Town Council of Merrillville
7820 Broadway Ave - Merrillville, IN 46410
Town Council Meeting Minutes of the Regular Meeting of
February 11, 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 Mark Smith of Life Sanctuary Church.

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

Councilor Leona Chandler-Felton was absent at the roll call.

Councilor Leona Chandler-Felton came in at 6:32 p.m.

PETITIONS, COMMUNICATIONS, ACKNOWLEDGEMENTS, AND REMONSTRATIONS*: NONE*

PUBLIC HEARING:
NONE

CONSENT AGENDA:

- Accounts Payable Register Voucher Approval for February 11th, 2025
- AP Register Summary for ARP Purchases for February 11th, 2025.
- Approval of Town Council Meeting Minutes January 28th, 2025

It was moved by Councilor Pettit and seconded by Councilor Uzelac 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- UZELAC– Councilor Uzelac reported the following:

- Award Letter BFS – Councilor Uzelac

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NOTICE OF AWARD

Date of Issuance:

Owner: MentoVille Town Council

Engineer: Butler, Fairman and Seufert, Inc. Engineer's Project No. 7236.02.0000

Project: 2024-2 CCING Road Resurfacing Projects

Contract Name: 2024-2 CCING Road Resurfacing Projects Base Bid

Bidder: Milestone Contractors LP

Bidder's Address: 1701 E Main St, Griffith, IN 46319

You are notified that Owner has accepted your Bid dated January 28, 2025, for the above Contract, and that you are the Successful Bidder and are entitled to Contract for:

2024-2 CCING ROAD RESURFACING PROJECTS

The Contract Price of the awarded Contract is $ 2,245,838.00. Contract Price is subject to adjustment based on the provisions of the Contract, including but not limited to those governing changes, Unit Price Work, as applicable.

A digital copy of the Agreement accompany the Notice of Award, and one copy of the Contract Documents accompanies this Notice of Award, or has been transmitted or made available to Bidder electronically.

You must comply with the following conditions precedent within 10 days of the date of receipt of this Notice of Award:

1. Deliver the Contract security (such as required performance and payment bonds) and insurance documentation, as specified in the Instructions to Bidders and in the General Conditions, Articles 2 and 5.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within 10 days after you comply with the above conditions, Owner will return to you one fully signed counterpart of the Agreement, together with any additional copies of the Contract Documents as indicated in Paragraph 2.02 of the General Conditions.

Owner: MentoVille Town Council

By (signature):

Name (printed): Rob Bella

Title: Council President

Copy: Engineer

EIC/EIC Notice of Award

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Town of MentoVille, Indiana
Town Council
7630 Broadway
MentoVille, IN 46319

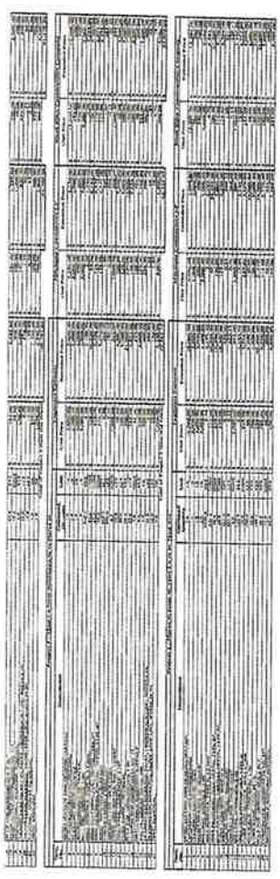
Dear Council:

Sincerely,

Bob Bella, President and Bid Bidder, Inc.

Bob Bella, P.E.







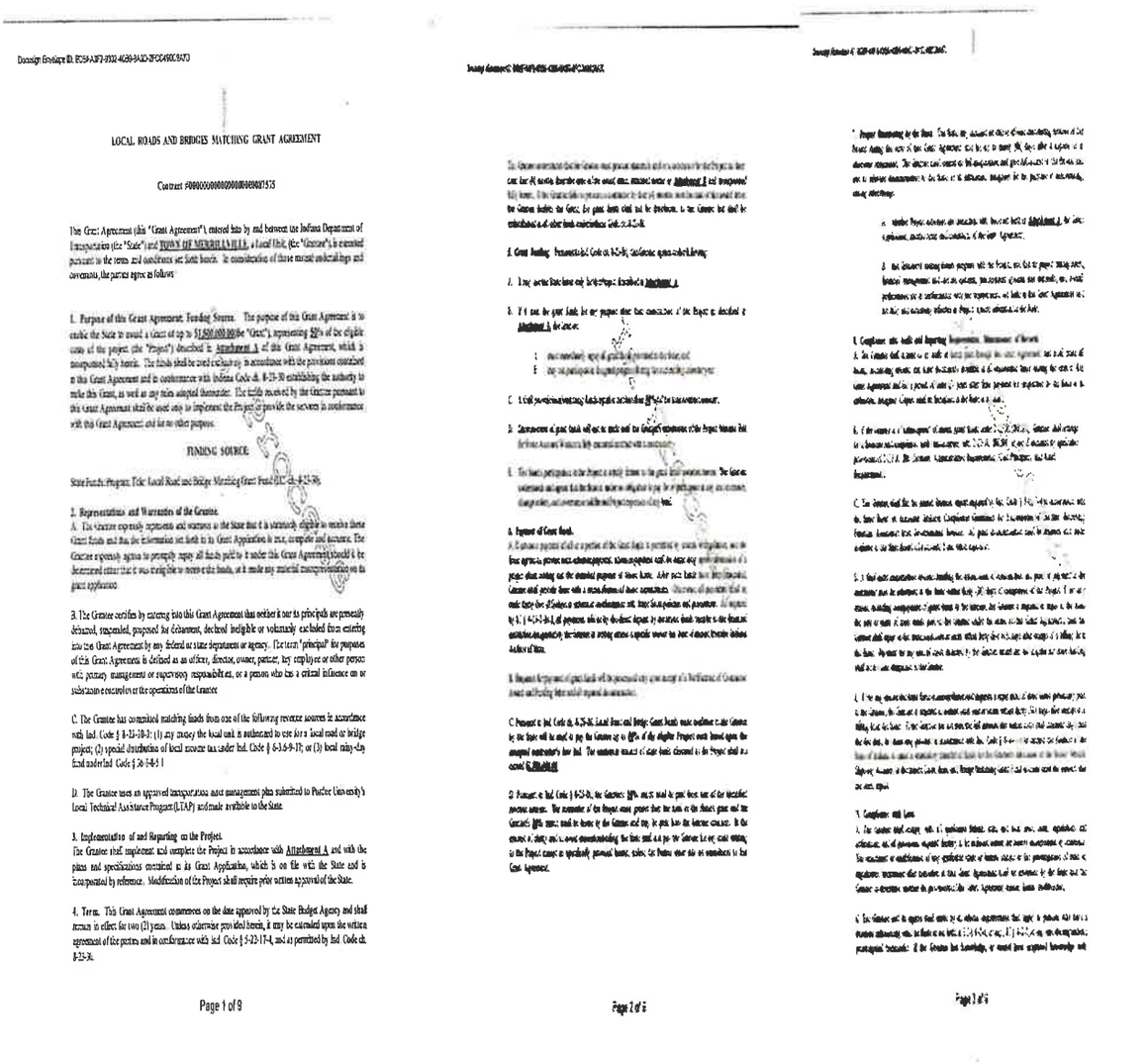


- Councilor Uzelac reported two bids were submitted for the Paving Contract and Milestone was the lowest bidder. Director Steve added that the two bidders were Rieth-Riley at $2,286,174.28 and Milestone at $2,244,976,99. After reviewing all the bid information, I found that Milestone is the lowest and most responsible bidder for the project.

