Town Council of Merrillville
7820 Broadway Ave - Merrillville, IN 46410
Town Council Meeting Minutes of the Regular Meeting of
August 13, 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, and Rick Bella. Councilor Keesha Hardaway was absent. Clerk-Treasurer Eric January was present to memorialize the proceedings. A quorum was attained.

PETITIONS, COMMUNICATIONS, ACKNOWLEDGEMENTS, AND REMONSTRATIONS:
NONE

PUBLIC HEARING:
NONE

CONSENT AGENDA:
- Accts. Payable Register Voucher Approval for August 13th 2024
- AP Register Summary for ARP Purchases for August 13th 2024
- Approval of Town Council Meeting Minutes of July 23rd 2024

It was moved by Councilor Uzelac and seconded by Councilor Pettit to approve the consent agenda.
Upon a voice vote, the motion passed. The Consent Agenda was approved.
PRESENTATION of DECLARATIONS:
NONE

STANDING & SPECIAL COMMITTEES REPORTS:
BUDGET & FINANCE - NEAL – Councilor Neal reported that the next budget meeting is on Friday August 17th at 4:00 p.m.

COUNCIL AFFAIRS- PETTIT – Councilor Pettit reported that he received a call from a resident regarding a lawn contractor mowing at 5:30 a.m. Councilor Pettit stated he would like Attorney Svetanoff to review the contractor's ordinance and other ordinances. After the review, Counciler Pettit stated he would call a committee meeting.

STREET DEPARTMENT- UZELAC– Councilor Uzelac reported the following:
- Most of the Speed Humps have been installed.
- Paving will begin soon in the community. Director King passed out at list at the committee meeting of the streets that will be paved.
- Branches have been picked up

ELECTIONS, PUBLIC RELATIONS, & TOWN BEAUTIFICATION - NEAL- Councilor Neal reported that summer beatification is wrapping up and the committee is preparing for fall beautification.
Upon a question from President Bella regarding an update on the Gateway Signs, Councilor Neal responded that the plans have been finalize and the committee is looking at pricing. The next meeting is on Monday August 19th at 3:00 p.m.

ENVIRONMENTAL AFFAIRS- PETTIT – Councilor Pettit reported that he would defer to Councilor Neal and Director Lake under the Stormwater and Lake County Solid Waste Management reports.

PERSONNEL POLICY & EMPLOYEE BENEFITS – HARDAWAY- Councilor Hardaway was absent from the meeting.
Upon a question from President Bella regarding a report, Town Manager Griffin responded that Councilor Hardaway feels that the amendments to the Employee Personnel Manual reviewed by The Town Manager Griffin and Director of Human Resources Pettit are ready to submit to the Council Affairs Committee. There is a provision in the text that states the amendments must be circulated to Department Heads for their feedback.

PUBLIC SAFETY- HARDWAY- Councilor Hardaway was absent from the meeting.
Upon a question from President Bella regarding a report, Chief Nuses responded he has nothing to report.

ECONOMIC DEVELOPMENT-PETTIT – Councilor Pettit reported that there was a Redevelopment Commission meeting where Resolution RDC# 24-12 passed. Councilor Pettit explained the resolution regarding the paving project.

RESOLUTION RDC# 24-12

PRELIMINARY BOND RESOLUTION OF THE TOWN OF MERRILLVILLE REDEVELOPMENT COMMISSION

WHEREAS, the Town of Merrillville Redevelopment Commission (the "Commission"), governing body of the Town of Merrillville Redevelopment District (the "District"), previously established certain allocation areas in the Town of Merrillville, Indiana (collectively, the "Allocation Areas"), and

WHEREAS, the Commission desires to finance the cost of certain local public improvements in or serving the Allocation Areas, including without limitation certain road and street improvements (the "Project"), which Project directly serves and benefits the Allocation Areas, and

WHEREAS, the Commission reasonably expects to reimburse expenditures for the Project with proceeds of bonds issued by or on behalf of the Commission (the "Bonds"), in the maximum principal amount of Six Million Dollars ($6,000,000) to be issued by or on behalf of the Commission for the purpose of financing the Project and payable from *ad valorem* taxes to be levied on the taxable property of the District, which is coterminous with the Town; and

WHEREAS, the Commission desires to establish its intent, pursuant to Treas. Reg. §1.150-2 and IC 5-1-14-6(e), that said costs of the Project are to be reimbursed from the proceeds of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF MERRILLVILLE REDEVELOPMENT COMMISSION, AS FOLLOWS:

Section 1. 1. The Commission hereby makes a preliminary determination to issue bonds in one or more series for the purpose of financing the Project and paying related costs. Said bonds shall be in the maximum principal amount of Six Million Dollars ($6,000,000), with a final maturity not later than six (6) years after the date of issuance thereof, and shall bear a per annum interest rate not to exceed five percent (5.0%).

Section 2. The Commission hereby declares its intent, pursuant to Treas. Reg. §1.105-2 and IC 5-1-14-6(e), that costs incurred by or on behalf of the Commission in financing costs of the Project be reimbursed from the proceeds of the Bonds.

Section 3. The appropriate officers of the Commission are hereby authorized and directed, in accordance with applicable provisions of Indiana law, to cause to be published notice of a hearing on the appropriation of the proceeds of the Bonds, and notice of the foregoing determination to issue the Bonds.

Section 4. The President, Vice President, Secretary or any other officer or member of the Commission is authorized to take all such actions and to execute all such instruments as are desirable to carry out the transactions contemplated by this Resolution, in such forms as such officer or member executing the same shall deem proper, to be conclusively evidenced by the execution thereof.

Section 5. This Resolution shall be in full force and effect immediately from and after its passage.

DULY PASSED on this 11th day of August 2024, by the Town of Merrillville Redevelopment Commission.

MERRILLVILLE REDEVELOPMENT COMMISSION

Shawn Pettit, President

Margaret Uzelac, Member

Absent

Keesha Hardaway, Member

Leona Chandler-Felton, Member

Shauna Haynes-Edwards, Member

Upon a question from President Bella regarding the rating system of 1s and 2s for streets, Director King responded that a Paser rating is used. The Paser scale is a 1 through 10 rating system for road pavement conditions. A one (1) rating is the worst and a ten (10) rating is the best. The list of 1s and 2s for the Town of Merrillville has been submitted to the council.

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

PARKS AND DEAN & BARABAR COMMITTEE - PETTIT – Councilor Pettit reported that a committee meeting was held and the HVAC system was discussed. Interim Assistant Director Roberts obtained invoices for evaluation of the HVAC system at the Dean and Barbara White Community Center.

Council Pettit also report that the Arsh Group Inc. submitted a proposal to update the 2024 Parks Master Plan. Town Manager Griffin explained the proposal:

The Arsh Group Inc.
Planners, Landscape Architects, Development Consultants

July 23, 2024

Mr. Mike Griffin, Town Manager
Town of Merrillville
7820 Broadway
Merrillville, IN 46410

RE: 2024 PARKS MASTER PLAN – 2024 PARKS IMPACT FEE

Dear Mike:

Following our conversation last week, I am pleased to submit this proposal to prepare the 2024 Parks Master Plan as well as 2024 Parks Impact Fee for the Town's consideration. You will note that in our approach we are proposing to prepare both documents concurrently. This will allow us to collect some of the required information simultaneously and save on cost. We applied the same approach for the 2019 update of both documents for the Town.

