to support municipal government or entities engaged in training or providing workshops relevant to public administration generally or particularly to the functional areas of the local government;

(k) Payments made for electronic and online payment processing services in support of the public services of the municipality;

(l) Vendor payments in consequence of recreations, or special events programs.

Section 2. That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed, void, and of no legal effect, and are specifically repealed.

Section 3. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

Section 4. That this Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of Merrillville, Lake County, Indiana, and publication in conformity with applicable law.

Introduced at the Town Council meeting of March ___, 2025.

DULY ORDAINED and Approved this __ Day of _____, 2025, by the Town Council of the Town of Merrillville, Lake County, Indiana.

TOWN COUNCIL of the TOWN of
MERRILLVILLE, INDIANA

It was moved by Councilor Uzelac and seconded by Vice-President Neal to approve Ordinance 25-07 on the first reading.

Town Manager Griffin explained Ordinance 25-07.

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

3. **<u>Ordinance 25-08 (Discussion and Roll Call Vote)</u>**
   An Ordinance of the Town of Merrillville, Lake County Indiana, Authorizing Additional Appropriations in the 2025 Budget of the General Fund.

ORDINANCE NO. 25-08

AN ORDINANCE OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, AUTHORIZING ADDITIONAL APPROPRIATIONS IN THE 2025 BUDGET of the GENERAL 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 Town Municipal Court Department of the General Fund; and

WHEREAS, The Town Council is reliably advised that those Funds currently possess or will possess following action authorized by IC 36-1-8-5.1, sufficient unobligated, unreserve cash balance to support the requested additional appropriations.

NOW, THEREFORE BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, that it 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, subject to laws governing the same:

		AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
CORPORATION GENERAL FUND			
Municipal Court Department			
Account	1101.008.100.000	$116,120.00	$ 116,120.00
Account	1101.008.200.000	$ 2,904.00	$ 2,904.00
Account	1101.008.300.000	$ 3,730.00	$ 3,730.00
	Department Total	$ 122,754.00	$ 122,754.00
	FUND TOTAL	**$122,754.00**	$ 122,754.00

This Ordinance shall be in full force and effect from and after its passage and adoption.

DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, this _____ day of _____, 2025.

Town Manager Griffin explained Ordinance 25-08 and requested that the rules be suspended to read Ordinance 25-08 on second reading.

It was moved by Councilor Uzelac and seconded by Councilor Haynes-Edwards to approve Ordinance 25-08 on the first reading.

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

It was moved by Councilor Hardaway and seconded by Vice-President Neal to suspend the rules and read Ordinance 25-08 on the second and final reading.

Upon a roll call vote, there were seven affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, Keesha Hardaway, and Rick Bella voted in the affirmative. There were no negatives. The motion passed. The rules were suspended to read Ordinance 25-08 on second reading.

It was moved by Vice-President Neal and seconded by Councilor Chandler-Felton to approve Ordinance 25-08 on the second and final reading.

Upon a question from President Bella regarding public comments, Town Manager Griffin responded that he had spoken to Town Attorney Svetanoff, and the practice of the council from time to time to allow public comments on second reading ordinances.

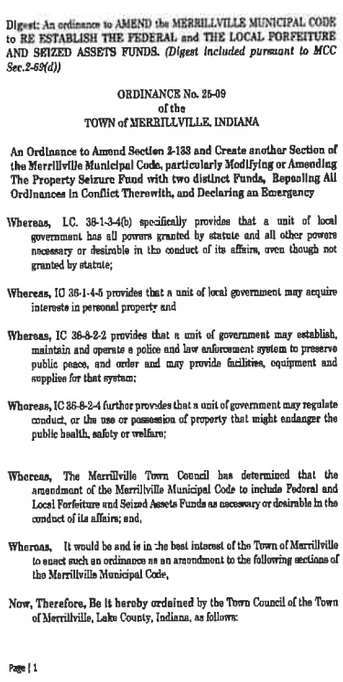
Public Comments:

1. Darian Collins, Merrillville, Indiana voiced her support for the second reading of Ordinance 25-08.

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

4. Ordinance 25-09 (Discussion and Roll Call Vote)

An Ordinance of the to Amend Section 2-133 and Create another Section of the Merrillville Municipal Code, particularly Modifying or Amending The Property Seizure Fund with two distinct funds, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency.



Digest: An ordinance to AMEND the MERRILLVILLE MUNICIPAL CODE to RE ESTABLISH THE FEDERAL and THE LOCAL FORFEITURE AND SEIZED ASSETS FUNDS. *(Digest included pursuant to MCC Sec.2-69(d))*

ORDINANCE No. 25-09
of the
TOWN of MERRILLVILLE, INDIANA

An Ordinance to Amend Section 2-133 and Create another Section of the Merrillville Municipal Code, particularly Modifying or Amending The Property Seizure Fund with two distinct Funds, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency

Whereas, I.C. 36-1-3-4(b) specifically provides that a unit of local government has all powers granted by statute and all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

Whereas, IC 36-1-4-5 provides that a unit of local government may acquire interests in personal property and

Whereas, IC 36-8-2-2 provides that a unit of government may establish, maintain and operate a police and law enforcement system to preserve public peace, and order and may provide facilities, equipment and supplies for that system;

Whereas, IC 36-8-2-4 further provides that a unit of government may regulate conduct, or the use or possession of property that might endanger the public health, safety or welfare;

Whereas, The Merrillville Town Council has determined that the amendment of the Merrillville Municipal Code to include Federal and Local Forfeiture and Seized Assets Funds as necessary or desirable in the conduct of its affairs; and,

Whereas, It would be and is in the best interest of the Town of Merrillville to enact such an ordinance as an amendment to the following sections of the Merrillville Municipal Code,

Now, Therefore, Be it hereby ordained by the Town Council of the Town of Merrillville, Lake County, Indiana, as follows:

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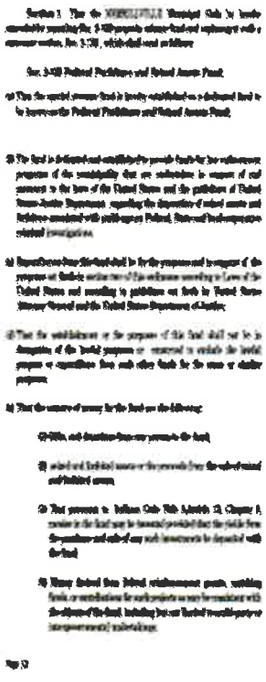