It was moved by Councilor Uzelac and second by Counselor Pettit to approve the contract for $2,244,976.99 with the lowest and responsible bidder Milestone. The Town Council President is authorized to execute with his signature.

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. Milestone was awarded the contract for $2,244,976.99 with the Town Council President authorized to sign the contract.

- **Local Roads Matching Grant Agreement – Councilor Uzelac**



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LOCAL ROADS AND BRIDGES MATCHING GRANT AGREEMENT

Contract #0000000000000000000007575

This Grant Agreement (this "Grant Agreement") entered into by and between the Indiana Department of Transportation (the "State") and TOWN OF MERRILLVILLE, a local Unit, (the "Grantee") is executed pursuant to the terms and conditions set forth herein. In consideration of those mutual undertakings and covenants, the parties agree as follows:

1. Purpose of this Grant Agreement; Funding Source. The purpose of this Grant Agreement is to enable the State to award a Grant of up to $1,500,000.00 (the "Grant"), representing 50% of the eligible costs of the project (the "Project") described in Attachment A of this Grant Agreement, which is incorporated fully herein. The funds shall be used exclusively in accordance with the provisions contained in this Grant Agreement and in conformance with Indiana Code ch. 8-23-30 establishing the authority to make this Grant, as well as any rules adopted thereunder. The funds received by the Grantee pursuant to this Grant Agreement shall be used only to implement the Project or provide the services in conformance with this Grant Agreement and for no other purpose.

FUNDING SOURCE

State Funds: Program, Title: Local Road and Bridge Matching Grant Fund (I.C. ch. 8-23-30).

2. Representations and Warranties of the Grantee.
A. The Grantee expressly represents and warrants to the State that it is statutorily eligible to receive these Grant funds and that the information set forth in its Grant Application is true, complete and accurate. The Grantee expressly agrees to promptly repay all funds paid to it under this Grant Agreement should it be determined either that it was ineligible to receive these funds, or it made any material misrepresentation on its grant application.

B. The Grantee certifies by entering into this Grant Agreement that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from entering into this Grant Agreement by any federal or state department or agency. The term "principal" for purposes of this Grant Agreement is defined as an officer, director, owner, partner, key employee or other person with primary management or supervisory responsibilities, or a person who has a critical influence on or substantive control over the operations of the Grantee.

C. The Grantee has committed matching funds from one of the following revenue sources in accordance with Ind. Code § 8-23-30-3: (1) any money the local unit is authorized to use for a local road or bridge project; (2) special distributions of local income tax under Ind. Code § 6-3.6-9-17; or (3) local rainy-day fund under Ind. Code § 36-1-8-5.1.

D. The Grantee uses an approved transportation asset management plan submitted to Purdue University's Local Technical Assistance Program (LTAP) and made available to the State.

3. Implementation of and Reporting on the Project.
The Grantee shall implement and complete the Project in accordance with Attachment A and with the plans and specifications contained in its Grant Application, which is on file with the State and is incorporated by reference. Modification of the Project shall require prior written approval of the State.

4. Term. This Grant Agreement commences on the date approved by the State Budget Agency and shall remain in effect for two (2) years. Unless otherwise provided herein, it may be extended upon the written agreement of the parties and in conformance with Ind. Code § 5-22-17-4, and as permitted by Ind. Code ch. 8-23-30.

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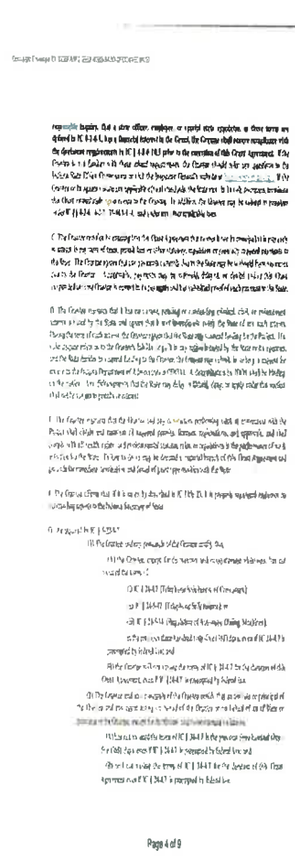

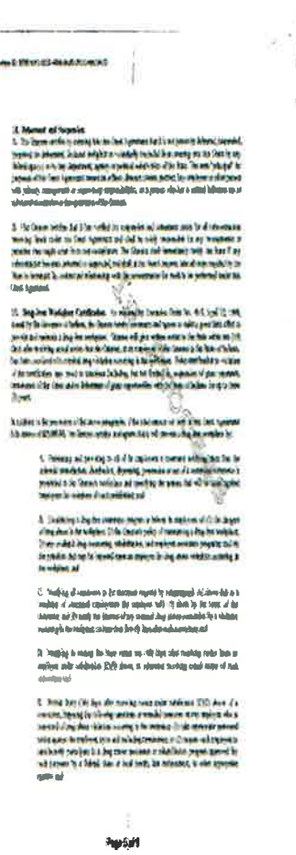

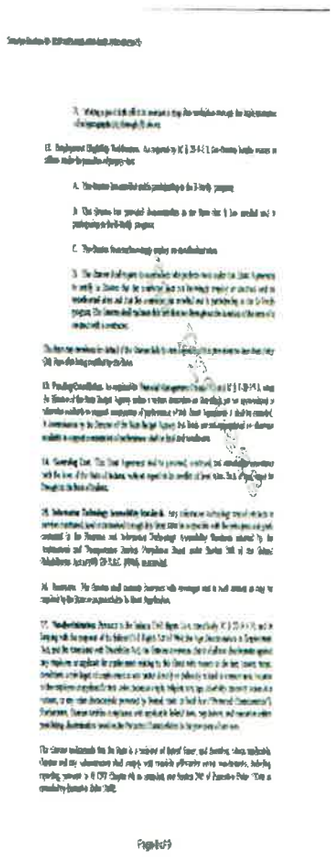

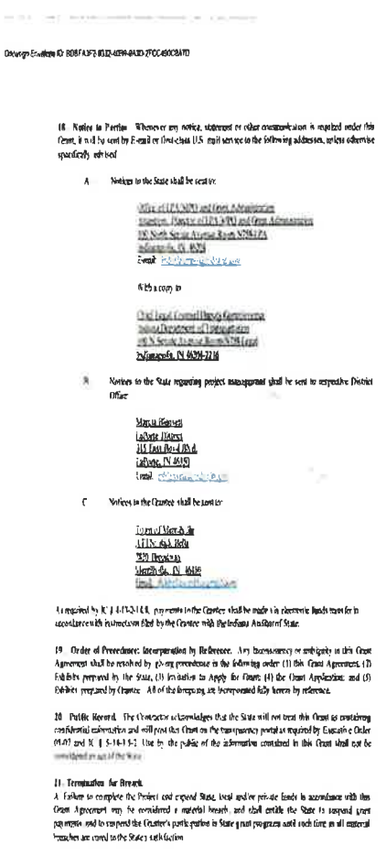





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ATTACHMENT B

AWARD LETTER

INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758
Indianapolis, Indiana 46204