To prepare these documents, we anticipate having several working meetings with the Parks Department and other agencies to collect information, discuss needs and get input. We also plan to have two public meetings for the Master Plan. During these meetings, we will solicit citizens' input, share our assessments and present recommended actions. The public meetings are also aimed to meet the citizen participation and outreach requirements of Indiana Department of Natural Resources (IDNR). We plan to discuss the extent of the public engagement during a scoping meeting with you and refine them as may be required. For the Impact Fee study, we will similarly have several meetings with the Advisory Committee. These meetings and the extent of them will also be discussed during our scoping meeting.

The completion of the Master Plan and Impact Fee will take approximately 18-22 weeks. However, due to a late start for the Impact Fee study, we are proposing to initially focus on the Impact fee document in order to prevent potential laps in the Town's Impact Fee program. Nonetheless, the proposed time line will allow timely submission of the Master Plan to Indiana Department of Natural Resources (IDNR). To reduce the risk of laps for Impact Fee program, we are prepared to start work immediately after we receive a notice to proceed.

The combined fee for both Master Plan and the Impact Fee is estimated to be $45,600. Specific of the proposed fee is outlined in our attached proposal as Exhibit A.

I would like to thank you for the opportunity to submit this proposal and assist the Town of Merrillville again to improve park and recreation opportunities for residents of the Town. As you are aware the Arsh Group has prepared the Town's previous Parks Master Plans and the Impact Fee studies since their inception. The Arsh Group Inc. is eager to work with you, the Park Committee and the Advisory Committee to prepare a new plans study for the Town of Merrillville.

Please feel free to contact me if you have any questions or require further clarifications.

Sincerely,

The Arsh Group Inc.

Taghi Arshami, AICP, ASLA
Principal

Accepted:

Town of Merrillville;

Attachment(s)

_____

_____

Date: _____

Attachment (s)

6681 Taft Street, Suite A, Merrillville, Indiana 46410 (219) 481-9550, Fax (219)981-8605 www.arshgroup.com

Exhibit "A"

MERRILLVILLE PARKS AND RECREATION MASTER PLAN AND PARKS IMPACT FEE STUDY

I - Project Understanding

The Town of Merrillville is seeking professional services to develop a new parks and recreation master plan and prepare an update for its Parks Impact Fee study. The master plan will establish new goals and strategies for the next five years. The plan is also expected to identify priorities and recommend implementation steps in the form of an action plan.

The Department of Parks and Recreation anticipates that the planning process should give an opportunity to the citizens to fully participate in a meaningful way in the development of a long term vision for the parks and recreation services. The Master Plan must meet requirements of the Indiana Department of Natural Resources (DNR) as outlined in the state's 2022 Guidelines. The Plan, once adopted, will make the Town eligible for certain state and federal parks and recreation grants.

The Impact Fee Update will establish new fees and updates prior studies and ordinances as approved by the Town. As a whole, the new impact fee study will aim to achieve three goals:

1. To develop adequate background, justifications and support documentation to meet the state statute requirements and guideline (rational nexus standard as well as IC 36-7-4-1300 et seq. and IC 36-7-4-1322 and others.)
2. To develop a sound mechanism that is most appropriate for the Town to continue its Impact Fee assessment program
3. To update the Impact Fee Ordinance consistent with the current policies, plans and objectives of the Town.

II - Scope of Work - Parks Master Plan

TASK 1 - PROJECT FORMULATION

Our activities in this task involve developing a complete understanding of the final work program for the plan. We will discuss deliverables, schedule and other coordination issues for both documents. These assumptions will be discussed and revised if required in a scoping meeting. Management of the project and the responsibilities of the Arsh Group will also be further defined as they relate to the public participation element of the plan.

1.1 MANAGEMENT, COORDINATION, INTEGRATION

The Arsh Group will assist the Department to coordinate the plan development process. It is assumed the plan development process will take about five to six months with the final approval assumed for last quarter of 2024. All public meetings, questionnaire distribution, and the schedule will be discussed and finalized during this task.

1.2 FINAL SCOPE OF WORK

We plan to meet with the Department to identify all issues and tasks requiring consideration. Major development projects, other open spaces, competitive facilities, and other concerns and gaps needing consideration in the plan will be identified at this stage and work program will adjusted to reflect these needs.

TASK 2 - EXISTING CONDITIONS

The Arsh Group will update existing data and facilities based on current conditions and 2020 or later available Census data. The data base will contain relevant information related to physical, social and environmental characteristics and conditions of the Town's open space environment.

2.1 INVENTORY

Under this task the Arsh Group will review available and relevant information related to physical, social and environmental conditions of all parks and recreation programs and facilities in the Town.

A. Facility Inventory

The Arsh Group will use existing available information about the park and recreation facilities from the Town to update all park facilities. This includes:

- All park properties
- Private recreational and sports facilities
- Other open spaces (vacant land, sensitive lands, or park opportunities)

C. Recreation Inventory

The Arsh Group will review and update the recreation programs offered by the Department. This work will include but not limited to the following:

- Review all recreation programs, both indoor and outdoor, ranging from active to passive programs.
- Market conditions for offered programs.
- Develop a Matrix identifying these activities
- Review availability, duration and participation

2.2 POPULATION ASSESSMENT

Demographic data collected from the Census Bureau and others, will be evaluated. The Arsh Group will also assess the changes in population since 2010 Decennial Count. The demographic assessment is expected to include but not limited to the following:

- Future growth and development patterns.
- Overall Population changes
- Seniors, students, and teenagers' characteristics
- Historical trends and projections.

2.3 Land use Data/ Environment

This information will be updated from available sources as required. At this point the land use and environmental information are expected to include:

- Land use and Merrillville's recreational assets.
- Valuable lands, both in natural and ecological terms.
- Linkages to local and other regional recreational facilities.
- Major needs and gaps, including potential new facilities and expansions.

These findings will be presented to the Parks Department for review and comments.

4.2 RECREATIONAL NEEDS AND OPPORTUNITIES

The Arsh Group will evaluate recreational needs and opportunities particularly in the context of construction of the new Community Center and services provided for the last three years. We will evaluate programs offered and discuss opportunities to address needs or gaps in services.

4.3. IDENTIFY ISSUES

Based on above assessment of the existing conditions, issues negatively impacting service delivery and the needs or opportunities will be identified. Alternative solutions will be proposed for considerations by the Park Committee and the Department.

TASK 5 - DRAFT MASTER PLAN

- Prepare Draft Master Plan
- Identify implementation strategy.
- Identify funding priorities.

The Arsh Group will prepare the draft Master Plan using comments received from the public and the analysis. The Draft Plan will be submitted to the Parks Department for review and final comments.

