Town Council of Merrillville
7820 Broadway Ave - Merrillville, IN 46410
Town Council Meeting Minutes of the Regular Meeting of
May 14, 2024 - 6:30 P.M.

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

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

INVOCATION/MOMENT OF SILENCE: A brief invocation was given along with a moment of silence by Pastor Robert Szoke of Impact Church.

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

PETITIONS, COMMUNICATIONS, ACKNOWLEDGEMENTS, AND REMONSTRATIONS

PUBLIC HEARING

NONE

CONSENT AGENDA

- Accts. Payable Register Voucher Approval for May 14th, 2024
- AP Register Summary for ARP Purchases for May 14th, 2024
- Approval of Town Council Meeting Minutes of April 23rd, 2024
- Approval of ARPA Committee Meeting Minutes of May 1st, 2024
- Approval of Council Workshop Meeting of April 17th, 2024
- Gifted usage of Mike Anderson Event Center for funeral service.

Gmail — Linda Rosas <lrosas@merrillville.in.gov>

Shauna's invoice
1 message

Barbara Young <byoung@merrillville.in.gov> — Fri, May 10, 2024 at 4:45 PM
To: Linda Rosas <lrosas@merrillville.in.gov>
Cc: Michael Griffin <mgriffin@merrillville.in.gov>

Hi Linda

Please find enclosed the invoice you requested for councilwoman Hayes-Edwards' husband's repass scheduled Saturday, May 11, 2024 at from 1p-5p at the Mike Anderson Chevrolet Event Center

Please note the total reflects our employee discount of $93.75/per hour /per room

Based on our $125.00 /per hour rental less 25%= $93.75

My apologies for this late response

Barb

--
Barbara Young
Event Center Manager
Dean and Barbara White Community Center
5600 Broadway , Merrillville IN 46410
Direct Line 219-472-8929

shaunaedwards.pdf
28K

Approved at the town Council meeting 5-14-2024 42 voted yes on the consent agenda.

- Memorandum asking for a waiver of Charges for use of Facilities for MVSC

TOWN of MERRILLVILLE
Office of Town Manager

Memorandum

Date: Friday, May 10, 2024

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

Re: Request of a Special Rates and User Charges Modification to Support the use of the Fields by Corey Egolf, for Brazilian Soccer Camps for Youth.

Dear Mr. President and Members of the Town Council:

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

I am writing to seek the rate and charges modification of charges for the use by Mr. Corey Egolf for a summer youth soccer camp styled as Brazilian Youth Soccer Camp. It is styled as this because this group of parents actually enlist coaches from the nation of Brazil to instruct during the two week camp. The dates may need to be adjusted as there is a conflict with June 18. (that is the date for our Juneteenth celebration. If paid in the usual rate, at $50 per hour, the event would be $4,000. Instead, because this is not a strong organizational history and the organizers are unclear on the number of enrollments that they will receive, they are asking for a 70/30 split, of the gross receipts, with the thirty percent coming to the Parks and Recreation Department. This is not an authorized fee or within the implied or express powers of the parks and recreation director. So, I am presenting this to you.

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

Thank you.

Sincerely,

Michael W. Griffin, M.P.A., MMC/CPFA/ACPFIM/CMO
Interim Town Manager/Acting Parks & Recreation Director

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- Memorandum request for Special Rates & User changes for Brazilian Youth Soccer Camps

TOWN of MERRILLVILLE
Office of Town Manager

Memorandum

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Michael W. Griffin, M.P.A., MMC/CPFA/ACPFIM/CMO
Interim Town Manager/Acting Parks & Recreation Director

President Bella informed the council that an updated AP Register was left at their place setting and on page 3 for vendor number 591 there was a change in the amount from $1,900.00 to $950.00.

Upon a question from President Bella regarding the amount that was changed, Clerk-Treasurer Eric January responded the amount was reduced from $1,900.00 to $950.00.

It was moved by Councilor Uzelac and seconded by Councilor Chandler-Felton to approve the consent agenda.

Upon a question from Clerk-Treasurer Eric January regarding the gift usage of the Mike Anderson Event Center for funeral services being for everyone in the Town or a one-time event, President Bella responded this is a one-time event.