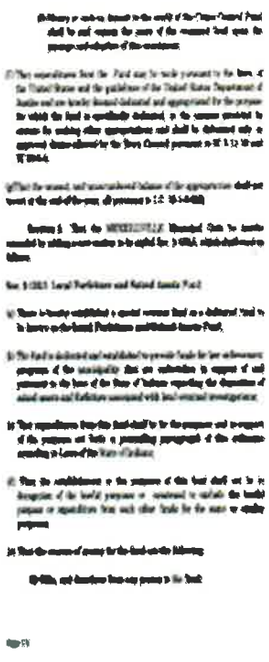

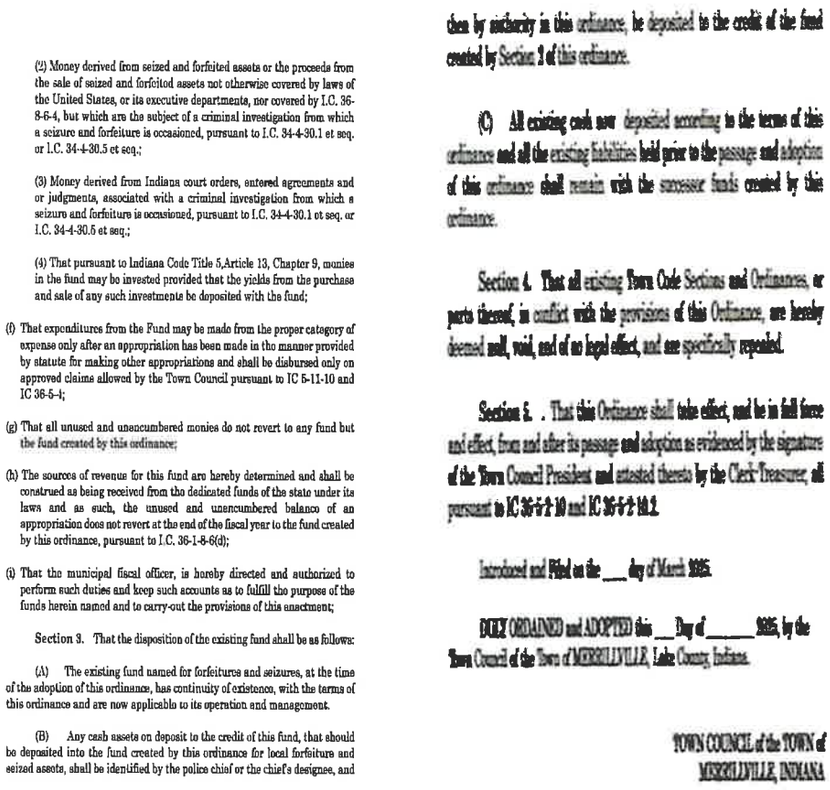

(2) Money derived from seized and forfeited assets or the proceeds from the sale of seized and forfeited assets not otherwise covered by laws of the United States, or its executive departments, nor covered by I.C. 36-8-6-4, but which are the subject of a criminal investigation from which a seizure and forfeiture is occasioned, pursuant to I.C. 34-4-30.1 et seq. or I.C. 34-4-30.5 et seq.;

(3) Money derived from Indiana court orders, entered agreements and or judgments, associated with a criminal investigation from which a seizure and forfeiture is occasioned, pursuant to I.C. 34-4-30.1 et seq. or I.C. 34-4-30.5 et seq.;

(4) That pursuant to Indiana Code Title 5,Article 13, Chapter 9, monies in the fund may be invested provided that the yields from the purchase and sale of any such investments be deposited with the fund;

(f) That expenditures from the Fund may be made from the proper category of expense only after an appropriation has been made in the manner provided by statute for making other appropriations and shall be disbursed only on approved claims allowed by the Town Council pursuant to IC 5-11-10 and IC 36-5-4;

(g) That all unused and unencumbered monies do not revert to any fund but the fund created by this ordinance;

(h) The sources of revenue for this fund are hereby determined and shall be construed as being received from the dedicated funds of the state under its laws and as such, the unused and unencumbered balance of an appropriation does not revert at the end of the fiscal year to the fund created by this ordinance, pursuant to I.C. 36-1-8-6(d);

(i) That the municipal fiscal officer, is hereby directed and authorized to perform such duties and keep such accounts as to fulfill the purpose of the funds herein named and to carry-out the provisions of this enactment;

Section 3. That the disposition of the existing fund shall be as follows:

(A) The existing fund named for forfeiture and seizures, at the time of the adoption of this ordinance, has continuity of existence, with the terms of this ordinance and are now applicable to its operation and management.

(B) Any cash assets on deposit to the credit of this fund, that should be deposited into the fund created by this ordinance for local forfeiture and seized assets, shall be identified by the police chief or the chief's designee, and

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then by authority in this ordinance, be deposited to the credit of the fund created by Section 2 of this ordinance.

(C) All existing cash now deposited according to the terms of this ordinance and all the existing liabilities held prior to the passage and adoption of this ordinance shall remain with the successor funds created by this ordinance.

Section 4. That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

Section 5. . That this Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption as evidenced by the signature of the Town Council President and attested thereto by the Clerk-Treasurer, all pursuant to IC 36-5-2-10 and IC 36-5-2-11.2.

Introduced and Filed on the ___ day of March 2025.

DULY ORDAINED and ADOPTED this ___ Day of _____ 2025, by the Town Council of the Town of MERRILLVILLE, Lake County, Indiana.

TOWN COUNCIL of the TOWN of MERRILLVILLE, INDIANA

Town Manager Griffin explained Ordinance 25-09.

It was moved by Councilor Uzelac and seconded by Councilor Haynes-Edwards to approve Ordinance 25-09 on the first reading.

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

5. **<u>Ordinance 25-10 (Discussion and Roll Call Vote)</u>**
   An Ordinance of the Town of Merrillville, Indiana Ordinance to Amend the terms related to the Rainy-Day Fund of the Town of Merrillville, pursuant to IC 36-1-8-5.1.

ORDINANCE NO. 25-10
of the
TOWN of MERRILLVILLE, INDIANA

AN ORDINANCE TO AMEND THE TERMS RELATED TO THE RAINY DAY FUND OF THE TOWN OF MERRILLVILLE, PURSUANT TO IC 36-1-8-5.1

WHEREAS, The Town Council is the fiscal body of the Town of Merrillville;

WHEREAS, IC 36-1-8-5.1 enables municipalities to establish a Rainy Day Fund whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund; and,

WHEREAS, IC 36-1-8-5.1 enables municipalities to establish a Rainy Day Fund by the adoption of an ordinance specifying the purposes of the fund and the sources of funding for the fund; and,

WHEREAS, IC 36-1-8-5.1(f) provides that the state department of local government finance may not reduce the actual or maximum permissible levy of a political subdivision as a result of a balance in the Rainy Day Fund of the political subdivision; and,

WHEREAS, IC 36-5-2-9 provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, IC 36-1-3-4 provides that the powers units have under IC 36-1-3-4(b)(1) are listed in various statutes, further noting that these statutes do not list the powers that units have under IC 36-1-3-4 (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power; and

WHEREAS, IC 36-1-3-4 further provides that a unit has all powers granted it by statute as well as all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, The Town Council has determined that it would be desirable to establish a rainy day fund and to allow the fund to be used for all the lawful purposes set forth in IC 36-1-8-5; and

WHEREAS, The Town Council has determined that it is necessary, desirable and of great public benefit, to establish the fund herein referenced to support and carryout the lawful public purposes of the municipality; and

Rainy Day Fund Ordinance Page 1 of 5

WHEREAS, It would be said to be the best interest of the Town of Merrillville to enact an ordinance as an amendment to the Merrillville Municipal Code in order to further protect the operation of the Town.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Merrillville, Lake County, Indiana, as follows:

Section 1. The Merrillville Municipal Code is hereby amended by repealing Sec. 2-134.5 in its entirety and replacing it with a successor chapter, styled as 2-134.5 a entitled: Rainy Day Fund, which shall read as follows:

Chapter 2-134.5 Rainy Day Fund

Sec. 2-134.5.01 ESTABLISHMENT

(a) There is hereby authorized, created and established a fund of the Town of Merrillville, to be called the Rainy Day Fund, pursuant to IC 36-1-8-5.1 et seq.