5.1 DRAFT MASTER PLAN

The Draft Master Plan will contain short term strategies for the next five years as well as long term outlook (20 year) for the parks system. Parks proposed for improvement or facility expansion, major recreational programs, potential linkages, as well as preservation areas will be identified in the Draft Plan. We will also outline the budgets for future improvements of the parks. The Draft Master Plan will be presented to the Town Council and residents for review and comment in the second public meeting.

TASK 6 - FINAL MASTER PLAN

The Draft Master Plan will be revised as required after community meeting. All maps, charts, etc. will be reduced for the final productions.

6.1 The Master Plan will be organized as a working document in several sections according to different phases into different sections. The Master Plan as a whole is anticipated to contain the following:

- Overview and background
- Existing conditions.
- Goals for the plan.
- Recreation Programming and facilities.
- Implementation Strategy.
- Five-year plan of action.
- Management plan.
- Certifications.

6.2 IMPLEMENTATION STRATEGY

The Arsh Group will prepare a proposed implementation schedule for the Master Plan. This schedule will identify implementation steps for the first five years. Preliminary cost estimates for projects identified for the short term will also be provided. Responsible parties and sources of funds will be identified for different projects as well.

6.3. PLAN ADOPTION

The Master Plan will be presented to the Park Committee and the Town Council as required with the associated resolutions and certifications for adoption. Once the plan is approved, the plan will be sent to the Indiana Department of Natural Resources (IDNR) for review and approval.

III - Scope of Work - Parks Impact Fee Study

TASK 1. PROJECT FORMULATION

Under this task we will meet with the Town and discuss the project. Issues such as schedule, appointment and qualifications of the Impact Fee Advisory Committee and related topic will be finalized. (Also refer to Task 1 of the Parks Plan.

TASK 2. COLLECTION AND REVIEW

The Arsh Group will collect and review a variety of available documents necessary to satisfy the "rational nexus standard" and to gain information for development of the study. The expected review will include but not limited to:

- Existing Comprehensive Plan.
- Most current Park Master Plan.
- Related codes and ordinances.
- Merrillville Capital Improvement Plan
- Recreation Center programs, funding and revenues
- Other documents, as may be available or required

The Arsh Group will further analyze existing population, housing units, character of housing types and household sizes in the Town. In this process we will rely on available documents and the 2020 or later Census data, to determine future growth potentials and needs of the community. A set of findings will be developed based on the analysis. These findings will be shared with the Advisory Committee and after approval will be used as a part of new fee assessment process.

TASK 3. FACILITY NEEDS AND ANALYSIS

The Arsh Group will collect and review park property inventory and analyze facilities that are contained in these properties. We will also assess all property and facilities values based on current market and replacement cost. In this analysis we will determine the level of deficiency, if any, and existing inadequacy in the condition or performance of a public facility or service in accordance to the adopted or desired level of service. The Arsh Group will rely on the Town for the information on inventory and conditions of all facilities.

TASK 4. FEE DETERMINATION

The Arsh Group will conduct several studies to initially determine the level of service. In this effort, the Arsh Group will analyze different factors impacting the level of service. The level of service is a measure that we will use to determine the desired level of operating conditions and performance for park facilities and or services in the Town. Based on the desired level of service, we will determine if there is an existing inadequacy in the condition or performance of park facilities in the Town.

Based on these analyses, we will then prepare calculations to determine potential services needs and the fee. The calculations will include identifying the needs, existing level of service, cost per service unit, and anticipated development fees. The Arsh Group will present these findings to the Advisory Committee for review, comments and approval.

TASK 5. IDENTIFY DIFFERENT COMPONENTS OF THE ORDINANCE

Different components could include but not limited to:

- Imposition, calculation of Impact Fee
- Applicability of Fees (single family, duplexes, multi-family, etc)
- Variance, Exemption and Exceptions, if any
- Others as they may become necessary

We anticipate reviewing existing processes and discussing these components initially with the Town. Any modification of the existing administering process will be reviewed with the Town to assure smooth administration and transition. Accountability is a major part of the Fee administration. The Arsh Group will work with the Town to revise any part of the ordinance if required, to assure ease of implementation. We will initiate a Draft Ordinance after these components are approved.

TASK 6. DRAFT IMPACT FEE STUDY

After approval of the different components, the Arsh Group will prepare the first draft of the study. This work will consist of the following

- First Draft of the Study; which will be reviewed by the Town Staff, other involved agencies for format, completeness, and conformity.
- Review of the first draft Ordinance by the Town's legal counsel for language and conformity with other ordinances.
- Final draft Ordinance for the Advisory Committee's review and approval.

TASK 7. FINAL IMPACT FEE ORDINANCE

After review of Draft Ordinance, the Arsh Group will work with the Town Attorney, the Parks Department, and the Planning and Building Department to prepare the final document. The final draft is expected to include:

- Final draft of the Ordinance.
- Definition of terms. These terms will be added to the existing ordinance in the form of an amendment.
- Administration of the Fee.
- Fees, types and schedule.
- Other components as identified and developed in prior tasks.

TASK 8. PUBLIC APPROVAL

The Arsh Group at the beginning of the Study, will assist the Town, as required, with the selection of the Advisory Committee. After appointment of the members by the Town, we will brief the Committee. The briefing will consist of subjects such as the Committee's role, the Impact Fee process, requirements by the State Statute and the time line. We will also schedule the 2-3 anticipated meetings with Advisory Committee to brief them of the process and findings. We will further assist the Parks Department and the Town during the public approval process. This work is expected to include:

- Attend one public hearing and prepare summaries of the Ordinance for the Council's review.
- Attend Plan Commission Review Meeting

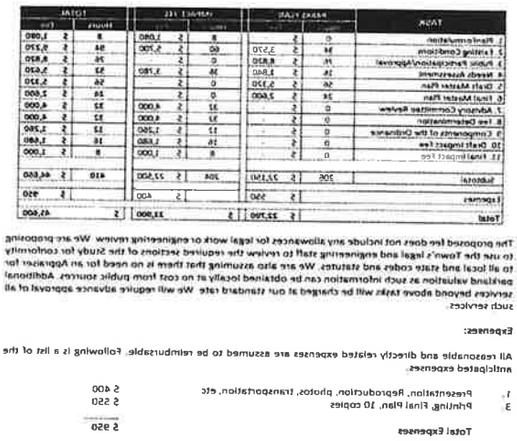
IV - TIME OF COMPLETION

The completion of the both Master Plan and Parks Impact Fee typically takes about six months. However, due to late start of the planning process for the Impact Fee study, and the severe risk of laps for the program, we propose to start the Impact Fee development study immediately in an expeditious manner. An expedited process will prevent potential loss of revenues for the Town. We will discuss this process with the Town immediately after the award and mobilize our efforts to ensure completion of the study at the earliest possible.

Concurrent with the Impact Fee study, we propose to start the Parks Master Plan process but with minor delays in community engagement tasks. Such approach will ensure availability of adequate resources for the Impact Fee study. The Parks Master Plan is estimated to take about 4-5 months with the planned completion in the last quarter of 2024 as required to meet the State's Guidelines for such plans.

V - FEE

The Arsh Group proposes a combined fee of not to exceed $45,600 for the Master Plan and Impact Fee Study. This fee is presented in the following chart in two separate columns and as a total for all tasks. The feel also includes an allowance of $950 for out-of pocket expenses including printing costs.