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

PRESENTATION of DECLARATIONS

NONE

STANDING & SPECIAL COMMITTEES REPORTS

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

COUNCIL AFFAIRS- PETTIT – Councilor Pettit reported that a committee meeting occurred last week where several ordinances were discussed and updated. Attorney Svetanoff and others were present at the committee meeting. The updated ordinances will appear later on the agenda under first readings ordinances.

STREET DEPARTMENT- UZELAC– Councilor Uzelac reported that she spoke with Director Steven King of the Street Department regarding the cleaning of a field behind 77th and Hendricks. The field was cleaned, and branch pickup is still ongoing.

Upon a question from Councilor Uzelac regarding the removal of the underground tanks, Director King responded that a quote for $47,000.00 from Northern Mechanical was sent to the American Rescue Plan Committee for approval.

ELECTIONS, PUBLIC RELATIONS, & TOWN BEAUTIFICATION - NEAL- Councilor Neal reported that the committee has been meeting every two weeks to go over the action item list of beautifications for the Town of Merrillville which includes the entryway and gateway signs with the new slogan. The next meeting is on May Monday, May 20, 2024.

Upon a question from Councilor Neal to Director King regarding an update about the flowers, Director King responded that planting is ongoing until the end of next week at 93rd Avenue, and Town Hall has been painted and planted. The hanging baskets will be delivered towards the end of May and the new planters for the Dean and Barbara White Community Center have been delivered.

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

PERSONNEL POLICY & EMPLOYEE BENEFITS – HARDAWAY- Councilor Hardaway reported that the committee is going forward with the plan to use a hiring service for a temporary Director of Parks and Recreation. She also reported there are open positions at the Dean and Barbara White Community Center. A committee meeting will be held to discuss the open positions.

PUBLIC SAFETY- HARDWAY- Councilor Hardaway reported that she will give her report under Fire Territory and for Police a Public Safety Committee Executive Session will be scheduled at a later date.

ECONOMIC DEVELOPMENT-PETTIT – Councilor Pettit has nothing to report at this time.

PARKS & RECREATION- UZELAC - Councilor Uzelac reported that the Parks need to be mowed.

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

SPECIAL COMMITTEES

ABANDONED-BLIGHTED PROPERTIES - HAYNES-EDWARDS & CHANDLER-FELTON– Upon a question from Councilor Haynes-Edwards regarding an update from the Redevelopment Commission regarding Abandoned-Blighted Properties, Councilor Pettit responded that after obtaining all legal documents for the property located at 6935 Broadway it

will be demolished. The notices have been posted, quotes received, and the funding for this project will come from the Mississippi Tiff District.

Councilor Haynes-Edwards also reported that Interim Town Manager Griffin will be working with her and a Senior Code Enforcement Officer to take care of other problematic properties.

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

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

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

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

- The annual July 4th parade will be held on July 4th. The parade will start at 11:00 a.m. at the Dean and Barbara White Community Center and continue southward to 80th Place. It is free to participate in the parade. Currently, we have 17 participants minus the Council. If you would like to participate in the parade, applications are available on the Town's website, or you can contact the Town Administration at (219) 769-5711.

- The annual Job Fair will be held on July 24th at the Dean and Barbara White Community Center. The first 150 attendees will receive a lunch ticket which can be redeemed at one of the food trucks that will be on-site. Organizations such as Webb Hyundai, Merrillville Police Department, Staff Source, and several other organizations will be on-site. If an Employer would like to participate in the Job Fair, applications are available on the Town's website at merrillville.in.gov under Town Events, or you can contact Town Administration at (219) 769-5711.

  Upon a question from Councilor Pettit regarding the artwork for Town events, Councilor Neal deferred to Chas Reily. Mr. Reily will get Councilor Pettit the artwork.

DEAN & BARBARA WHITE COMMUNITY CENTER - PETTIT – Councilor Pettit reported that the standing committee meeting will be on the 4th Thursday of the month at 5:00 p.m. inside the Mike Anderson Event Center at the Dean and Barbara White Community Center (DBWCC) and thanked Interim Town Manager for all of his help at DBWCC.