PHONE: (855) 463-6848

Eric Holcomb, Governor
Michael Smith, Commissioner

November 07, 2024

Town of Merrillville
Rick Bella
7820 Broadway
Merrillville, IN 46410

RE: Community Crossing Matching Grant Fund 2024-2 Award Letter

Dear Rick Bella:

The Indiana Department of Transportation (INDOT) has completed the review and selection of projects for funding in the 2024-2 Community Crossings Matching Grant Fund Program. Your community has preliminarily been awarded the following Community Crossings Matching Grant Funds based upon your estimates:

Application ID	Preliminary Awarded Amount	Location Priority
13776	$1,500,000.00	All
TOTAL	$1,500,000.00	

Preliminary award amounts are contingent upon the following:

- INDOT must receive a Notification of Contractor Award Letter with all supporting documents, including a copy of the fully executed contract with a contractor or material supplier.
- Contractor/material supply contracts must be submitted no later than four (4) months from the date of this award letter. Failure to meet this date will result in the forfeiture of your funds.
- The Local Public Agency (LPA) must use DocuSign to electronically sign the Local Roads and Bridges Matching Grant Agreement. All Grant Agreements must be fully executed within four (4) months from the date of this award letter. Failure to meet this date will result in the forfeiture of your funds.
- Once all required documentation is received, reviewed, and contracts fully executed, INDOT will transfer the appropriate percentage amount based upon your contractors bid amount into your account.

The Community Crossings Matching Grant Funds, which are administered by INDOT, will be used for funding up to 50 percent of the construction of your project or the purchase of materials. These grant dollars will enable you to help build and improve Indiana's infrastructure.

If you have any questions, please contact Marcia Blansett, (219) 325-7564 or mblansett@indot.in.gov.

The state of Indiana looks forward to partnering with all Hoosier communities, both urban and rural, to invest in road and bridge infrastructure projects. Improvement to local roads and bridges will bring about economic development, create jobs, and strengthen local transportation networks for all of Indiana.

Sincerely,

Director of Local Programs

Indiana Department of Transportation

www.in.gov/dot/
An Equal Opportunity Employer

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- Town Manager Griffin explained the INDOT Community Crossing Agreement.

It was moved by Councilor Uzelac and second by Counselor Pettit to approve the Community Crossing Grant Agreement between the Town of Merrillville and INDOT with the Town Council President authorized to execute with his signature.

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 Community Crossing Agreement with INDOT was approved, and the Town Council President is authorized to execute with his signature.

Council Uzelac also reported that the Street Department has been preparing for the upcoming winter snowstorm by pre-treating and salting the roads.

Councilor Hardaway reminded the council and residents that when there is two inches of snow or more, vehicles must be removed from the street to allow the snowplow to get through and be effective with clearing the streets

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

PERSONNEL POLICY & EMPLOYEE BENEFITS – HARDAWAY- Councilor Hardaway deferred to Town Manager Griffin.

Town Manager Griffin reported that under Ordinance MCC section 13.5-1 Committee Chair Councilor Hardaway is the Parks authority for the Town of Merrillville. In that role, interviews were conducted in an executive session, and a candidate was chosen as Parks Director. Town Manager Griffin extended an offer, and the offer was accepted by Mr. James Gerald McCarthy who will be starting on Thursday, February 13th.

It was moved by Councilor Hardwar and second by Counselor Pettit to approve the hiring of James Gerald McCarthy for the Parks Director position.

Upon a voice vote, the motion passed. Mr. James Gerald McCarthy was approved.

ENVIRONMENTAL AFFAIRS- UZELAC – Councilor Uzelac reported that she received a call from a resident in Ward 4 regarding water being released from a crawl space in his backyard. She contacted Director Matt Lake and Joe Fish from Stormwater was sent out to resolve the issue and spoke to the homeowner who was releasing the water.

PUBLIC SAFETY- HARDAWAY- Councilor Hardaway reported that a meeting was held on February 3rd and in attendance were Chief Nuses, Assistant Chief of Police Vasel, Building and Planning Director Sheila Shine, Councilor Haynes-Edwards, and Fire Inspector Pillman. In this meeting, we discussed the possibility of contracting an employee for liens to better assist Code Enforcement on blight and abandoned properties.

ELECTIONS, PUBLIC RELATIONS, & TOWN BEAUTIFICATION - NEAL- Vice-President Neal reported that a meeting was held last week regarding the Gateway Signs and progress is being made. The next meeting will be on the 24th or 25th of this month to get updates on pricing.

ECONOMIC DEVELOPMENT-PETTIT – Councilor Pettit reported that an Economic Development Commission meeting is scheduled for February 18th at 5:00 p.m. regarding one of the ordinances on tonight's agenda. The Economic Development Committee meeting has been scheduled for February 24th at 5:00 p.m. before the Town Council Workshop.

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

PARKS AND DEAN & BARBARA WHITE COMMUNITY CENTER - PETTIT – Councilor Pettit reported that a standing meeting will be held on the fourth Thursday in February and several items will be on the agenda to discuss.

SPECIAL COMMITTEES

ABANDONED-BLIGHTED PROPERTIES - HAYNES-EDWARDS & CHANDLER-FELTON– Councilor Haynes-Edward reported the following:

- Code Warnings - 64
- Citations – 32
- Current Vacant/Abandon Cases – 15
- Blighted Properties - 6

SPECIAL TOWN PROJECTS - NEAL – Councilor Neal reported that the committee is preparing for the Town's 2025 Black History Celebration and deferred to Councilor Haynes-Edwards to report the details.

Councilor Haynes-Edwards reported that the Town's Black History Family Sneaker Ball will be held on February 28th from 6:00 pm to 9:00 pm at the Dean and Barbara White Community Center. The price of tickets is $10.00 and will be available at Town Hall's Clerk-Treasurer's Office and the Dean and Barbara White Community Center. Parents must accompany their children to this event.

Vice-President Neal added that this event is open to all residents and their families.

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 the next meeting is scheduled for March.