It was moved by Councilor Pettit and seconded by Councilor Uzelac to accept the Arsh Group's Proposal to complete a five-year Parks and Recreation Master Plan and a Park Impact Fee Plan for a cost of $45,600.00.
Upon a question regarding the budget amount for this proposal, Town Manager Griffin responded that there is enough in the budget to approve the proposal, but it won't be in one appropriation.
Upon a question from President Bella regarding the urgency to get the proposal approved at tonight's meeting, Town Manager Griffin responded that he would like it approved tonight but will defer to the prerogative and secretion of the full council.
Upon a roll call vote, there were three affirmatives, three abstention and no negatives. Councilors Margaret Uzelac, Shawn Pettit, and Rick Bella voted in the affirmative. Councilors Rhonda Neal, Shauna Haynes-Edwards, and Leona Chandler-Felton abstained.
Upon a question from President Bella regarding the results of the roll call vote, Attorney Svetanoff responded that the Clerk-Treasurer Eric can cast the tiebreaking vote.
Clerk-Treasurer Eric January abstained. The motion failed.
It was moved by Councilor Pettit and seconded by Councilor Chandler-Felton to table the Arsh Group's Proposal to complete a five-year Parks and Recreation Master Plan and a Park Impact Fee Plan for a cost of $45,600.00 for two weeks and place it on the Council's Workshop agenda for August 21st.
Upon a voice vote, the motion passed. The Arsh Group's proposal was tabled for two weeks and will be placed on the Council's Workshop Agenda for August 21st.
Councilor Pettit also reported that at the next committee meeting, the Moe's building will be discussed. There are concerns regardin the condition of the building.
It was moved by Councilor Pettit that the Street Department will be mowing and taking care of the maintenance for the C & E and Erie Lackawanna Trails.
Upon a question from Councilor Pettit regarding the vote of the committee, Town Manager Griffin responded that instructions must come from the council unless the Chair believes that there's unanimous or general consensus for it then he could declare it approved by virtue of General Consent.
Upon a question by President Bella regarding Director King awareness of the matter, Director King responded he wasn't aware.
Councilor Pettit reported that this matter will be brought up again at the committee meeting or council workshop.
Upon a question from President Bella regarding withdrawing his motion, Councilor Pettit withdrew his motion.

SPECIAL COMMITTEES

ABANDONED-BLIGHTED PROPERTIES - HAYNES-EDWARDS & CHANDLER-FELTON– Councilor Hayes-Edwards reported that Town Manager Griffin continue to work on newly adopted amendments as it pertains to the nuance and unsafe building codes. The Police Department and Code Enforcement have been helpful with all of the liens and procedures.
Councilor Haynes-Edwards also reported that the demolition of the property on 69th Broadway is proceeding as planned. Councilor Pettit reported that the invoices for the demolition was approved and Broadway TIF funding will be used.

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

SPECIAL TOWN PROJECTS - NEAL – Councilor Neal reported that National Night Out was a great success with assistance from the Police and Fire Departments. The committee is already planning for the following fall and winter events:

- Trunk or Treat – October 24th from 5:30 p.m. until 7:30 p.m. (Outside)
- Christmas Tree Lighting – The date will be announced at a later time.

Upon a question from President Bella to Chief Nuses regarding his National Night Out expectations, Chief Nuses responded it went better than he expected.

DEPARTMENT & COMMISSION REPORTS

LAKE COUNTY SOLID WASTE MANAGEMENT-NEAL– Councilor Neal reported that the next meeting is scheduled for Thursday September 3rd. She also reported the following new updates:

- Hazardous Waste - August 17th at Whiting Public Works located on 1915 Front Street in Whiting Indiana.
- Citizen Advisory Board – Applications are still being accepted. You can find the application on the website: www.lcswmd.com

NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION-HARDAWAY – Councilor Hardaway was absent from the meeting.

STORMWATER MANAGEMENT RESOURCES-LAKE – Director Matthew Lake updated the council on the following projects:

- Southmoor Park Drainage Project Phase 2 – The project is out for bid and twelve companies have picked up bid packages.
- Hickory Ridge Regional Detention – We are in the process of preparing a bid package and anticipate advertising it on September 13th. The contract will be awarded October 1st and construction will begin October 21st.
- Independent Hill Third Addition – The design is at 95% completion.
- Town Orchards – The orchards are doing well. We have been asked to present at the Chicago Wilderness Alliance Conference in 2024 at Purdue University.
- Grand 97th Avenue – We will be doing appraisals for land acquisition to relocate the ditch.

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

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

DEPARTMENT REPORTS/ TOWN MANAGER

Interim Assistant Director Roberts – Parks and Recreation

Interim Assistant Director Roberts had nothing to report

Chief Nuses – Police Department

Chief Nuses reported the official numbers for July 2024 isn't available for tonight meeting.
Chief Nuses also reported that the Women's Self-Defense class scheduled for August 22nd is at capacity and on the first day of school, Wednesday August 14th, , the Police Officers will be present especially at school bus stops.

Director Shine - Building and Planning

Director Shine has nothing to report and will defer to the Large Gathering and BZA Action on the agenda.

Director King – Street Department

Director King reported that the Street Department participated in the Touch A Truck event on Friday August 9th at Salk Elementary School.

Town Manager Griffin – Town Administration

Town Manager Griffin reported that a written report was given to the council members and Clerk-Treasurer Eric January.

GENERAL ORDERS

A. Ordinances:

First Reading: (Discussion and Roll Call Vote)

1. **Ordinance 24-26 (Discussion and Roll Call Vote)**
   An Ordinance Of The Town Of Merrillville Indiana, Amending Ordinance 16-22 to Increase Stormwater User Fees For the Town of Merrillville, Indiana to Fund the Maintenance Management, Repair, and Improvement of the Town's Drainage Detention and Retention Ponds.

ORDINANCE 24-26

TOWN OF MERRILLVILLE, INDIANA

AN ORDINANCE OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA AMENDING ORDINANCE 16-22 TO INCREASE STORMWATER USER FEES FOR THE TOWN OF MERRILLVILLE, INDIANA TO FUND THE MAINTENANCE, MANAGEMENT, REPAIR, AND IMPROVEMENT OF THE TOWN'S DRAINAGE DETENTION AND RETENTION PONDS.