Councilor Pettit also reported that the NIPSCO energy audit has occurred, and the results will be discussed at the next committee meeting. The committee is also waiting on the sample lease from the Boys and Girls Club.

Upon a question from Councilor Pettit regarding the past lease payments, Clerk-Treasurer Eric January responded that we are up to date with payments.

Councilor Pettit updated the council regarding other events and other activities at the DBWCC.

Upon a question from the Clerk-Treasurer regarding the lessor and lessee role for the Boys and Girls Club lease agreement, Attorney Svetanoff responded that the pass lease was drafted in coordination with the Boys and Girls Club. The new lease will be updated in the same matter.

LAKE COUNTY SOLID WASTE MANAGEMENT-NEAL– Councilor Neal reported a meeting will be held on May 16th.

Councilor Neal also updated the council on the following items:

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

- Household Hazardous Waste Collection is May 18th from 9:00 a.m. until 2:00 p.m. at Hobart Public Works located on 34 South Shelby.
- Summer Youth Programs are available for youth up to 7th grade from June until July. The information is available on LCSWD's website. One of the activities is to construct an edible land field.

Upon a question from President Bella regarding the edible land field, Councilor Neal responded it may be made with Oreo cookies and candy worms.

NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION-HARDAWAY – Councilor Hardaway reported that the meeting was on April 18th. Northwest Indiana Food Council attended this meeting. The discussion was about locations for community gardens in the Town of Merrillville. Merrillville High School already participates in the farm-to-school program. Information is available about the program at www.nwifoodcouncil.org.

Councilor Hardaway also reported that there was a discussion with CN Transportation regarding railroad quiet zones.

STORMWATER MANAGEMENT RESOURCES-LAKE – Director Matt Lake was absent from the meeting.

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

FIRE TERRITORY BOARD - NEAL & HARDAWAY – Councilors Neal reported that a meeting was held on Monday, May 13th where several projects were discussed. She asked Chief Ed Yerga to give a report.

Chief Ed Yerga reported the following:

- American Structure Point and Core Construction had entered into a contract for the design and construction management of the North Fire Station Remodel Project which included the Storage Maintenance & Wellness building.
- The $5,500,000.00 bond that is in process was discussed and another meeting is scheduled for June 11th.
- The Drone Program is in place and active.
- A Fire Fighter Memorial will be started, and donations will be obtained by selling bricks.
- The Town of Merrillville Fire Fighters have unionized. The name is Merrillville Professional Firefighter Local 5489.

Upon a question from President Bella regarding moving the location of the Fire Fighter Memorial to a Town-owned property which would be deeded over to the Fire Department, Chief Yerger responded we would have a conversation about the offer.

Chief Yerga asked Captain Westbury to come to the podium to elaborate on the Memorial Day Silent Parade for Veterans which the council and residents are invited to on May 27th. The silent parade starts at 9:00 a.m. at the Merrillville History Museum 13 W. 73rd Ave. The Merrillville Fire Department Honor Guard will lead the procession down 73rd to the Veterans Memorial at 700 E. 73rd Ave., where officials will place a wreath. The Memorial Day program will then head to Merrillville Fire Station No. 71, 18 W. 73rd Ave., and the department will conduct a police and firefighter memorial service.

The Fire Department will then provide a lunch of hamburgers and hotdogs and offer family activities. The department's new Exit Drills In The Home (EDITH) House will be open, and firefighters will provide a drone demonstration.

DEPARTMENT REPORTS/INTERIM TOWN MANAGER

Chief Nuses – Police Department

Chief Nuses reported the unofficial numbers for April 2024. The report listed the following:

- 2,300 calls for service that resulted in 75 arrests.
- 525 traffic stops that resulted in over 275 tickets.

Chief Nuses also reported that he is going to work with Attorney Svetanoff on an Ordinance to stop people from fleeing from traffic stops.

Chief Nuses also reported on an incident that happened on April 26th where a shooting took place that required the use of drones. Chief Nuses also reported another incident where the Joint Task Force raided a house in the 7000 block of Polk Street on April 30th.