(b) The Rainy Day Fund is dedicated and established for accumulating funds to provide resources to support lawful purposes of the municipality, including operating expenses as herein may be defined and such other purposes permitted by IC 36-1-8-5.1 and as are identified in this subchapter.

(c) The sources of funding for the Rainy Day Fund may include the following:

1. Unused and unencumbered funds transferred pursuant to and identified in IC 36-1-8-5 or IC 6-3.5-7-13

2. Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to I.C. 5-13-9 et seq.;

3. An appropriation in the annual budget in the several funds of the municipality as maybe identified and approved by the Town Council, and then transferred to the Rainy Day Fund, subject to the provisions of IC 36-1-8-5, 36-6-

4. Unreserved, unobligated fund balances which may be identified in the several funds of the municipality, as maybe approved by the Town Council, and then transferred to the Rainy Day Fund subject to the provisions of IC 36-1-8-5, 36-6- and

(d) The Rainy Day Fund is subject to the same appropriation process as other funds of the municipality that receive tax money.

(e) In any fiscal year, at any time, the Town Council may transfer not more than ten percent (10%) of the town's total annual budget for that fiscal year, adopted under IC 6-1.1-17, to the Rainy Day Fund as authorized by IC 36-1-8-5.1.

(f) The Rainy Day Fund is established and exercise its effect until such time as the fund is repealed or rescinded by action of the Town Council.

Sec. 2-134.5.02 PURPOSES, USES and PERMISSIBLE EXPENDITURES

(a) Expenditures from the Rainy Day Fund shall only be used for the following purposes:

1. To make temporary transfers to other funds of the town for such lawful purposes to meet debt service, payroll and payable accounts payable when tax revenues are not received, in a timely manner to postpone interest expense on any participation debt as provided in IC 36-1-8-5

2. To pay the deductible on insurance not already provided for in other funds of the municipality.

3. To pay monetary settlements, damages or claims in consequence of a legal cause of action.

4. To pay and provide revenues for any lawful governmental expenditures.

(b) Notwithstanding IC 36-1-8-5.1, the affirmative vote of five (five) members of the Town Council is necessary for the following uses of the fund:

1. To pay the deductible on insurance not already provided for in other funds of the municipality.

Rainy Day Fund Ordinance Page 2 of 5

2. To pay monetary settlements, damages or claims in consequence of a legal cause of action.

(c) The Town Council may at any time by resolution or ordinance transfer resources to its General fund or any other funds of the of the Town that have been deposited in the rainy day fund of the Town.

Sec. 2-134.5.03 EXPENDITURE UPON APPROPRIATION

Expenditures from the Rainy Day Fund may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and IC 36-5-4.

Sec. 2-134.5.04 INVESTMENTS AUTHORIZED

Money in the Rainy Day Fund may be invested provided that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and Chapter 36 of the Merrillville Municipal Code.

Sec. 2-134.5.05 PRESERVATION and DISPOSITION OF FUND ASSETS

All unused and unencumbered cash on deposit to the credit of the Rainy Day Fund does not revert to the corporation general fund nor to any other fund but shall remain with the Rainy Day Fund until such time as an ordinance is passed and adopted regarding its disposition. Notwithstanding IC 36-5-2-9.6, an ordinance abolishing and defeasing the Rainy Day Fund and authorizes a transfer of any remaining unexpended, unencumbered assets of the fund to a particular fund, must be passed by at least four (4) members of the Town Council.

Section 2. That the existing fund, named the Rainy Day Fund, which exists at the time of the adoption of this ordinance, has continuity of existence with the terms of this ordinance now applicable to its operation and management. The cash on deposit to the credit of the fund established by Ordinance of the Town of Merrillville as well as all its assets and liabilities, held prior to the passage and adoption of this ordinance, remains with the fund. Further, the cash on deposit to the credit of the fund is hereby found to be an approved source of money for the fund, as are its expenditures, all pursuant to IC 36-1-8-5.

Section 3. That any and all such ordinances in conflict with the provisions of this ordinance, are hereby repealed and are of no further force or effect.

Section 4. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a), provided is filed with the Commissioner of the Department of Local Government Finance for its review and record.

Introduced and Filed on the ___day of _____, 2025.

DULY ORDAINED and ADOPTED this ____ day of _____ 2025 by the Town Council of the Town of Merrillville, Lake County, Indiana.

TOWN COUNCIL of the TOWN of
MERRILLVILLE, INDIANA

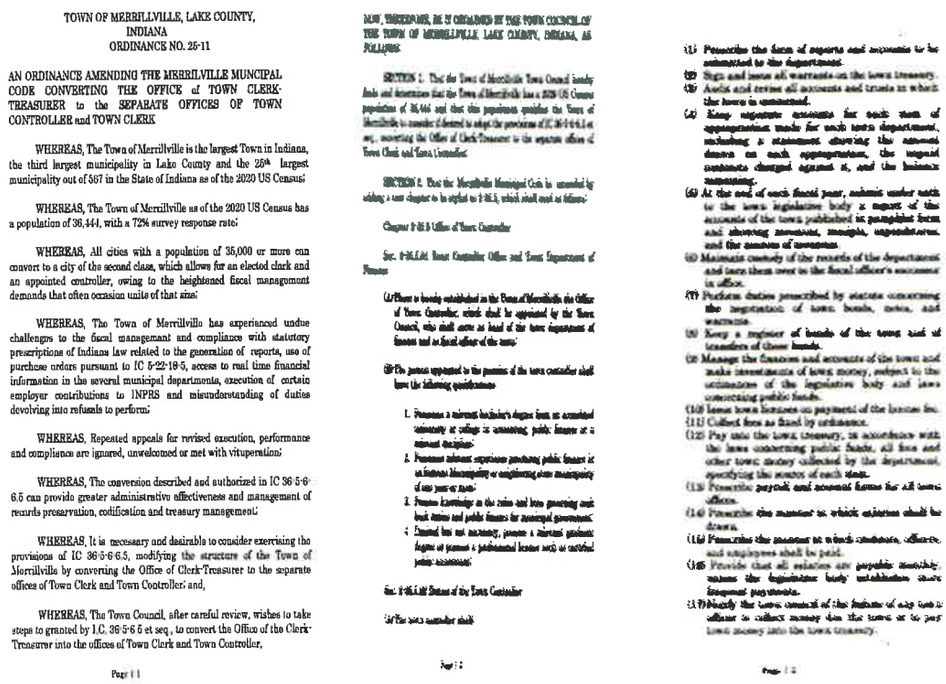
Rainy Day Fund Ordinance Page 4 of 5

Town Manager Griffin explained Ordinance 25-10.