WHEREAS, The Town of Merrillville, owns and operates a municipal separate storm sewer system ("MS4"), including drainage detention and retention ponds; and

WHEREAS, The Town of Merrillville's (Town) Town Council (Council) created the Town's Department of Stormwater Management (hereinafter referred to as "Stormwater Utility") and delegated the plenary responsibility of overseeing the operation, maintenance, and repair of the Town's Municipal Separate Storm Sewer System (MS4) in compliance with all applicable federal, state, and local laws, rules and regulations to the Town's Stormwater Management Board (Board), including the responsibility of advising the Council on the implementation of federal, state and local rules concerning stormwater management and identifying solutions to flooding concerns in the Town of Merrillville; and

WHEREAS, Indiana Code § 8-1.5-5-7, as amended, provides authority to the Stormwater Utility for the Town of Merrillville, Indiana, upon recommendation of its Board of Directors and after approval by the Council, to assess and collect stormwater user fees from all eligible properties identified in this Ordinance and located within the Town; and

WHEREAS, the Board has conducted an investigation into the funding needs for the management of the Town's stormwater management system, including holding an appropriately noticed public hearing on August 6, 2024, and has identified the need for an increase in user fees to cover the costs to properly and comprehensively deal with stormwater management in the Town, including maintaining, managing, repairing, and improving the increasing number of Town-owned drainage detention and retention ponds; and

WHEREAS, Indiana Code § 8-1.5-5-6, as amended, enables the Board to:

1. Conduct investigations and studies;
2. Make findings and determinations;
3. Install, maintain and operate a stormwater collection and disposal system;
4. Make all necessary or desirable improvements to the facilities, grounds and premises under its control;
5. Recommend to the Council reasonable and just rates and charges for all services provided by the Stormwater Utility; and

WHEREAS, pursuant to the Board's recommendation, the Council previously approved its Ordinance 16-22 establishing stormwater user fee rates for all real estate parcels in the Town; and

WHEREAS, after appropriate investigation and study, including input from the public, the Board determined that it is necessary to increase the user fees to provide funds to properly maintain, manage, repair and improve the increasing number of Town-owned drainage detention and retention ponds, in order to improve storm and surface water management and drainage within the Town; and

WHEREAS, based on the recommendation of the Board contained it its Resolution No. 24-06 and other information received by the Council, the Council has determined that it is necessary for increased funding to be provided to the Stormwater Utility to properly budget and support the maintenance, management, repair, and improvement of the increasing number of Town-owned drainage detention and retention ponds within the Town's public stormwater management system.

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

SECTION ONE: Stormwater Utility User Fee Increase. An increase in the Stormwater Utility User Fee is deemed reasonable and is necessary to fully fund the maintenance, management, repair, and improvement of the Town's drainage detention and retention ponds.

SECTION TWO: User Fee Structure. For the purposes stated herein, there is hereby approved an amendment to the Stormwater User Fee Rates approved in Town Ordinance 16-22 to be charged to each Stormwater Utility Customer/User within the corporate limits of the Town of Merrillville, Lake County, Indiana, in an amount as determined pursuant to the chart below. Properties within the Town of Merrillville, Lake County, Indiana, will be assigned the following monthly user fees:

Property Class Codes	Description	Monthly Fee
100 - 199	Agriculture	$5.50
300	Industrial Vacant Land	$5.50
330 - 399	Industrial	$70.00
400	Commercial Vacant Land	$5.50
401	Commercial Apartment 4-19 Units	$30.00
402 - 499	All commercial including apartment buildings over 19 units	$70.00

500 - 509	Residential Vacant Land	$2.20
510 - 545	Residential Single Family, Duplex and Three Unit including excess acreage	$9.00
550	Residential Condo	$10.00
599	Other Residential Structure	$10.00
650	Board of Education	$30.00
600, 610, 620, 621, 622, 630, 640, 645, 660, 661, 662, 665, 669	State, county, municipal and other exempt properties	$10.00
670	Exempt private academy / college	$30.00
680, 685, 686	Charitable, religious and churches	$30.00
690	Cemetery	$5.50
699	Other Exempt Properties	$10.00
820	Heat and Power Utilities	$70.00
821	State Assessed LHP	$50.00
830 - 841	Railroad and Pipeline	$5.50
850 - 871	Sewage, Phone and water utilities	$70.00

SECTION THREE: Continuing Viability of Ordinance 16-22. All provisions and requirements of Ordinance 16-22 not conflicting with the provisions of this Ordinance shall remain in full force an effect.

SECTION FOUR: Severability. If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by a final decision of a Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

SECTION FIVE: Repeal Conflicting Ordinances. All existing Town of Merrillville Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby rendered null, void and of no legal effect, and are specifically repealed.

SECTION SIX: Passage. This Ordinance shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of Merrillville, Lake County, Indiana and any required publication.

ADOPTED AND ORDAINED THIS ____ DAY OF _____, 2024.

Director Lake explained Ordinance 24-26.
Upon a question from President Bella regarding what the average homeowner would pay under this ordinance, Director Lake responded that the fee would increase from $9.00 to $10.00. There will be an increase of $1.00.

It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve Ordinance 24-26 on first reading.
Councilor Pettit explained why Ordinance 24-26 is needed by Stormwater Utility
Upon a roll call vote, there were six affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, and Rick Bella. There were no negatives. The motion passed. The ordinance was approved on first reading.
It was moved by Councilor Pettit and seconded by Councilor Uzelac to suspend the rules and hear Ordinance 24-26 on second reading.
Upon a roll call vote, there were six affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, and Rick Bella. There were no negatives. The motion passed. The rules were suspended to hear Ordinance 24-26 on second reading.
Upon a question from President Bella regarding a public hearing and remonstrations, Director Lake responded a public hearing was held at the Stormwater Management Board meeting and there weren't any remonstrations.
It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve Ordinance 24-26 on second and final reading.
Upon a roll call vote, there were six affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, and Rick Bella. There were no negatives. The motion passed. The ordinance was approved on second and final reading.
(The original is on file in the Office of the Clerk-Treasurer)

2. **Ordinance 24-28 (Discussion and Roll Call Vote)**
An Ordinance Of The Town Of Merrillville Indiana, Providing That The Zoning Ordinance Town Of Merrillville, Lake County, Indiana Be Amended By Changing the Established C-3, Highway Commercial Zoning District Classification to a Planned Unit Development Zoning District Classification.

ORDINANCE NO. 24-28

AN ORDINANCE OF THE TOWN OF MERRILLVILLE INDIANA, PROVIDING THAT THE ZONING ORDINANCE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA BE AMENDED BY CHANGING THE ESTABLISHED C-3, HIGHWAY COMMERCIAL ZONING DISTRICT CLASSIFICATION TO A PLANNED UNIT DEVELOPMENT ZONING DISTRICT CLASSIFICATION

BE IT ORDAINED by the Town Council of the Town of Merrillville:

SECTION 1: That Ordinance No. 03-23, entitled, Merrillville Indiana Zoning Ordinance, and particularly the Zone Maps, which has REPLACED Ordinance No. 78-5 be and the same is hereby amended by changing the following described real estate on the Zone Maps from its established C-3, Highway Commercial Zoning Classification to a Planned Unit Development Zoning District Classification:

PART OF THE NORTH ¼ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 22, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND P.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 840.71 FEET NORTH AND 80 FEET EAST OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 22 TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND P.M.; THENCE EASTERLY 495.1 FEET; THENCE NORTHERLY 414 FEET TO A POINT WHICH IS 495.1 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF INDIANA HIGHWAY NO. 53; THENCE WESTERLY A DISTANCE OF 495.1 FEET TO THE EAST RIGHT-OF-WAY LINE OF INDIANA HIGHWAY NO. 53; THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 414 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, INDIANA, EXCEPTING THE EAST 120.1 FEET THEROF.