Chief Nuses elaborated on other activities of the Merrillville Police Department.

Director Shine - Building
Director Shine reported that the architect working on the Meadowdale plan reported structure damage at the site. The damages will be repaired in two phases.

Director King – Street Department
Direct King reported the following:

- The Branch Chipper crew will be out in the community until the end of September.
- The Planting and Beautification is continuing in the Town.
- The two fuel tanks are empty and can be removed.
- The backup generator has failed and needs to be replaced. Quotes have been submitted to the ARPA committee.
- The Community Crossing Grant Project on 61st Avenue started Monday, May 13th. Concrete restoration and resurfacing will be going on for the next six weeks.
- The Speed Humps have been delivered and some have already been installed in the Foxmoor Subdivision. The installation will be ongoing in other problem areas.

Interim Town Manager Griffin – Town Administration
Interim Town Manager Griffin reported that his delayed and current monthly reports have been submitted to the council. He highlighted the following areas from the report:

- Panorama Magazine mentioned the Dean and Barbara White Community Center.
- Director Matt Lake is attending a Stormwater conference
- Elected Official Guide to Government Finance Booklet which was given to the Council and Clerk-Treasurer Eric January.

Clerk-Treasurer Eric January – Office of the Clerk-Treasurer
Clerk-Treasurer Eric January reported that the second payment of $69,000.00 was received from the Indiana Department of Revenue for the Food and Beverage Tax. We had 29 additional businesses on the list for March.

He also reported that a fraud attempt was made on one of the checks that was mailed to a vendor where the name on the check was changed. The check amount was $22,000,00.

Clerk-Treasurer Eric January also reported that he is looking to change the payment method for vendors and all Town employees from checks to direct deposit.

Upon a question from Councilor Uzelac regarding those businesses that don't pay the Food and Beverage Tax, Clerk-Treasurer Eric January responded we will be working with the Indiana Department of Revenue.

Interim Town Manager Griffin added that a Task Force is being formulated to encourage businesses through mailings and promotions to collect the Food and Beverage Tax.

GENERAL ORDERS

A. Ordinances:
First Readings:

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

It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve Ordinance 24-12 on the first reading.

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

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

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

Attorney Svetanoff explained Ordnance 24-13.

It was moved by Councilor Pettit and seconded by Councilor Hardaway to approve Ordinance 24-13 on the first reading.

Upon a question from Councilor Pettit regarding fines and advertising, Attorney Svetanoff responded that Councilor Pettit is correct regarding the ordinance needs to be advertised.

Clerk-Treasurer Eric January reported that the Town Court is mentioned in the Ordinance on page 7.

Upon a question from the Clerk-Treasurer regarding amending Ordinance 24-13 contents regarding the Town Court, President Bella responded no amendment is necessary at this time.

Councilor Pettit added the Hearing Officer is separate from the Town Court.

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

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

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

It was moved by Councilor Pettit and seconded by Councilor Neal to approve Ordinance 24-14 on the first reading.

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

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

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

Attorney Svetanoff explained Ordinance 24-15.

It was moved by Councilor Pettit and seconded by Councilor Hardaway to approve Ordinance 24-15 on the first reading.

Councilor Pettit reported that this ordinance was discussed in the committee meeting. The question raised in the meeting was how many false alarm calls were received by the department in a year.

Chief Yeager responded that the calls were significant.

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

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

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

Attorney Svetanoff explained Ordinance 24-16.

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

Upon a question from Councilor Pettit regarding Superior being aware of the rates, Chief Yerger responded that Superior who gave him the rates is aware.

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

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

6. **Ordinance 24-17 (Discussion 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 Herewith.

   Attorney Svetanoff explained Ordinance 24-17.

   Upon a question from President Bella regarding the recommendation to vote up or down, Attorney Svetanoff responded the Honorable Judge Parent would like to see some action from the Town of Merrillville regarding the court staying open or closed.

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

Upon numerous questions from Councilor Uzelac regarding Ordinance 24-17 keeping the Town Court of Merrillville open, President Bella responded by asking Clerk-Treasurer Eric January to read Ordinance 24-17 into the record:

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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 this 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 the 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.