THE SHARED ETHICS ENTITY-HARDAWAY – Councilor Hardaway had nothing to report.

FIRE TERRITORY BOARD - NEAL & HARDAWAY – Councilor Hardaway reported that a meeting is scheduled for February 12th at 4:00 p.m.

DEPARTMENT REPORTS/ TOWN MANAGER

Clerk-Treasurer Eric January – Clerk's Office
Clerk-Treasurer Eric January reported the following:

- Food and Beverage Tax – The Town received a check for $241,928.05.
- New Reports – After a meeting with the council, new user-friendly reports will be introduced to show a breakdown of expenditures in the various categories.
- Annual Expenditures for 2024 - $55,340,753.84 in cash outflow. A portion of this amount was debt services. Payroll was $850,748.84.

Clerk-Treasurer Eric January also stated that as long as he is allowed, he will provide financial information to the residents to understand how money is being spent in the Town of Merrillville.

Upon a question from President Bella regarding the amount of the Food and Beverage Tax check being for one month or two, Clerk-Treasurer Eric January responded that the check includes multiple months of back payments. The month of December portion of the check is $140,043.36.

Chief Nuses – Police Department
Chief Nuses reported that the statistics for January are still being complied. The Police Department is accepting applications for officers until March 1 at 2:00 p.m. This is due to two officers retiring and one moving on to the Federal Division of the US Marshals.

Chief Nuses also reported that the department is looking at grants to purchase capital assets. He also gave verbal recognition to Detective Ridgeway who helped work on a Human Trafficking case and secured charges on the perpetrator.

Director Shine - Building and Planning
Director Shine reported that the year-end report for 2024 has been distributed and highlighted the following areas:

- Inspection - 5,133

- Permits Issued – 1,526 valued at $232,351,479.00. The cost of fees was $1,620,488.81.

The year-end report reflects new commercial, new residential, interior remodels, home occupation permits, rental registration, and contractor licenses.

Director King – Street Department

Director King added that vehicles parked on the streets make it difficult for the snowplows to pass through and asked residents to move their parked vehicles.

Town Manager Griffin – Town Administration

Town Manager Griffin reported the staff report was given to the council members and Clerk-Treasurer Eric January according to section 227 of the municipal code.

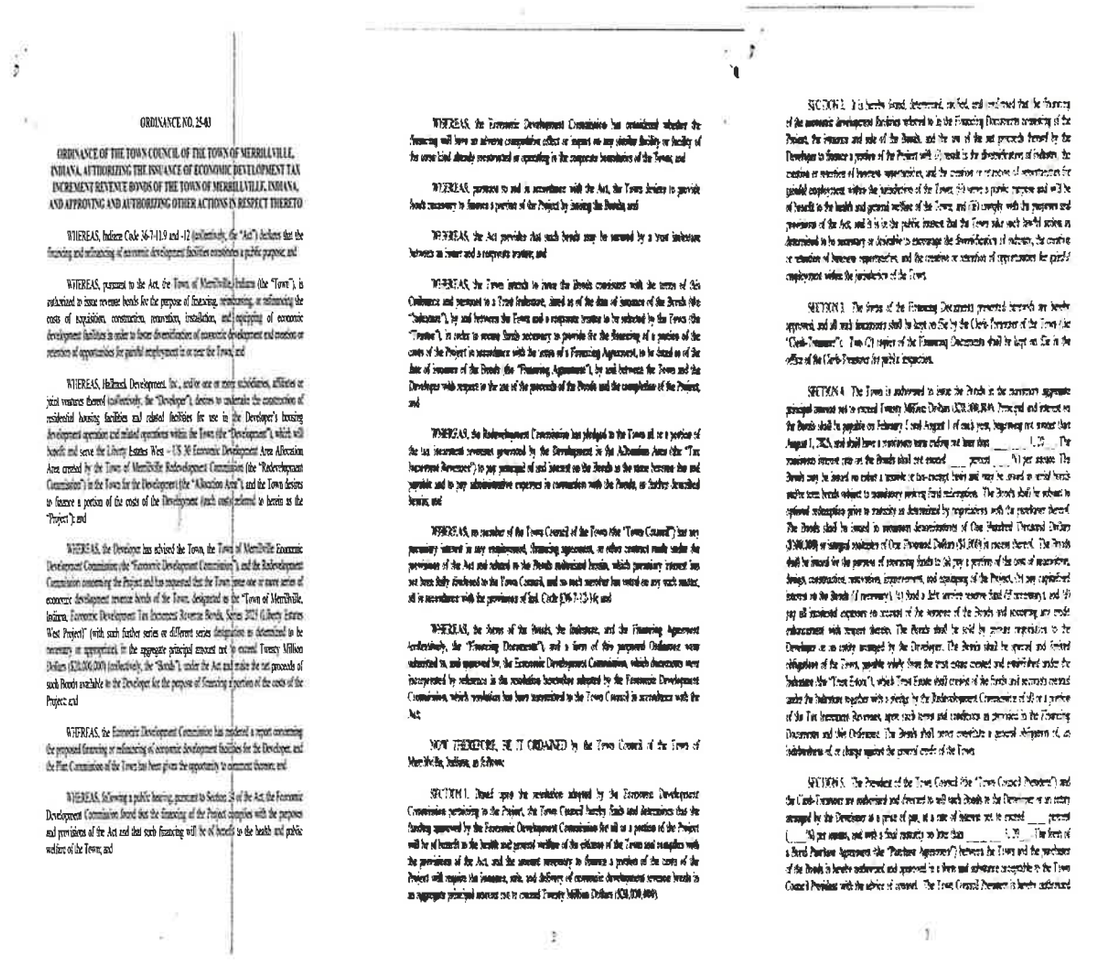
GENERAL ORDERS

A. Ordinances: (Discussion and Roll Call Vote) - NONE

Zoning: (motion to adopt or reject; confer IC36-5-2-10(d)

First Reading: Ordinance (Discussion and Roll Call Vote)

1. **Ordinance 25-03 (Discussion and Roll Call Vote)**
   Ordinance Of The Town Council Of The Town Of Merrillville, Indiana Authorizing The Issuance Of Economic Development Tax Increment Revenue Bonds Of The Town Of Merrillville, Indiana, And Approving And Authorizing Other Actions In Respect Thereto



ORDINANCE NO. 25-03

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, INDIANA, AUTHORIZING THE ISSUANCE OF ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS OF THE TOWN OF MERRILLVILLE, INDIANA, AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

WHEREAS, Indiana Code 36-7-11.9 and -12 (collectively, the "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose; and

WHEREAS, pursuant to the Act, the Town of Merrillville, Indiana (the "Town"), is authorized to issue revenue bonds for the purpose of financing, reimbursing, or refinancing the costs of acquisition, construction, renovation, installation, and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment in or near the Town; and