It was moved by Councilor Pettit and seconded by Councilor Chandler-Felton to approve Ordinance 25-10 on the first reading.

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

6. **Ordinance 25-11 (Discussion and Roll Call Vote)**
An Ordinance of the Town of Merrillville, Lake County, Indiana, Amending The Merrillville Municipal Code Converting The Office Of Town Clerk-Treasure To The Separate Offices of Town Controller and Town Clerk.



TOWN OF MERRILLVILLE, LAKE COUNTY,
INDIANA
ORDINANCE NO. 25-11

AN ORDINANCE AMENDING THE MERRILVILLE MUNCIPAL CODE CONVERTING THE OFFICE of TOWN CLERK-TREASURER to the SEPARATE OFFICES OF TOWN CONTROLLER and TOWN CLERK

WHEREAS, The Town of Merrillville is the largest Town in Indiana, the third largest municipality in Lake County and the 25th largest municipality out of 567 in the State of Indiana as of the 2020 US Census;

WHEREAS, The Town of Merrillville as of the 2020 US Census has a population of 36,444, with a 72% survey response rate;

WHEREAS, All cities with a population of 35,000 or more can convert to a city of the second class, which allows for an elected clerk and an appointed controller, owing to the heightened fiscal management demands that often occasion units of that size;

WHEREAS, The Town of Merrillville has experienced undue challenges to the fiscal management and compliance with statutory prescriptions of Indiana law related to the generation of reports, use of purchase orders pursuant to IC 5-22-18-5, access to real time financial information in the several municipal departments, execution of certain employer contributions to INPRS and misunderstanding of duties devolving into refusals to perform;

WHEREAS, Repeated appeals for revised execution, performance and compliance are ignored, unwelcomed or met with vituperation;

WHEREAS, The conversion described and authorized in IC 36-5-6-6.5 can provide greater administrative effectiveness and management of records preservation, codification and treasury management;

WHEREAS, It is necessary and desirable to consider exercising the provisions of IC 36-5-6-6.5, modifying the structure of the Town of Merrillville by converting the Office of Clerk-Treasurer to the separate offices of Town Clerk and Town Controller; and,

WHEREAS, The Town Council, after careful review, wishes to take steps to granted by I.C. 36-5-6-5 et seq., to convert the Office of the Clerk-Treasurer into the offices of Town Clerk and Town Controller,

Page 1 1

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION 1. That the Town of Merrillville Town Council hereby finds and determines that the Town of Merrillville has a 2020 US Census population of 36,444 and that this population qualifies the Town of Merrillville to consider if desired to adopt the provisions of IC 36-5-6-6.5 et seq., converting the Office of Clerk-Treasurer to the separate offices of Town Clerk and Town Controller.

SECTION 2. That the Merrillville Municipal Code is amended by adding a new chapter to be stylist to 2-16.5, which shall read as follows:

Chapter 2-16.5 Office of Town Controller

Sec. 2-16.5.01 Town Controller Office and Town Department of Finance

(A) There is hereby established in the Town of Merrillville the Office of Town Controller, which shall be appointed by the Town Council, who shall serve as head of the town department of finance and as fiscal officer of the town;

(B) The person appointed to the position of the town controller shall have the following qualifications:

1. Possession a minimum bachelor's degree from an accredited university or college in accounting, public finance or a relevant discipline;
2. Possession relevant experience monitoring public finance in an Indiana Municipality or neighboring state municipality of one year or more;
3. Possess knowledge in the rules and laws governing such basic duties and public finance for municipal government;
4. Desired but not necessary, possess a relevant graduate degree or possess a professional license such as certified public accountant;

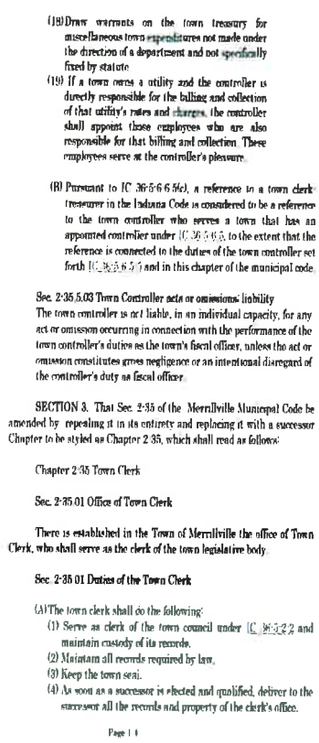
Sec. 2-16.5.02 Duties of the Town Controller

(A) The town controller shall:

Page 1 2

(1) Prescribe the form of reports and accounts to be submitted to the department.
(2) Sign and issue all warrants on the town treasury.
(3) Audit and revise all accounts and trusts in which the town is concerned.
(4) Keep separate accounts for each item of appropriation made for each town department, including a statement showing the amount drawn on each appropriation, the unpaid contracts charged against it, and the balance remaining.
(5) At the end of each fiscal year, submit under oath to the town legislative body a report of the accounts of the town published in pamphlet form and showing revenues, receipts, expenditures, and the amount of revenues.
(6) Maintain custody of the records of the department and turn them over to the fiscal officer's successor in office.
(7) Perform duties prescribed by statute concerning the negotiation of town bonds, notes, and warrants.
(8) Keep a register of bonds of the town and of transfers of those bonds.
(9) Manage the finances and accounts of the town and make investments of town money, subject to the ordinances of the legislative body and laws concerning public funds.
(10) Issue town licenses on payment of the license fee.
(11) Collect fees as fixed by ordinance.
(12) Pay into the town treasury, in accordance with the laws concerning public funds, all fees and other town money collected by the department, specifying the source of each item.
(13) Prescribe payroll and account forms for all town offices.
(14) Prescribe the manner in which salaries shall be drawn.
(15) Prescribe the manner in which contracts, officers, and employees shall be paid.
(16) Provide that all salaries are payable monthly, unless the legislative body establishes more frequent payments.
(17) Notify the town council of the failure of any town officer to collect money due the town or to pay town money into the town treasury.

Page 1 3



(18) Draw warrants on the town treasury for miscellaneous town expenditures not made under the direction of a department and not specifically fixed by statute.

(19) If a town owns a utility and the controller is directly responsible for the billing and collection of that utility's rates and charges, the controller shall appoint those employees who are also responsible for that billing and collection. These employees serve at the controller's pleasure.

(B) Pursuant to IC 36-5-6-6.5(c), a reference to a town clerk-treasurer in the Indiana Code is considered to be a reference to the town controller who serves a town that has an appointed controller under IC 36-5-6-5, to the extent that the reference is connected to the duties of the town controller set forth IC 36-5-6-5.7 and in this chapter of the municipal code.