DULY ORDAINED and ADOPTED this ____ Day of May 2024, by the Town Council of the Town of Merrillville, Lake County, Indiana.

Upon a question from Councilor Haynes-Edwards regarding why the Town of Merrillville Court needed to be closed, President Bella asked Councilor Pettit to respond to the question. Councilor Pettit reported that for numerous years the Town Court of Merrillville has been losing money according to the Town's Financial Advisor.

Financial Advisor Hudson reported that the Town Court of Merrillville in 2011 ended the year in the positive where revenue was higher than expenditures. The positive amount was $43,000.00 in 2011. After the fiscal year 2011, the next fiscal year and subsequent years were at a loss. The total accumulation of years of deficit where expenditures outspent revenues is $2,247,280.58.

Councilor Pettit reported that total legal fees for the Town and Court are approximately $240,000.00 which taxpayers are footing the bill.

Upon a question from President Bella to verify the amount paid for litigation for both parties, Financial Advisor Hudson reported that $85,580.00 has been paid to the Town's Attorney through February 2024. The Town has received invoices from the Court's Attorney for $152,921.00 through December 2023. The total for both is $235,501.00.

Councilor Pettit further elaborated on the reason for the court's closure.

Upon a question from Councilor Pettit regarding the residents of the Town of Merrillville who utilize the court, Chief Nuses responded that the amount is roughly 18% - 20%.

Upon a question from Councilor Uzelac regarding where the people would go for their court hearings, Attorney Svetanoff responded that the people would go to the Lake County Court System would handle the cases.

Clerk-Treasurer Eric January responded that operating a court isn't just about finances. If we close the court, the Town will have to rely on others to provide services. We need to enforce the Town's ordinances regarding fines and fees. We can't afford not to have a Town Court.

Upon a question from President Bella regarding the budget for the Town Court, Financial Advisor Hudson, responded that the budget is $491,000.00 in the general fund.

President Bella explained his concerns regarding the Town of Merrillville and choices where to spend money on services, especially Public Safety.

Councilor Uzelac explained her concerns with closing the court.

Upon on question from President Bella regarding how much money goes to the state and county, Financial Advisor Hudson responded those revenue dollars go directly to the state and county.

Upon a question from President Bella regarding the appeal, Attorney Svetanoff responded that the Town won in the trial court. The Court of Appeal rendered judgment in favor of the Town. The Supreme Court denied the petition to transfer which means they won't hear the case. The opinion on record is that the Town of Merrillville can close the court.

Clerk-Treasurer Eric January added there are multiple ways to come up with $480,000.00.

- The Dean and Barbara White Community Center needs to operate like a business by charging user fees.
- We need to stop the Corporate giveaways.
- We must work with the School Corporation.
- We need to enforce our ordinances.

Upon on question from President Bella regarding whether he would keep the court open knowing all the details, Interim Town Manager Griffin made it clear that he serves at the pleasure of the council and would execute the policy adopted. Interim Town Manager Griffin also declined to answer the question but gave a detailed anecdote on the issue.

Upon a question from Councilor Uzelac regarding bonds and interest, Financial Advisor Hudson responded she would look at a document to answer the question but keep in mind that interest is over the life repayment of the bond.
President Bella reminded the council that Ordinance 24-17 is on first reading and will be addressed again at the next Town Council Meeting.

Upon a roll call vote, there were three affirmatives, three negatives, and one abstention. Councilors Haynes-Edwards, Chandler-Felton, and Uzelac voted in the affirmative. Councilors Pettit, Hardaway, and Bella voted in the negative. Councilor Neal abstained. The motion failed. The ordinance wasn't approved on the first reading.

President Bella reminded the council that Ordinance 24-17 will come up again on first reading at the next council meeting.

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

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

Interim Town Manager Griffin explained Ordinance 24-18.

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

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

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

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

Second Readings:
NONE

B. Resolutions:

1. **Resolution 24-11 (Discussion and Voice Vote)**
   An Exigent Resolution Providing for the Transfer of Appropriation Balances From and Among Major Budget Classifications in the Park and Recreation Department in the General Fund as Requested by the proper officer and Forwarded to the Town Council for Its Action Pursuant to I.C. 6-1.1-18.6.