WHEREAS, Hallmark Development, Inc., and/or one or more subsidiaries, affiliates or joint ventures thereof (collectively, the "Developer"), desires to undertake the construction of residential housing facilities and related facilities for use in the Developer's housing development operation and related operations within the Town (the "Development"), which will benefit and serve the Liberty Estates West – US 30 Economic Development Area Allocation Area created by the Town of Merrillville Redevelopment Commission (the "Redevelopment Commission") in the Town for the Development (the "Allocation Area"), and the Town desires to finance a portion of the costs of the Development (such costs referred to herein as the "Project"); and

WHEREAS, the Developer has advised the Town, the Town of Merrillville Economic Development Commission (the "Economic Development Commission"), and the Redevelopment Commission concerning the Project and has requested that the Town issue one or more series of economic development revenue bonds of the Town, designated as the "Town of Merrillville, Indiana, Economic Development Tax Increment Revenue Bonds, Series 2025 (Liberty Estates West Project)" (with such further series or different series designation as determined to be necessary or appropriate), in the aggregate principal amount not to exceed Twenty Million Dollars ($20,000,000) (collectively, the "Bonds"), under the Act and make the net proceeds of such Bonds available to the Developer for the purpose of financing a portion of the costs of the Project; and

WHEREAS, the Economic Development Commission has rendered a report concerning the proposed financing or refinancing of economic development facilities for the Developer, and the Plan Commission of the Town has been given the opportunity to comment thereon; and

WHEREAS, following a public hearing, pursuant to Section 3 of the Act, the Economic Development Commission found that the financing of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and public welfare of the Town; and

WHEREAS, the Economic Development Commission has considered whether the financing will have an adverse competitive effect or impact on any similar facility or facility of the same kind already constructed or operating in the corporate boundaries of the Town; and

WHEREAS, pursuant to and in accordance with the Act, the Town desires to provide funds necessary to finance a portion of the Project by issuing the Bonds; and

WHEREAS, the Act provides that such Bonds may be secured by a trust indenture between an issuer and a corporate trustee; and

WHEREAS, the Town intends to issue the Bonds consistent with the terms of this Ordinance and pursuant to a Trust Indenture, dated as of the date of issuance of the Bonds (the "Indenture"), by and between the Town and a corporate trustee to be selected by the Town (the "Trustee"), in order to secure Bonds necessary to provide for the financing of a portion of the costs of the Project in accordance with the terms of a Financing Agreement, to be dated as of the date of issuance of the Bonds (the "Financing Agreement"), by and between the Town and the Developer with respect to the use of the proceeds of the Bonds and the completion of the Project; and

WHEREAS, the Redevelopment Commission has pledged to the Town all or a portion of the tax increment revenues generated by the Development in the Allocation Area (the "Tax Increment Revenues") to pay principal of and interest on the Bonds as the same become due and payable and to pay administrative expenses in connection with the Bonds, as further described herein; and

WHEREAS, no member of the Town Council of the Town (the "Town Council") has any pecuniary interest in any requirement, financing agreement, or other contract made under the provisions of the Act and related to the Bonds authorized herein, which pecuniary interest has not been fully disclosed to the Town Council, and no such member has voted on any such matter, all in accordance with the provisions of Ind. Code §36-7-12-16; and

WHEREAS, the form of the Bonds, the Indenture, and the Financing Agreement (collectively, the "Financing Documents"), and a form of this proposed Ordinance were submitted to, and approved by, the Economic Development Commission, which documents were incorporated by reference in the resolution heretofore adopted by the Economic Development Commission, which resolution has been transmitted to the Town Council in accordance with the Act;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Merrillville, Indiana, as follows:

SECTION 1. Based upon the resolution adopted by the Economic Development Commission pertaining to the Project, the Town Council hereby finds and determines that the funding approved by the Economic Development Commission for all or a portion of the Project will be of benefit to the health and general welfare of the citizens of the Town and complies with the provisions of the Act, and that amount necessary to finance a portion of the costs of the Project will require the issuance, sale, and delivery of economic development revenue bonds in an aggregate principal amount not to exceed Twenty Million Dollars ($20,000,000).

SECTION 2. It is hereby found, determined, ratified, and confirmed that the financing of the economic development facilities referred to in the Financing Documents consisting of the Project, the issuance and sale of the Bonds, and the use of the net proceeds thereof by the Developer to finance a portion of the Project will: (i) result in the diversification of industry, the creation or retention of business opportunities, and the creation or retention of opportunities for gainful employment within the jurisdiction of the Town; (ii) serve a public purpose and will be of benefit to the health and general welfare of the Town; and (iii) comply with the purposes and provisions of the Act, and it is in the public interest that the Town take such lawful action as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, and the creation or retention of opportunities for gainful employment within the jurisdiction of the Town.

SECTION 3. The forms of the Financing Documents presented herewith are hereby approved, and all such documents shall be kept on file by the Clerk-Treasurer of the Town (the "Clerk-Treasurer"). Two (2) copies of the Financing Documents shall be kept on file in the office of the Clerk-Treasurer for public inspection.

SECTION 4. The Town is authorized to issue the Bonds in the maximum aggregate principal amount not to exceed Twenty Million Dollars ($20,000,000). Principal and interest on the Bonds shall be payable on February 1 and August 1 of each year, beginning on a date not later than August 1, 2025, and shall have a maximum term ending not later than _____ 1, 20__. The maximum interest rate on the Bonds shall not exceed ___ percent (__%) per annum. The Bonds may be issued as either a taxable or tax-exempt bond and may be issued as serial bonds and/or term bonds subject to mandatory sinking fund redemption. The Bonds shall be subject to optional redemption prior to maturity as determined by negotiations with the purchaser thereof. The Bonds shall be issued in minimum denominations of One Hundred Thousand Dollars ($100,000) or integral multiples of One Thousand Dollars ($1,000) in excess thereof. The Bonds shall be issued for the purpose of providing funds to: (a) pay a portion of the costs of acquisition, design, construction, renovation, improvement, and equipping of the Project; (b) pay capitalized interest on the Bonds (if necessary); (c) fund a debt service reserve fund (if necessary); and (d) pay all associated expenses in connection with the issuance of the Bonds and accessory any credit enhancement with respect thereto. The Bonds shall be sold by private negotiation to the Developer or an entity arranged by the Developer. The Bonds shall be special and limited obligations of the Town, payable solely from the trust estate created and established under the Indenture (the "Trust Estate"), which Trust Estate shall consist of the funds and accounts created under the Indenture together with a pledge by the Redevelopment Commission of all or a portion of the Tax Increment Revenues, upon such terms and conditions as provided in the Financing Documents and this Ordinance. The Bonds shall never constitute a general obligation of, or indebtedness of, or charge against the general credit of the Town.