PARCEL ID: 45-12-22-181-001.000-030

THIS LAND IS TO BE DEVELOPED PER PLAN SUBMITTED AND APPROVED BY THE MERRILLVILLE PLAN COMMISSION ON NOVEMBER 21.2023.

SECTION 2: The Town Council now finds that the above Zone Change will not be injurious to the public health, safety, morals and general welfare of the community and that the use or value of the area adjacent to the property included in this ordinance will not be affected in a substantially adverse manner and the need for the change in zoning herein arises from a condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood. The Council further finds that the strict application of the terms of the Zoning Ordinance will constitute an unusual and unnecessary hardship if applied to the property herein if this rezoning were not granted and this rezoning does not interfere substantially with a comprehensive plan.

SECTION 3: That the Town Engineer and/or Planning & Building Department hereby authorized and directed upon enactment and approval of this Ordinance, to cause a change to be made on the Zone Maps, to make certain notations in ink thereon and to record the date of passage of this Ordinance.

SECTION 4: Since an emergency exists for the immediate taking effect of this ordinance, the same shall be in full force and effect from and after its passage, or as soon thereafter as otherwise provided by law.

PASSED AND ADOPTED by the Town Council of the Town of Merrillville, on this ____ day of ____ 2024.

It was moved by Councilor Pettit and seconded by Councilor Neal to approve Ordinance 24-28.
Councilor Pettit explained Ordinance 24-28.
Upon a roll call vote, there were six affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, and Rick Bella. There were no negatives. The motion passed. The ordinance was approved on first reading.
(The original is on file in the Office of the Clerk-Treasurer)

3. **Ordinance 24-29 (Discussion and Roll Call Vote)**
An Ordinance Of The Town Of Merrillville Lake County, Indiana, Authorizing Additional Appropriation in the 2024 Budget Casino Gaming Fund.

ORDINANCE NO. 24-29

AN ORDINANCE OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, AUTHORIZING ADDITIONAL APPROPRIATIONS IN THE 2024 BUDGET CASINO GAMING FUND

WHEREAS, it has been determined that it is now necessary to appropriate more money than was originally appropriated in the annual budget in the Casino Gaming Fund of the Town; and

WHEREAS, the Town Council is aware that the Fund currently holds sufficient cash balance to support the requested additional appropriation.

NOW, THEREFORE BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, that it is hereby provided and ordered for the expenses of the taxing unit, the following additional sum of money is appropriated out of the fund named, subject to laws governing the same:

	AMOUNT REQUESTED	AMOUNT APPROVED BY FISCAL BODY
Fund 2235: CASINO GAMING FUND		
300 Series: Services & Charges	$ 45,000.00	$ 45,000.00
Total for CASINO GAMING FUND	$ 45,000.00	$ 45,000.00

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

DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, this ___ day of _____, ___, 2024.

Financial Advisor Hudson and Town Manager Griffin explained Ordinance 24-29.
Upon a question from President Bella regarding why the funding is needed, Financial Advisor Hudson responded to pay billing from a 2023 quarter that the Town received this year from Gary Public Transportation.
It was moved by Councilor Uzelac and seconded by Councilor Neal to approve Ordinance 24-29.
Upon a roll call vote, there were six affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, and Rick Bella. There were no negatives. The motion passed. The ordinance was approved on first reading.
(The original is on file in the Office of the Clerk-Treasurer)

4. **Ordinance 24-30 (Discussion and Roll Call Vote)-FD**
An Ordinance of the Town of Merrillville, Lake County, Indiana. Appropriating Additional Monies Within the Fire Protection Territory Operating Fund for the Year 2024 Not Included in the Current Budget.

ORDINANCE NO: 24-30

AN ORDINANCE OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA APPROPRIATING ADDITIONAL MONIES WITHIN THE FIRE PROTECTION TERRITORY OPERATING FUND FOR THE YEAR 2024 NOT INCLUDED IN THE CURRENT BUDGET

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

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

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

Fund Name: Merr. Fire Territory	Amount Requested	Amount Approved by Fiscal Body
2243010187 / Overtime	$150,000.00	$150,000.00
2243010372 / Insurance	$115,000.00	$115,000.00

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

It was moved by Councilor Pettit and seconded by Councilor Neal to approve Ordinance 24-30.
Upon a roll call vote, there were six affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, and Rick Bella. There were no negatives. The motion passed. The ordinance was approved on first reading.
(The original is on file in the Office of the Clerk-Treasurer)

5. **Ordinance 24-31 (Discussion, Public and Roll Call Vote)**
An Ordinance Of The Town Council Of The Town Of Merrillville, Indiana, Amending Ordinance No. 24-25 (Andrean High School Project).

ORDINANCE NO. 24-31

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, INDIANA, AMENDING ORDINANCE NO. 24-25

(ANDREAN HIGH SCHOOL PROJECT)

WHEREAS, The Town of Merrillville, Indiana (the "Town"), on June 25, 2024, adopted its Ordinance No. 24-25 (the "Original Bond Ordinance"), authorizing the issuance of economic development revenue bonds designated as the "Town of Merrillville, Indiana, Taxable Economic Development Tax Increment Revenue Bonds, Series 2024 (Andrean High School Project)" (the "Bonds"); and

WHEREAS, The Town Council desires to amend the Original Bond Ordinance to provide that the first principal payment date shall not be before February 1, 2025, with additional principal payment dates on each of the nine anniversaries thereafter (the "Amendments"),

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

SECTION 1. The Original Bond Ordinance is hereby amended by the Amendments.

SECTION 2. The Original Bond Ordinance is further hereby amended to provide that Section 6 thereof shall read in its entirety as follows:

"Section 6. Both the Town Council President and the Clerk-Treasurer is 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. Their execution shall be deemed as confirmed by the Town Council upon the signature of the Town Council President evidencing adoption, pursuant to IC 36-5-2-10(a), and attested thereto by the Town Clerk-Treasurer as prescribed by I.C. 36-5-2-10.2(2). The signatures of the Town Council President and the Town Clerk-Treasurer are required under IC 36-7-12-25(c), which expressly states that bonds must be attested to by the fiscal officer. Their execution shall be deemed as confirmed by the Town Council upon the signature of the Town Council President evidencing adoption, pursuant to IC 36-5-2-10(a), and attested thereto by the Town Clerk-Treasurer as prescribed by I.C. 36-5-2-10.2(2). The Town Council President, the Clerk-Treasurer and any other officer of the Town are authorized to arrange for the delivery of such Bonds and/or BANs to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Town Council President and the Clerk-Treasurer may, by their execution of the Financing Documents requiring their signatures, approve any and all changes therein 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)(10) of the Act.

SECTION 3. Except as otherwise provided herein, the Original Bond Ordinance shall remain in full force and effect.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage.

ALL OF WHICH IS PASSED AND ADOPTED THIS ____ DAY OF _____, 2024, BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA.

Councilor Pettit explained Ordinance 24-31.

Councilor Pettit also reported that this funding is for a second entrance in the backside of Andrean High School when the renovation and redevelopment of the campus take place.

It was moved by Councilor Pettit and seconded by Councilor Haynes-Edwards to approve Ordinance 24-31.