Sec. 2-35.5.03 Town Controller acts or omissions: liability

The town controller is not liable, in an individual capacity, for any act or omission occurring in connection with the performance of the town controller's duties as the town's fiscal officer, unless the act or omission constitutes gross negligence or an intentional disregard of the controller's duty as fiscal officer.

SECTION 3. That Sec. 2-35 of the Merrillville Municipal Code be amended by repealing it in its entirety and replacing it with a successor Chapter to be styled as Chapter 2-35, which shall read as follows:

Chapter 2-35 Town Clerk

Sec. 2-35.01 Office of Town Clerk

There is established in the Town of Merrillville the office of Town Clerk, who shall serve as the clerk of the town legislative body.

Sec. 2-35.01 Duties of the Town Clerk

(A) The town clerk shall do the following:

(1) Serve as clerk of the town council under IC 36-5-2-2 and maintain custody of its records.

(2) Maintain all records required by law.

(3) Keep the town seal.

(4) As soon as a successor is elected and qualified, deliver to the successor all the records and property of the clerk's office.

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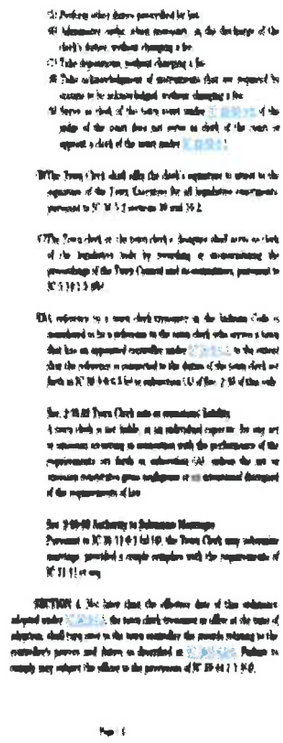

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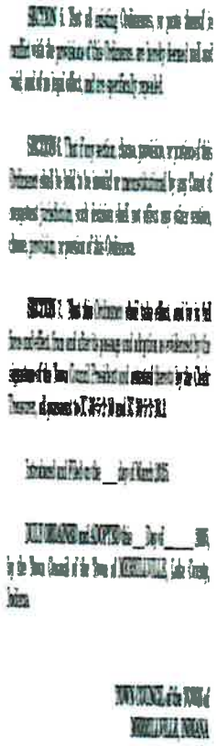


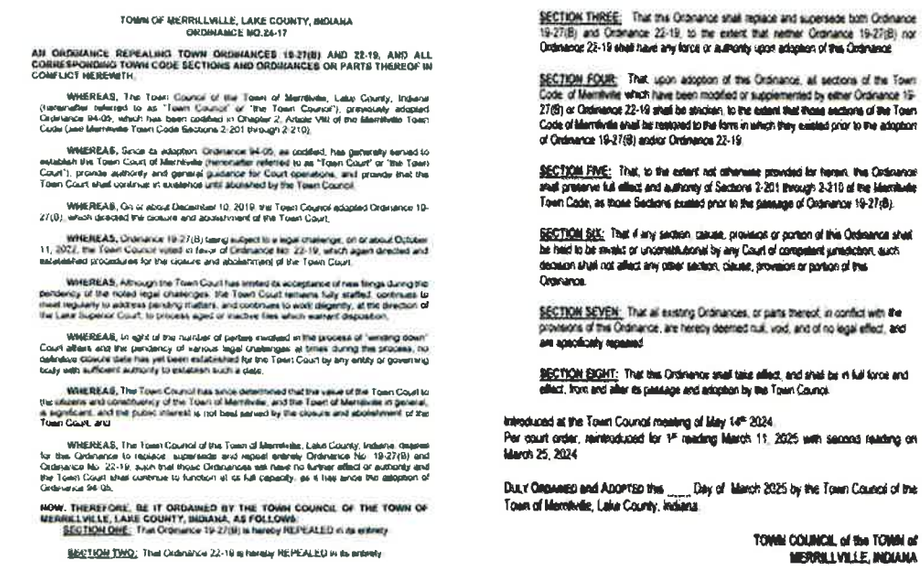
President Bella informed the council and audience that this ordinance was discussed in the Council's Workshop Meeting that was held at 5:00 p.m. today.

It was moved by Councilor Hardaway and seconded by Councilor Uzelac to defer Ordinance 25-11.

Upon a roll call vote, there were seven affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, Keesha Hardaway, and Rick Bella voted in the affirmative. There were no negatives. The motion passed. The ordinance was deferred.

Second Reading: (Discussion, Public Comments, Roll Call Vote):

1. **<u>Ordinance 24-17 (Discussion, Public Comment When Required, and Roll Call Vote)</u>**
   An Ordinance Repealing Town Ordinances 19-27 (B) and 22-19, and All Corresponding Town Code Sections and Ordinances or Parts Thereof in Conflict Herewith.



TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA
ORDINANCE NO.24-17

AN ORDINANCE REPEALING TOWN ORDINANCES 19-27(B) AND 22-19, AND ALL CORRESPONDING TOWN CODE SECTIONS AND ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH.

WHEREAS, The Town Council of the Town of Merrillville, Lake County, Indiana (hereinafter referred to as "Town Council" or "the Town Council"), previously adopted Ordinance 94-05, which has been codified in Chapter 2, Article VIII of the Merrillville Town Code (see Merrillville Town Code Sections 2-201 through 2-210);

WHEREAS, Since its adoption Ordinance 94-05, as codified, has generally served to establish the Town Court of Merrillville (hereinafter referred to as "Town Court" or "the Town Court"), provide authority and general guidance for Court operations, and provide that the Town Court shall continue in existence until abolished by the Town Council;

WHEREAS, On or about December 10, 2019, the Town Council adopted Ordinance 19-27(B), which directed the closure and abolishment of the Town Court;

WHEREAS, Ordinance 19-27(B) being subject to a legal challenge, on or about October 11, 2022, the Town Council voted in favor of Ordinance No. 22-19, which again directed and established procedures for the closure and abolishment of the Town Court;

WHEREAS, Although the Town Court has limited its acceptance of new filings during the pendency of the noted legal challenges, the Town Court remains fully staffed, continues to meet regularly to address pending matters, and continues to work diligently, at the direction of the Lake Superior Court, to process aged or inactive files which warrant disposition;

WHEREAS, In light of the number of parties involved in the process of "winding down" Court affairs and the pendency of various legal challenges at times during the process, no definitive closure date has yet been established for the Town Court by any entity or governing body with sufficient authority to establish such a date;

WHEREAS, The Town Council has since determined that the value of the Town Court to the citizens and constituency of the Town of Merrillville, and the Town of Merrillville in general, is significant, and that public interest is not best served by the closure and abolishment of the Town Court; and

WHEREAS, The Town Council of the Town of Merrillville, Lake County, Indiana, desires for this Ordinance to replace, supersede and repeal entirely Ordinance No. 19-27(B) and Ordinance No. 22-19, such that those Ordinances will have no further effect or authority and the Town Court shall continue to function at its full capacity, as it has since the adoption of Ordinance 94-05;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: That Ordinance 19-27(B) is hereby REPEALED in its entirety.