SECTION 5. The President of the Town Council (the "Town Council President") and the Clerk-Treasurer are authorized and directed to sell such Bonds to the Developer or an entity arranged by the Developer at a price of par, at a rate of interest not to exceed ___ percent (__%) per annum, and with a final maturity no later than _____ 1, 20__. The form of a Bond Purchase Agreement (the "Purchase Agreement") between the Town and the purchaser of the Bonds is hereby authorized and approved in a form and substance acceptable to the Town Council President with the advice of counsel. The Town Council President is hereby authorized

and directed to execute and deliver the Purchase Agreement in form and substance acceptable to such officer and consistent with the terms and conditions set forth in this Ordinance, with such acceptance of the form and substance thereof to be conclusively evidenced by such officer's execution thereof.

SECTION 6. Each of the Town Council President, the Clerk-Treasurer, and any other officer of the Town are authorized and directed to execute the Financing Documents, such other documents approved or authorized herein, and any other document which may be necessary, appropriate, or desirable to consummate the transaction contemplated by the Financing Documents and this Ordinance, and their execution is hereby confirmed on behalf of the Town. The signatures of the Town Council President, the Clerk-Treasurer, and any other officer of the Town on the Bonds which may be necessary or desirable to consummate the transaction, and their execution is hereby confirmed on behalf of the Town. The Town Council President, the Clerk-Treasurer, and any other officer of the Town are authorized to arrange for the delivery of such Bonds to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Town Council President, the Clerk-Treasurer, and any other officer of the Town may, by their execution of the Financing Documents requiring their signatures and imprinting of their facsimile signatures thereon, approve any and all such changes therein and also in those Financing Documents which do not require the signature of the Town Council President, the Clerk-Treasurer, or any other officer of the Town without further approval of this Town Council or the Economic Development Commission if such changes do not affect terms set forth in Sections 27(a)(1) through and including (a)(11) of the Act.

SECTION 7. The provisions of this Ordinance and the Financing Documents shall constitute a contract binding between the Town and the holder or holders of the Bonds, and after the issuance of said Bonds, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holder or holders so long as said Bonds or the interest thereon remains unpaid.

SECTION 8. No recourse under or upon any obligation, covenant, acceptance, or agreement contained in this Ordinance, the Financing Documents, or under any judgment obtained against the Town, including without limitation its Economic Development Commission, or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Financing Documents, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the Town, including without limitation its Economic Development Commission, either directly or through the Town, or otherwise, for the payment for or to the Town or any receiver thereof or for or to any holder of the Bonds secured thereby, or otherwise, of any sum that may remain due and unpaid by the Town upon any of such Bonds. Any and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the Town or any receiver thereof, or for or to any owner or holder of the Bonds, or otherwise, of any sum that may remain due and unpaid upon the Bonds hereby secured or any of them, shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Financing Documents and the issuance, sale, and delivery of the Bonds.

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SECTION 9. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 10. All ordinances, resolutions and orders or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

SECTION 11. It is hereby determined that all formal actions of the Town Council relating to the adoption of this Ordinance were taken in one or more open meetings of the Council, that all deliberations of the Town Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Ind. Code 5-14-1.5, as amended.

SECTION 12. The Town Council President, the Clerk-Treasurer, and any other officer of the Town are hereby authorized and directed, in the name and on behalf of the Town, to execute, attest and deliver such further instruments and documents, and to take such further actions, in the name of the Town as in their judgment shall be necessary or advisable in order fully to consummate the transactions described herein and carry out the purposes of this Ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved. In particular, at the request of the Developer, the Town Council President, the Clerk-Treasurer and any other officer of the Town are hereby authorized and directed, in the name and on behalf of the Town, to execute, attest, and deliver, in lieu of a Financing Agreement, a Loan Agreement with the Developer in such form as such officers shall approve, such approval to be conclusively evidenced by their execution thereof.

SECTION 13. This Ordinance shall be in full force and effect from and after its passage.

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All of which is passed and adopted this _____ day of _____, 2025, by the Town Council of the Town of Merrillville, Indiana.

TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, INDIANA

It was moved by Councilor Pettit and second by Counselor Uzelac to approve Ordinance 25-03 on the first reading.

Attorney Svetanoff explained Ordinance 25-03.

Upon a question regarding the Liberty Estate West bond being the same thing we did for Liberty Estate East, Attorney Svetanoff responded this is a mirror image of what was done for Liberty Estate East in nature and character.

President Bella informed the council and audience that this matter was discussed in the council workshop extensively regarding the 400-acre development.

Clerk-Treasurer Eric January commented that he spoke to Town Manager Griffin and Economic Development Direction Chilcott regarding section four and other sections of Ordinance 25-03. Section four was addressed, but the remaining sections six and twelve regarding the signature need to be addressed.

President Bella informed the council and Clerk-Treasurer Eric January that this is only the first reading and edits can be done before the second and final reading.

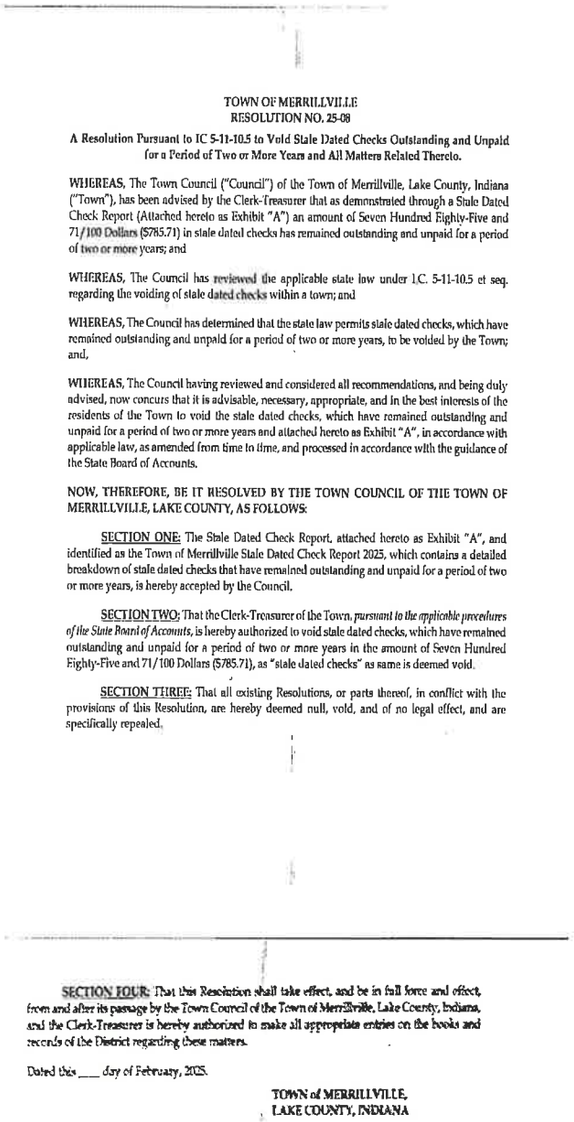
Attorney Svetanoff asked Clerk-Treasurer Eric January does the council had assurance that he would attest to the document. Clerk-Treasurer Eric January stated that it is his job to attest to the council's signature.

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 first reading.