Interim Town Manager Griffin explained Resolution 24-11.

It was moved by Councilor Pettit and seconded by Councilor Hardaway to approve Resolution 24-11

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

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

C. BZA & LARGE GATHERING ACTIONS

Petitioner: Steindler Signs & Graphix
Owner: Denmark College & Dennis Beavers
Request: Variance of Use Approval
Purpose: To Allow An Electronic Message Center
Location: 8101 Polo Club Drive
Zoning: Planned Unit Development

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

It was moved by Councilor Uzelac and seconded by Councilor Chandler-Felton to approve the BZA Action.

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

The Petitioner stated he would like to donate to the Fire Fighter Memorial.

Petitioner: Monica Synder
Owner: Michael L. Shaver Jr.
Request: Special Exception Approval
Purpose: To Allow A Childcare Center
Location: 5681 Broadway
Zoning: Commercial Zoning District

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

It was moved by Councilor Uzelac and seconded by Councilor Chandler-Felton to approve the BZA Action.

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

Petitioner: Allen Watkins
Owner: Broadway Office Group
Request: Variance of Use Approval
Purpose: To Allow A Residential Facility with Amenities
Location: 7020 Broadway
Zoning: Community Commercial Zoning District

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

The council had many concerns regarding the Petitioner's request.

Upon a question from President Bella regarding the property being purchased, the Petitioner responded that the property is under contract pending the council's approval to allow the property to be us for a Residential Facility with Amenities.

Clerk-Treasurer Eric January stated this would not be a good use of the property for the Town of Merrillville because of the transition lifestyle and property value.

The Petitioner stated that the population renting the rooms wouldn't be transit.

Because of the concerns of the council, President Bella stated that he would entertain a motion to defer which will allow Chief Nuses to do some investigation work on the home and the share-home process.

It was moved by Councilor Hardaway and seconded by Councilor Uzelac to defer the BZA Action.

Upon a question from President Bella regarding the motion to defer, Director Shine responded that she was fine with the deferment of the BZA Action.

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

OLD BUSINESS

Bullet Proof Vest for Code Enforcement

Upon a question from Councilor Pettit regarding an update on the bulletproof vest for Code Enforcement, Chief Nuses responded there is a problem with the current design of the vest. Chief Nuses also stated that he is waiting for the representative from Point Blank Body Armor Ballistics to come and measure the Code Enforcement employees.

NEW BUSINESS

NONE

PUBLIC COMMENT

1. Chandra Flower, Merrillville, Indiana gave her public comment regarding the reestablishment of the Merrillville Town Court, tickets, and revenue.

2. Bryon Messer Merrillville, Indiana voiced his concerns regarding safety vests for the Code Enforcement employees, bike trails, BZA Action, and the Town Court.

3. Christ Host, Merrillville, Indiana voiced her concerns regarding beautification, the historical sign, Town Court, bike, trails, tickets, and the BZA Action.

4. Malcolm Adams, Merrillville, Indiana voiced his concerns regarding help with problems with his neighbor's unkempt property.

ANNOUNCEMENTS

The Town Council President announced the following:

- Town Council Meeting Tuesday, May 28th at 6:30 p.m.
- RDC Meeting Tuesday, May 28th at 6:15 p.m.
- Juneteenth Family Movie Night June 18th at 6:30 p.m. at the Dean & Barbara White Community Center Parking Lot
- Fireworks show July 3rd at Merrillville High School's Parking Lot at sundown.
- July 4th Parade July 4th at 11:00 a.m. starting at 6600 Broadway and heading South towards 80th Place.
- Job Fair July 24th from 11:30a.m – 2:30 p.m. at the Dean and Barbara White Community Center

ADJOURNMENT

Having completed all items on the agenda, the President declared the meeting adjourned at 9:06 p.m.

Rick Bella, Town Council President

Eric O. January, Clerk-Treasurer

Respectfully Submitted By Angela Lewis