SECTION TWO: That Ordinance 22-19 is hereby REPEALED in its entirety.

SECTION THREE: That this Ordinance shall replace and supersede both Ordinance 19-27(B) and Ordinance 22-19, to the extent that neither Ordinance 19-27(B) nor Ordinance 22-19 shall have any force or authority upon adoption of this Ordinance.

SECTION FOUR: That, upon adoption of this Ordinance, all sections of the Town Code of Merrillville which have been modified or supplemented by either Ordinance 19-27(B) or Ordinance 22-19 shall be stricken, to the extent that those sections of the Town Code of Merrillville shall be restored to the form in which they existed prior to the adoption of Ordinance 19-27(B) and/or Ordinance 22-19.

SECTION FIVE: That, to the extent not otherwise provided for herein, this Ordinance shall preserve full effect and authority of Sections 2-201 through 2-210 of the Merrillville Town Code, as those Sections existed prior to the passage of Ordinance 19-27(B).

SECTION SIX: That if any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

SECTION SEVEN: That all existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION EIGHT: That this Ordinance shall take effect, and shall be in full force and effect, from and after its passage and adoption by the Town Council.

Introduced at the Town Council meeting of May 14th 2024.
Per court order, reintroduced for 1st reading March 11, 2025 with second reading on March 25, 2024.

DULY ORDAINED and ADOPTED this ____ Day of March 2025 by the Town Council of the Town of Merrillville, Lake County, Indiana.

TOWN COUNCIL of the TOWN of MERRILLVILLE, INDIANA

Town Manager Griffin explained Ordinance 24-17.

Upon a question from President Bella to Attorney Svetanoff regarding any additional information to add to Town Manager Griffin's explanation, Attorney Svetanoff responded that he had nothing to add to Town Manager Griffin's explanation.

It was moved by Councilor Haynes-Edwards and seconded by Councilor Uzelac to approve Ordinance 24-17 on the second and final reading.

Public Comments:
There were numerous public comments and a copy of the video from the Town Council Meeting, held on March 25, 2025, regarding Ordinance 24-17, has been uploaded on the Town's website at merrillville.in.gov.

Upon a roll call vote, there were five affirmatives, two abstentions, and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, and Rick Bella voted in the affirmative. Councilors Shawn Pettit and Keesha Hardaway abstained. There were no negatives. The motion passed. The ordinance was approved on the second and final reading.

2. **Ordinance 25-05 (Discussion, Public Comment When Required, and Roll Call Vote)**
An Ordinance Repealing Town Ordinances 19-27 (B) and 22-19, and All Corresponding Town Code Sections and Ordinances or Parts Thereof in Conflict

ORDINANCE NO. 25-05

AN ORDINANCE OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, AUTHORIZING ADDITIONAL APPROPRIATIONS IN THE 2025 BUDGET GENERAL FUND AND THE RAINY-DAY 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 Town Administration and Planning and Building Departments of the General Fund and the Rainy Day Fund of the Town; and

WHEREAS, The Town Council is reliably advised that those Funds currently possess or will possess following action authorized by IC 36-1-6-5.1, sufficient unobligated, unreserve cash balance to support the requested additional appropriations,

NOW, THEREFORE BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, that it 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, subject to laws governing the same:

		AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
CORPORATION GENERAL FUND	1101		
Town Administration Department	007		
Acct. 1101 007 362 Gen Building & Structure		$ 49,000.00	$ 49,000.00
Acct. 1101 007 369 Gen Adm		$ 113,280.00	$ 113,280.00
Department Total		$ 162,280.00	$ 162,280.00
Planning & Building Department	004		
Acct. 1101 004 243 Gen Other Supplies		$ 2,000.00	$ 2,000.00
		$ 2,000.00	$ 2,000.00
Acct. 1101 004 383 Gen Hardware/Software		$ 8,000.00	$ 8,000.00
		$ 8,000.00	$ 8,000.00
Department Total		$ 10,000.00	$ 10,000.00
	FUND TOTAL	$ 172,280.00	$ 172,280.00
RAINY DAY FUND	2236		
2236 010 453 Other Equipment		$ 193,591.00	$ 193,591.00
	FUND TOTAL	$ 193,591.00	$ 193,591.00

This Ordinance shall be in full force and effect from and after its passage and adoption.

Introduced and filed on March 11, 2025.

DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, this ___ day of March 2025.

Town Manager Griffin explained Ordinance 25-05.

It was moved by Councilor Pettit and seconded by Councilor Chandler-Felton to approve Ordinance 25-05 on the second and final reading.

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

B. Resolutions:

1. **Resolution 25-17 (Discussion & Voice Vote)**
   A Resolution Authorizing and Directing The Town Manager Of The Town Of Merrillville To Submit A Project Proposal For Community Development Block Grant Funds For Federal Fiscal Year 2025.

TOWN of MERRILLVILLE
TOWN COUNCIL RESOLUTION NO. 25-17

A RESOLUTION AUTHORIZING and DIRECTING the TOWN MANAGER of the TOWN OF MERRILLVILLE TO SUBMIT A PROJECT PROPOSAL FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS for FEDERAL FISCAL YEAR 2025

Whereas, Under the provisions of Title I of the Housing and Community Development Act of 1974, as amended to date, Lake County, Indiana, is authorized to provide financial assistance to units of general local government for undertaking and carrying out community development activities;

Whereas, It is provided in such act that the unit of general local government shall provided a satisfactory assurance prior to submission of its application, that it has held one public hearing to obtain the views of citizens on community development needs;

Whereas, It is desirable and in the public interest that Merrillville, Indiana, hereinafter called "Town", undertake and carry out community development activities;

Whereas, The Town is proposing a project for assistance, under the Housing and Community Development Act of 1974, as amended to date, and proposes to undertake and make available a total project cost of *One hundred Fifty-one thousand, one hundred fifty dollars ($151,150.00)*and,

Whereas, The Town has held one formal public hearing on the proposed program and has made available to the general public, through the mass media and other sources, information concerning the program; and,

Whereas, The Town has general knowledge of the proposed uses of such funds and is cognizant of the conditions that are imposed in the undertaking and carrying out of community development activities and undertaking with federal financial assistance under Title I, including those prohibiting discrimination because of race, color, creed, sex, or national origin,

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Merrillville, Lake County, Indiana:

Section 1. That the Town Manager of Merrillville is hereby authorized to file a Project Proposal for Funds under Title I of the Housing and Community Development Act of 1974, as amended to date, with Lake County, Indiana and provide all information and assurances as may be necessary under the Act;

Section 2. That the Affirmative Action Program, attached with this application is hereby approved and the Town Manager is authorized to execute all the agreements and documents as may be necessary to support and implement this application.

PASSED AND ADOPTED by the Town Council of the Town of Merrillville, Lake County, Indiana, this 25th Day of March, 2025.