Clerk-Treasurer Eric January reported that he has emailed Ordinance 24-31 to the Attorney General for the State of Indiana for his review regarding the legality of the ordinance. Clerk-Treasurer Eric January voiced his concern regarding giving funding to a religious organization and section six of Ordinance 24-31,

By leave of President Bella, Thomas Pittman from the Barnes & Thornburg law firm of Indianapolis elaborated on Ordinance 24-31.

Upon a question from President Bella regarding Ordinance 24-31 conformity to law, Town Manager Griffin responded that according to the statutory references in the ordinance and one that we don't have listed believe to be Title 5.1 that a facsimile signature is acceptable.

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

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

6. **<u>Ordinance 24-33 (Discussion and Roll Call Vote)</u>**
   An Ordinance Of The Town Council Of The Town Of Merrillville, Providing That The Zoning Ordinance Town Of Merrillville, Lake County, Indiana Be Amended By Changing the Established (A-1) Agricultural Zone Classification to (C/I-S) Commercial/Industrial Special District Zone Classification.

ORDINANCE NO. 24-33

AN ORDINANCE OF THE TOWN OF MERRILLVILLE, INDIANA, PROVIDING THAT THE ZONING ORDINANCE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA BE AMENDED BY CHANGING THE ESTABLISHED (A-1) AGRICULTURAL ZONE CLASSIFICATION TO (C/I-S) COMMERCIAL/INDUSTRIAL SPECIAL DISTRICT ZONE CLASSIFICATION

BE IT ORDAINED by the Town Council of the Town of Merrillville:

SECTION 1: That Ordinance No. 03-23, entitled, Merrillville Indiana Zoning Ordinance, and particularly the Zone Maps, which has REPLACED Ordinance No. 78-5 be and the same is hereby amended by changing the following described real estate on the Zone Maps from its established (A-1) Agricultural Zone Classification to a (C/I-S) Commercial/Industrial Special District Zone Classification:

PARCEL 1:
PART OF THE WEST HALF OF THE SOUTHEAST QUARTER; AND THAT PART OF THE SOUTHWEST QUARTER LYING EASTERLY AND SOUTHERLY OF THE CENTERLINE OF BEAVER DAM EXTENSION DITCH, ALL IN SECTION 35, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SAID WEST HALF OF THE SOUTHEAST QUARTER, SAID POINT BEING SOUTH 89 DEGREES 58 MINUTES 11 SECONDS WEST, 1,331.06 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 35 AS MEASURED ALONG THE SOUTH LINE OF SAID SECTION 35; THENCE SOUTH 89 DEGREES 58 MINUTES 11 SECONDS WEST, 753.61 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 01 MINUTES 49 SECONDS WEST, 149.30 FEET; THENCE NORTH 75 DEGREES 04 MINUTES 51 SECONDS WEST, 111.85 FEET; THENCE NORTH 38 DEGREES 39 MINUTES 40 SECONDS WEST, 111.85 FEET; THENCE NORTH 02 DEGREES 14 MINUTES 28 SECONDS, 162.09 FEET; THENCE NORTH 42 DEGREES 53 MINUTES 10 SECONDS EAST, 380.57 FEET; THENCE NORTH 47 DEGREES 06 MINUTES 50 SECONDS WEST, 726.00 FEET; THENCE SOUTH 42 DEGREES 53 MINUTES 10 SECONDS WEST, 150.00 FEET TO A POINT OF CURVE, SAID POINT BEING ON A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1,330.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC LENGTH OF 431.02 FEET TO A RADIAL LINE; THENCE NORTH 65 DEGREES 40 MINUTES 55 SECONDS WEST ALONG SAID RADIAL LINE, 85.04 FEET; THENCE NORTH 72 DEGREES 33 MINUTES 29 SECONDS WEST, 150.00 FEET; THENCE SOUTH 87 DEGREES 05 MINUTES 38 SECONDS WEST, 100.66 FEET; THENCE SOUTH 60 DEGREES 11 MINUTES 48 SECONDS WEST, 70.53 FEET, THENCE SOUTH 85 DEGREES 00 MINUTES 20 SECONDS WEST, 142.80 FEET; THENCE NORTH 50 DEGREES 26 MINUTES 30 SECONDS WEST, 103.06 FEET; THENCE NORTH 40 DEGREES 18 MINUTES 53 SECONDS WEST, 54.58 FEET; THENCE NORTH 03 DEGREES 49 MINUTES 20 SECONDS WEST, 134.98 FEET; THENCE NORTH 71 DEGREES 22 MINUTES 45 SECONDS WEST, 41.08 FEET; THENCE NORTH 23 DEGREES 28 MINUTES 50 SECONDS EAST, 149.96 FEET, TO A POINT OF CURVE, SAID POINT BEING ON A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 235.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 37.97 FEET TO A POINT OF REVERSE CURVE, SAID POINT BEING ON A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 875.50 FEET, THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 383.63 FEET TO A POINT ON A NONE RADIAL LINE; THENCE SOUTH 89 DEGREES 01 MINUTES 11 SECONDS EAST, 82.32 FEET; THENCE NORTH 84 DEGREES 51 MINUTES 34 SECONDS EAST, 59.88 FEET; THENCE NORTH 87 DEGREES 17 MINUTES 49 SECONDS EAST, 101.08 FEET; THENCE SOUTH 78 DEGREES 33 MINUTES 46 SECONDS EAST, 101.08 FEET; THENCE SOUTH 60 DEGREES 25 MINUTES 21 SECONDS EAST, 101.08 FEET; THENCE NORTH 37 DEGREES 38 MINUTES 51 SECONDS, 20.00 FEET; THENCE NORTH 21 DEGREES 12 MINUTES 00 SECONDS WEST, 205.11 FEET; THENCE NORTH 68 DEGREES 48 MINUTES 00 SECONDS EAST, 83.79 FEET; THENCE NORTH 11 DEGREES 22 MINUTES 34 SECONDS WEST, 546.26 FEET; THENCE NORTH 29 DEGREES 18 MINUTES 04 SECONDS WEST, 110.00 FEET; THENCE SOUTH 60 DEGREES 43 MINUTES 56 SECONDS WEST, 210.00 FEET; THENCE SOUTH 55 DEGREES 41 MINUTES 52 SECONDS WEST, 122.01 FEET; THENCE SOUTH 41 DEGREES 01 MINUTES 11 SECONDS WEST, 126.77 FEET; THENCE SOUTH 25 DEGREES 50 MINUTES 39 SECONDS WEST, 126.77 FEET; THENCE SOUTH 10 DEGREES 40 MINUTES 02 SECONDS WEST, 126.77; THENCE SOUTH 04 DEGREES 30 MINUTES 33 SECONDS EAST, 128.77 FEET; THENCE SOUTH 11 DEGREES 41 MINUTES 42 SECONDS EAST, 117.10 FEET; THENCE SOUTH 04 DEGREES 57 MINUTES 17 SECONDS WEST, 111.47 FEET; THENCE SOUTH 14 DEGREES 02 MINUTES 50 SECONDS WEST, 92.29 FEET; THENCE SOUTH 24 DEGREES 39 MINUTES 39 SECONDS WEST, 98.13 FEET; THENCE SOUTH 28 DEGREES 47 MINUTES 11 SECONDS WEST, 115.45 FEET; THENCE SOUTH 23 DEGREES 28 MINUTES 50 SECONDS WEST, 425.77 FEET; THENCE SOUTH 15 DEGREES 22 MINUTES 14 SECONDS WEST, 114.61 FEET; THENCE SOUTH 13 DEGREES 29 MINUTES 30 SECONDS WEST, 420.41 FEET; THENCE SOUTH 80 DEGREES 28 MINUTES 35 SECONDS EAST, 18.04 FEET; THENCE SOUTH 15 DEGREES 43 MINUTES 31 SECONDS EAST 161.99 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 49 SECONDS EAST, 119.78 FEET TO THE SOUTH LINE OF SAID SECTION 35; THENCE NORTH 89 DEGREES 58 MINUTES 11 SECONDS EAST, ALONG SAID SOUTH LINE, 1,841.04 FEET TO THE POINT OF BEGINNING.