Second Reading: (Discussion, Public Comments, Roll Call Vote): ***NONE***

B. **Resolutions:**

1. **Resolution 25-08 (Discussion & Voice Vote)**
   A Resolution Pursuant to IC 5-11-10 to Void State Dated Checks Outstanding and Unpaid for a Period of Two or More Years and All Matters Related Thereto.



TOWN OF MERRILLVILLE
RESOLUTION NO. 25-08

A Resolution Pursuant to IC 5-11-10.5 to Void Stale Dated Checks Outstanding and Unpaid for a Period of Two or More Years and All Matters Related Thereto.

WHEREAS, The Town Council ("Council") of the Town of Merrillville, Lake County, Indiana ("Town"), has been advised by the Clerk-Treasurer that as demonstrated through a Stale Dated Check Report (Attached hereto as Exhibit "A") an amount of Seven Hundred Eighty-Five and 71/100 Dollars ($785.71) in stale dated checks has remained outstanding and unpaid for a period of two or more years; and

WHEREAS, The Council has reviewed the applicable state law under I.C. 5-11-10.5 et seq. regarding the voiding of stale dated checks within a town; and

WHEREAS, The Council has determined that the state law permits stale dated checks, which have remained outstanding and unpaid for a period of two or more years, to be voided by the Town; and,

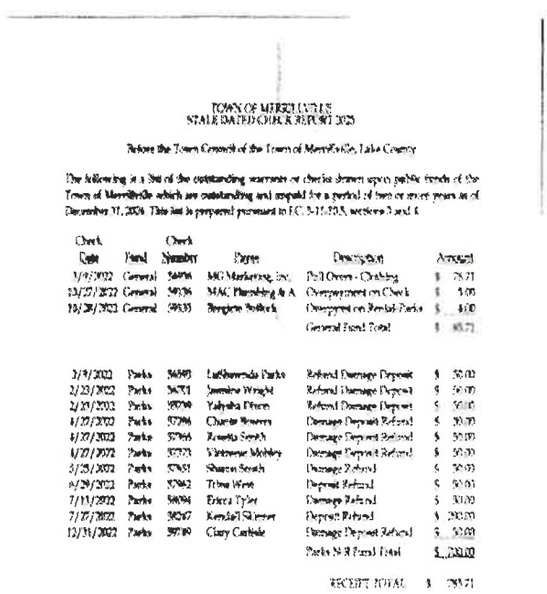
WHEREAS, The Council having reviewed and considered all recommendations, and being duly advised, now concurs that it is advisable, necessary, appropriate, and in the best interests of the residents of the Town to void the stale dated checks, which have remained outstanding and unpaid for a period of two or more years and attached hereto as Exhibit "A", in accordance with applicable law, as amended from time to time, and processed in accordance with the guidance of the State Board of Accounts.

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

SECTION ONE: The Stale Dated Check Report, attached hereto as Exhibit "A", and identified as the Town of Merrillville Stale Dated Check Report 2025, which contains a detailed breakdown of stale dated checks that have remained outstanding and unpaid for a period of two or more years, is hereby accepted by the Council.

SECTION TWO: That the Clerk-Treasurer of the Town, *pursuant to the applicable procedures of the State Board of Accounts*, is hereby authorized to void stale dated checks, which have remained outstanding and unpaid for a period of two or more years in the amount of Seven Hundred Eighty-Five and 71/100 Dollars ($785.71), as "stale dated checks" as same is deemed void.

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



TOWN OF MERRILLVILLE
STALE DATED CHECK REPORT 2025

Before the Town Council of the Town of Merrillville, Lake County

The following is a list of the outstanding warrants or checks drawn upon public funds of the Town of Merrillville which are outstanding and unpaid for a period of two or more years as of December 31, 2024. This list is prepared pursuant to I.C. 5-11-10.5, sections 3 and 4.

Check Date	Fund	Check Number	Payee	Description	Amount
1/19/2022	General	56976	MG Marketing, Inc.	Poll Covers - Clothing	$ 78.71
12/27/2022	General	59536	MAC Plumbing & A	Overpayment on Check	$ 5.00
10/28/2021	General	58835	Benjamin Bullock	Overpayment on Rental-Parks	$ 60.00
				General Fund Total	$ 83.71

2/9/2022	Parks	56593	Lathawanda Parks	Refund Damage Deposit	$ 50.00
2/23/2022	Parks	56771	Jasmine Wright	Refund Damage Deposit	$ 50.00
2/23/2022	Parks	56790	Yahysha Flores	Refund Damage Deposit	$ 50.00
6/27/2022	Parks	57296	Charde Bowers	Damage Deposit Refund	$ 50.00
6/27/2022	Parks	57366	Rosetta Smith	Damage Deposit Refund	$ 50.00
6/27/2022	Parks	57373	Whitewise Mobley	Damage Deposit Refund	$ 50.00
5/25/2022	Parks	57451	Sharon Smith	Damage Refund	$ 50.00
6/29/2022	Parks	57562	Trina West	Deposit Refund	$ 50.00
7/13/2022	Parks	58094	Erica Tyler	Damage Refund	$ 50.00
7/27/2022	Parks	58247	Kendall Skinner	Deposit Refund	$ 200.00
12/31/2022	Parks	59749	Clary Carlisle	Damage Deposit Refund	$ 50.00
				Parks N-R Fund Total	$ 728.00

RECEIPT TOTAL $ 785.71

SECTION FOUR: That this Resolution 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 the Clerk-Treasurer is hereby authorized to make all appropriate entries on the books and records of the District regarding these matters.

Dated this ___ day of February, 2025.

TOWN of MERRILLVILLE,
LAKE COUNTY, INDIANA

It was moved by Councilor Uzelac and second by Vice-President Neal to approve Resolution 25-08.

Attorney Svetanoff reported this is needed to comply with the Indiana Code and State Boards of Accounts regulations.

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

2. <u>Resolution 25-09 (Discussion & Voice Vote)</u>

A Resolution Of The Town Council Of The Town Of Merrillville Authorizing The Establishment Of Event Fees And Charges By The Special Town Projects Committee Of The Merrillville Town Council Until Such Time As An ordinance Can Be Considered For Passage And Adoption Pursuant To I.C.

TOWN of MERRILLVILLE
RESOLUTION No. 25-09

A RESOLUTION of the TOWN COUNCIL of the TOWN of MERRILLVILLE AUTHORIZING the ESTABLISHMENT of EVENT FEES AND CHARGES BY THE SPECIAL TOWN PROJECTS COMMITTEE of the MERRILLVILLE TOWN COUNCIL UNTIL SUCH TIME AS AN ORDINANCE CAN BE CONSIDERED for PASSAGE AND ADOPTION PURSUANT to I.C. 36-5-2-9 and IC 36-1-3 et seq.