TOWN COUNCIL of the TOWN of MERRILLVILLE, INDIANA

Section 3 Understanding

The U.S. Department of Housing and Urban Development (HUD) issued regulations that provide the directive to creative job opportunities for low-income persons when HUD funds are expended on a construction project. These regulations are known as Section 3 policy. The purpose of the Section 3 policy is to ensure that the employment and other economic opportunities generated by Federal financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low and very low-income persons.

Section 3 covered projects are construction, reconstruction, conversion, or rehabilitation of housing, including reduction and abatement of lead based paint hazards, or other public construction which, includes building and improvements assisted with HUD housing and community development assistance. Section 3 covered contracts do not include contracts for purchase of supplies and materials. However, whenever a contract for materials includes the installation of the materials, the contract constitutes a Section 3 covered award.

Fund recipients and contractors must show compliance with the numerical goals set forth by the regulations. The numerical goals for new hires apply only to the number of new hires generated because of the financial assistance for the HUD programs. The numerical goals are not absolute numerical requirements. They are goals that each recipient and contractor should try to reach. The goals, if not met, do not trigger sanctions against the recipient or contractor. However, if challenged on the issue of compliance with Section 3, the recipient or contractor should be ready to demonstrate that they tried to reach these goals. The goals are as follows:

30% of all covered new hires for the year FY 2025

In addition, recipients and contractors are required to show compliance with the goal that at least 10% of any building trade activity, which is subcontracted, and 3% of non-building trade activity (construction management, etc.) is awarded to eligible Section 3 business concerns.

Further information regarding these requirements may be found in the Federal Regulations at 24 CFR 135 and the Lake County Section 3 Plan.

I certify that I have read the information above and understand the Section 3 requirements and numerical goals.

Name:_____ Date: 25 March 2025
Michael W. Griffin, M.P.A.

Title: Town Manager

AFFIRMATIVE ACTION PROGRAM
IMPLEMENTING SECION 3 OF THE
HOUSEING AND URBAN DEVELOPMENT ACT OF 1968

SPECIFIC AFFIRMATIVE ACTION STEPS

TOWN OF MERRILLVILLE agrees to implement the following specific affirmative action steps directed at increasing the utilization of lower income residents and project area businesses.

A. To ascertain from the HUD Area Office Director the exact boundaries of the Section 3 covered project area and where advantageous, seek the assistance of the local officials of the department in preparing and implementing the affirmative action plan.

B. To attempt to recruit from the appropriate areas the necessary number of lower income residents through: local advertising media, signs placed at the proposed site for the project, and community organizations and public or private institutions operating within or serving the project area such as Service Employment and Redevelopment (SER), Opportunities Industrialization Center (OIC), Urban League, Concentrated Employment Program, Hometown Plan or the U.S. Employment Service.

C. To maintain a list of all lower income area residents who have applied either on their own or on referral from any source and to employ such persons, if otherwise eligible and if a vacancy exists.

D. To insert this affirmative action plan in all bid documents, and to require all bidders to submit a Section 3 affirmative action plan including utilization goals and the specific steps planned to accomplish the goals.

E. To insure that contracts which are typically let on a negotiated rather than a bid basis in areas other than Section 3 covered project areas, are also let on a negotiated basis, wherever feasible when let in a Section 3 covered project area.

F. To formally contact unions, subcontractors and trade associations, to secure their cooperation for this program.

G. To insure that all appropriate project area business concerns are notified of pending contracting opportunities.

H. To maintain records including copies of correspondence, memoranda, etc., which document that all of the above affirmative action steps have been taken.

I. To appoint or recruit an executive official of the company or agency as Equal Opportunity Officer to coordinate the implementation of this Section 3 affirmative action plan.

Michael W. Griffin, M.P.A.
Town Manager

It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve Resolution 25-17.

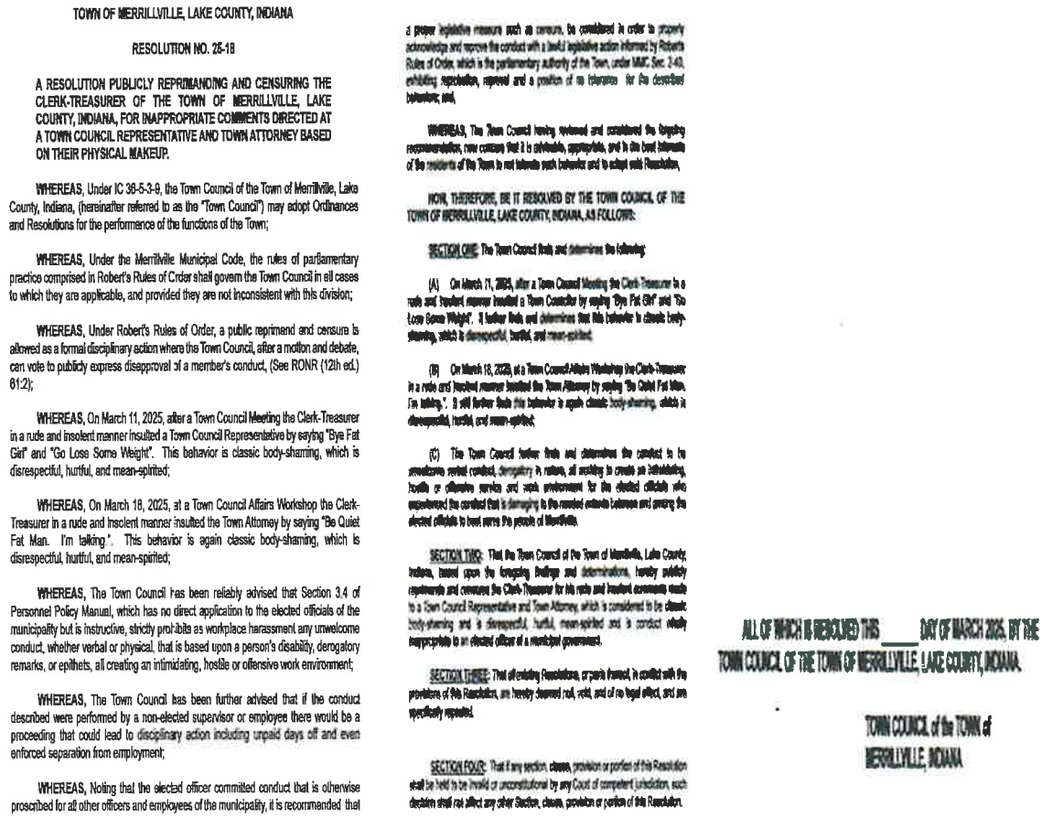
Upon a question from President Bella regarding a project being selected, Town Manager Griffin responded that he needs to confer with the President of the Council under the terms of the agreement.

Town Manager Griffin explained Resolution 25-17

Upon a question from Councilor Pettit regarding ADA for handicap ramps on sidewalks and sidewalk replacement, Director King responded that a Community Development Block Grant (CDBG) ADA program was done last year and in Phase I of our construction project this year we are updating handicap ramps.

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

2. **<u>Resolution 25-18 (Discussion & Voice Vote) – Public Hearing</u>**
A Resolution to Publicly Reprimanding and Censuring the Clerk-Treasurer of the Town of Merrillville, Lake County, Indiana, for Inappropriate Comments Directed at a Town Council Representative and Town Attorney Based on Their Physical Make-Up.



TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA

RESOLUTION NO. 25-18

A RESOLUTION PUBLICLY REPRIMANDING AND CENSURING THE CLERK-TREASURER OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, FOR INAPPROPRIATE COMMENTS DIRECTED AT A TOWN COUNCIL REPRESENTATIVE AND TOWN ATTORNEY BASED ON THEIR PHYSICAL MAKEUP.

WHEREAS, Under IC 36-5-3-9, the Town Council of the Town of Merrillville, Lake County, Indiana, (hereinafter referred to as the "Town Council") may adopt Ordinances and Resolutions for the performance of the functions of the Town;

WHEREAS, Under the Merrillville Municipal Code, the rules of parliamentary practice comprised in Robert's Rules of Order shall govern the Town Council in all cases to which they are applicable, and provided they are not inconsistent with this division;

WHEREAS, Under Robert's Rules of Order, a public reprimand and censure is allowed as a formal disciplinary action where the Town Council, after a motion and debate, can vote to publicly express disapproval of a member's conduct, (See RONR (12th ed.) 61:2);

WHEREAS, On March 11, 2025, after a Town Council Meeting the Clerk-Treasurer in a rude and insolent manner insulted a Town Council Representative by saying "Bye Fat Girl" and "Go Lose Some Weight". This behavior is classic body-shaming, which is disrespectful, hurtful, and mean-spirited;

WHEREAS, On March 18, 2025, at a Town Council Affairs Workshop the Clerk-Treasurer in a rude and insolent manner insulted the Town Attorney by saying "Be Quiet Fat Man. I'm talking". This behavior is again classic body-shaming, which is disrespectful, hurtful, and mean-spirited;

WHEREAS, The Town Council has been reliably advised that Section 3.4 of Personnel Policy Manual, which has no direct application to the elected officials of the municipality but is instructive, strictly prohibits as workplace harassment any unwelcome conduct, whether verbal or physical, that is based upon a person's disability, derogatory remarks, or epithets, all creating an intimidating, hostile or offensive work environment;

WHEREAS, The Town Council has been further advised that if the conduct described were performed by a non-elected supervisor or employee there would be a proceeding that could lead to disciplinary action including unpaid days off and even enforced separation from employment;

WHEREAS, Noting that the elected officer committed conduct that is otherwise proscribed for all other officers and employees of the municipality, it is recommended that a proper legislative measure such as censure, be considered in order to properly acknowledge and approve the conduct with a lawful legislative action informed by Roberts Rules of Order, which is the parliamentary authority of the Town, under IMC Sec. 2-43, exhibiting reprobation, reproval and a position of no tolerance for the described behaviors; and,

WHEREAS, The Town Council having reviewed and considered the foregoing recommendation, now contends that it is advisable, appropriate, and in the best interests of the residents of the Town to not tolerate such behavior and to adopt said Resolution,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: The Town Council finds and determines the following:

(A) On March 11, 2025, after a Town Council Meeting the Clerk-Treasurer in a rude and insolent manner insulted a Town Councilor by saying "Bye Fat Girl" and "Go Lose Some Weight". It further finds and determines that this behavior is classic body-shaming, which is disrespectful, hurtful, and mean-spirited.

(B) On March 18, 2025, at a Town Council Affairs Workshop the Clerk-Treasurer in a rude and insolent manner insulted the Town Attorney by saying "Be Quiet Fat Man. I'm talking.". It will further finds this behavior is again classic body-shaming, which is disrespectful, hurtful, and mean-spirited.

(C) The Town Council further finds and determines the conduct to be unwelcome verbal conduct, derogatory in nature, all working to create an intimidating, hostile or offensive service and work environment for the elected officials who experienced the conduct that is damaging to the needed esteem between and among the elected officials to best serve the people of Merrillville.

SECTION TWO: That the Town Council of the Town of Merrillville, Lake County, Indiana, based upon the foregoing findings and determinations, hereby publicly reprimands and censures the Clerk-Treasurer for his rude and insolent comments made to a Town Council Representative and Town Attorney, which is considered to be classic body-shaming and is disrespectful, hurtful, mean-spirited and is conduct wholly inappropriate to an elected officer of a municipal government.

SECTION THREE: That all existing Resolutions, or parts thereof, in conflict with the provisions of this Resolution, are hereby declared null, void, and of no legal effect, and are specifically repealed.

SECTION FOUR: That if any section, clause, provision or portion of this Resolution shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other Section, clause, provision or portion of this Resolution.

ALL OF WHICH IS RESOLVED THIS ____ DAY OF MARCH 2025, BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA.

TOWN COUNCIL of the TOWN of MERRILLVILLE, INDIANA

It was moved by Vice-President Neal and seconded by Councilor Haynes-Edwards to defer. Resolution 25-18.

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

C. BZA & LARGE GATHERING ACTIONS:

It was moved by Councilor Hardaway and seconded by Councilor Uzelac to defer DVG Team Inc. c/o Greg Lorig (on Behalf of Drive & Shine) and Three Brothers Investment, LLC BZA Actions.

Councilor Pettit reported that when the vote is taken on DVG Team Inc. c/o Greg Lorig (on Behalf of Drive & Shine) he will be abstaining because of a fiduciary interest.

Upon a voice vote, the motion passed. The BZA Actions were deferred.

President Bella informed Director Shine the following BZA Actions are deferred until the next Town Council Meeting:

Petitioner: DVG Team Inc. c/o Greg Lorig (on Behalf of Drive & Shine)
Owner: OC Real Estate
Request: Special Exception Approval
Purpose: To Allow A Carwash
Location: 740 East 81St Avenue
Zoning: C-3, Highway Commercial Zoning District

Petitioner: Three Brothers Investment, LLC
Owner: Three Brothers Investment, LLC
Request: Special Exception Approval
Purpose: To Allow A Carwash
Location: 1099 Broadway
Zoning: C-2, Community Commercial Zoning District

OLD BUSINESS :
NONE

NEW BUSINESS:
NONE

PUBLIC COMMENTS:
There were numerous public comments and a copy of the video from the Town Council Meeting, held on March 25, 2025, has been uploaded on the Town's website at merrillville.in.gov.

ANNOUNCEMENTS

The Town Council President announced the following:

- Town Council Meeting Tuesday, April 8th at 6:30 p.m.
- Town Tax Talk April 10th at the D&BCC Mike Anderson Center

ADJOURNMENT

Having completed all items on the agenda, the Town Council President announced the meeting adjourned at 8:45 p.m.

Rick Bella, Town Council President

Eric O. January, Clerk-Treasurer

Respectfully Submitted By Angela Lewis