WHEREAS, The Town Council of the Town of Merrillville serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C. 36-1-1-2-9 and I.C. 36-5-2-2;

WHEREAS, The legislative body may adopt ordinances, and resolutions for the performance of functions of the town, pursuant to I.C. 36-5-2-9(1);

WHEREAS, The policy of the state is to grant units all the powers that they need for the effective operation of government as to local affairs, pursuant to IC 36-1-3-2;

WHEREAS, The Merrillville Town Council exercised its lawful authority, for the establishment of several standing committees of the Town Council, in order to rationally allocate the legislative workload of the Town Council, and develop specialization, as set forth in Sec. 2-38 of the Merrillville Municipal Code;

WHEREAS, Sec. 2-34(4) of the Merrillville Municipal Code expressly confers in the Town Council President the duty to appoint all standing and special committees of the Town Council, by which the Town Council President did appoint and constitute a ***Special Projects Committee***; which by custom and practice, plans, organizes and carries out several special events during the year; .

WHEREAS, The ***Special Projects Committee*** often is tasked with setting and then imposing fees or charges for events and projects it executes in order to provide sufficient resources to allow for the project or event to be conducted at the highest possible effect and quality and without burden to the general governmental resources of the Town; and,

WHEREAS, The Merrillville Town Council now desires to confer the authority to fix and impose fees and charges for the events or projects conceived and carried out by the ***Special Projects Committee***, until such time as it a more formal fee and event charges policy can be passed and adopted by ordinance and incorporated into the municipal code,

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

Section 1. That the Town Council hereby grants the ***Special Projects Committee*** of the Town Council the authority to fix and impose fees and event charges as follows:

(A) The Special Projects Committee shall have the authority to fix and impose fees and charges for events and projects that it plans, organizes and carries out during the year;

(B) This shall include the authority to fix and solicit sponsorship donations or contributions associated with an event or project;

(C) All fees and charges shall be calculated to support the costs of conducting the event or project and any added purposes or objectives that the Special Projects Committee may determine;

(D) Pursuant to IC 36-1-3-8 (a)(6), the power conferred upon the Special Projects Committee by this resolution shall NOT include the power to fix or impose a service charge or fee greater than that reasonably related to just rates and charges for services;

(E) That any fees or charges fixed under the authority of this resolution shall not be arbitrary or capricious;

(F) That the power conferred by this resolution is not in derogation of the authority of the Town Council as the fiscal body of the town to fix and impose fees or charges for events;

Section 2. That the Town Council hereby further establishes the following policy:

(A) In order to fix and impose a fee, the Special Projects Committee shall, during a lawfully called meeting act by majority vote of the committee to approve the fee or event charge.

(B) In any inability by the committee to agree upon the proper fee or event charge, the Chairperson of the committee may fix the fee or event charge, provided a memorandum as described in subdivision (C) of this resolution is still prepared and filed as directed;

(C) Further, in order to impose any fee or events charges it may fix, the Special Projects Committee shall cause a memorandum to be prepared that reports the approved fee or event charge, date of the meeting at which it was approved, the event or project to which it applies, and any suggested information necessary or desirable regarding the fee or charge.

(D) The Special Projects Committee shall file a copy of the memorandum with the Office of the Clerk-Treasurer and with the Office of the Town Administration, (Town Manager) before such fees can be collected.

(E) Money collected from the fees, charges and sponsorships or donations shall be deposited in the form collected with the Office of the Clerk Treasurer, not later than the next business day following the collection of these fees, pursuant to IC 5-13-6-1(d).

Section 3. That the fees and charges that may have been fixed and imposed for all events since January 1, 2024, and now authorized with this resolution, shall be deemed approved upon its passage and adoption from January 1, 2024, all pursuant to IC 36-1-4-16.

Section 4. That the Town Council hereby determines that the authorization set forth in this resolution shall continue until such time as an ordinance can be prepared to amend the Merrillville Municipal Code to include this in the municipal bylaws or the proper division of the Merrillville Municipal Code.

Section 5. That the fees, event charges and sponsorships donations fixed for the First Annual Black History Speaker Ball are hereby approved and the Town Manager is directed to prepare a memorandum to file with the Office of the Clerk Treasurer that reports the fees, charges and sponsorships for that event.

Duly Resolved and Adopted this 11th Day of February 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 Resolution 25-09.

Upon a question from President Bella regarding Councilor Pettit calling for a committee meeting of the Council Affairs regarding this resolution, Town Manager Griffin affirmed that a meeting needs to be scheduled.

It was moved by Councilor Uzelac and second by Councilor Haynes-Edwards to approve Resolution 25-09.

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

C. **BZA & LARGE GATHERING ACTIONS:**

Petitioner: Ahmad Zaghloul
Owner: JST Properties
Request: Special Exception Approval
Purpose: To Allow A Mechanics Shop
Location: 5960 Broadway
Zoning: C-2, Community Commercial Zoning District

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

Attorney Adams Sworden of Sworden Law PC spoke on behalf of the Petitioner and explained the variance of usage.

Director Shine added there was an extensive discussion at the Board of Zoning Appeals with the Petitioners and Attorney Sworden regarding not having too many cars on the lot. A car can't be on the lot more than twenty days and no cars from the dealership can be stored on the lot.

Upon a question from President Bella regarding the district where this business will be located, Councilor Hardaway affirmed it would be her district.

It was moved by Councilor Uzelac and seconded by Councilor Chandler-Felton to approve the ABZA Action with the conditions stated by Director Shine regarding the twenty-day limit for cars on the lot and no cars from the dealerships can be stored on the lot.

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 ABZA Action was approved with the conditions that a car wouldn't sit in the lot for more than twenty days and no cars from the dealerships can be stored on the lot.

OLD BUSINESS :
NONE

NEW BUSINESS:
NONE

PUBLIC COMMENTS:

1. Pablo Payan of Merrillville Indiana voiced his concerns regarding TIF Zones, Tax Abatements, and streetlights request.

2. Jennifer of Crown Point Indiana (Unincorporated Crown Point) voiced her concerns regarding transportation for her seven-year-old disabled daughter to attend school and Merrillville School System.

   President Bella asked Jennifer to stay after the meeting to give the council further details regarding the matter.

3. Bryor Mesarch of Merrillville Indiana voiced his concerns regarding the disabled, idle semi-truck left on the street, an anonymous letter regarding Councilor Hardaway, and employees of the Town of Merrillville.

ANNOUNCEMENTS

The Town Council President announced the following:

- Town Council Meeting Tuesday, February 25th at 6:30 p.m.
- RDC Meeting February 25th at 6:15 p.m.
- Council Workshop February 24th at 6:00 p.m.
- BHM Family Sneaker Ball February 28th from 6:00 pm until 9:00 p.m. at the Dean and Barbara White Community Center.

Councilor Uzelac announced an American Red Cross blood drive at St. Thomas Aquinas School on February 23rd from 9:00 a.m. until 2:00 p.m.

ADJOURNMENT

Having completed all items on the agenda, the Town Council President announced the meeting adjourned at 7:23 p.m.

Rick Bella, Town Council President

Eric O. January, Clerk-Treasurer

Respectfully Submitted By Angela Lewis