PARCEL 2
PART OF THE WEST HALF OF THE SOUTHEAST QUARTER, THE NORTHEAST QUARTER, AND THAT PART OF THE SOUTHWEST QUARTER LYING EASTERLY AND SOUTHERLY OF THE CENTERLINE OF BEAVER DAM EXTENSION DITCH, ALL IN SECTION 35, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA, AND PART OF LOT 2, IN OAK TREE ESTATES, AN ADDITION TO MERRILLVILLE, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 58 PAGE 51, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SAID WEST HALF OF THE SOUTHEAST QUARTER, SAID POINT BEING SOUTH 89 DEGREES 58 MINUTES 11 SECONDS WEST, 1,331.06 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 35 AS MEASURED ALONG THE SOUTH LINE OF SAID SECTION 35 TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 58 MINUTES 11 SECONDS WEST, 753.61 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 49 SECONDS WEST, 149.30 FEET; THENCE NORTH 75 DEGREES 04 MINUTES 51 SECONDS WEST, 111.85 FEET; THENCE NORTH 38 DEGREES 39 MINUTES 40 SECONDS WEST, 111.85 FEET; THENCE NORTH 02 DEGREES 14 MINUTES 28 SECONDS WEST, 162.09 FEET; THENCE NORTH 42 DEGREES 53 MINUTES 10 SECONDS EAST, 380.57 FEET; THENCE NORTH 47 DEGREES 06 MINUTES 50 SECONDS WEST, 726.00 FEET; THENCE SOUTH 42 DEGREES 53 MINUTES 10 SECONDS WEST, 150.00 FEET TO A POINT OF CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1,330.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC LENGTH OF 431.02 FEET TO A RADIAL LINE; THENCE NORTH 65 DEGREES 40 MINUTES 55 SECONDS WEST, ALONG SAID RADIAL LINE, 85.04 FEET; THENCE NORTH 72 DEGREES 33 MINUTES 29 SECONDS WEST, 150.00 FEET; THENCE SOUTH 87 DEGREES 05 MINUTES 38 SECONDS WEST, 100.66 FEET; THENCE SOUTH 60 DEGREES 11 MINUTES 48 SECONDS WEST, 70.53 FEET; THENCE SOUTH 85 DEGREES 00 MINUTES 20 SECONDS WEST, 142.80 FEET; THENCE NORTH 50 DEGREES 26 MINUTES 30 SECONDS WEST, 103.06 FEET; THENCE NORTH 40 DEGREES 18 MINUTES 53 SECONDS WEST, 54.58 FEET; THENCE NORTH 03 DEGREES 49 MINUTES 20 SECONDS WEST, 134.98 FEET; THENCE NORTH 71 DEGREES 22 MINUTES 45 SECONDS WEST, 41.08 FEET; THENCE NORTH 23 DEGREES 28 MINUTES 50 SECONDS EAST, 149.96 FEET, TO A POINT OF CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 235.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 37.97 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 875.50 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 383.63 FEET TO A POINT ON A NONE RADIAL LINE; THENCE SOUTH 89 DEGREES 01 MINUTES 11 SECONDS EAST, 82.32 FEET; THENCE NORTH 84 DEGREES 51 MINUTES 34 SECONDS EAST, 59.88 FEET; THENCE NORTH 87 DEGREES 17 MINUTES 49 SECONDS EAST, 101.08 FEET; THENCE SOUTH 78 DEGREES 33 MINUTES 46 SECONDS EAST, 101.08 FEET; THENCE SOUTH 60 DEGREES 25 MINUTES 21 SECONDS EAST, 101.08 FEET; THENCE NORTH 37 DEGREES 38 MINUTES 51 SECONDS, 20.00 FEET; THENCE NORTH 21 DEGREES 12 MINUTES 00 SECONDS WEST, 205.11 FEET; THENCE NORTH 68 DEGREES 48 MINUTES 00 SECONDS EAST, 83.79 FEET; THENCE NORTH 11 DEGREES 22 MINUTES 34 SECONDS WEST, 546.26 FEET; THENCE NORTH 29 DEGREES 18 MINUTES 04 SECONDS WEST, 110.00 FEET; THENCE SOUTH 60 DEGREES 43 MINUTES 56 SECONDS WEST, 210.00 FEET; THENCE SOUTH 55 DEGREES 41 MINUTES 52 SECONDS WEST, 122.01 FEET; THENCE SOUTH 41 DEGREES 01 MINUTES 11 SECONDS WEST, 126.77 FEET; THENCE SOUTH 25 DEGREES 50 MINUTES 39 SECONDS WEST, 126.77 FEET; THENCE SOUTH 10 DEGREES 40 MINUTES 02 SECONDS WEST, 126.77; THENCE SOUTH 04 DEGREES 30 MINUTES 33 SECONDS EAST, 128.77 FEET; THENCE SOUTH 11 DEGREES 41 MINUTES 42 SECONDS EAST, 117.10 FEET; THENCE SOUTH 04 DEGREES 57 MINUTES 17 SECONDS WEST, 111.47 FEET; THENCE SOUTH 14 DEGREES 02 MINUTES 50 SECONDS WEST, 92.29 FEET; THENCE SOUTH 24 DEGREES 39 MINUTES 39 SECONDS WEST, 98.13 FEET; THENCE SOUTH 28 DEGREES 47 MINUTES 11 SECONDS WEST, 115.45 FEET; THENCE SOUTH 23 DEGREES 28 MINUTES 50 SECONDS WEST, 425.77 FEET; THENCE SOUTH 15 DEGREES 22 MINUTES 14 SECONDS WEST, 114.61 FEET; THENCE SOUTH 13 DEGREES 29 MINUTES 30 SECONDS WEST, 420.41 FEET; THENCE SOUTH 80 DEGREES 28 MINUTES 35 SECONDS EAST, 18.04 FEET; THENCE SOUTH 15 DEGREES 43 MINUTES 31 SECONDS EAST 161.99 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 49 SECONDS EAST, 119.78 FEET TO THE SOUTH LINE OF SAID SECTION 35; THENCE NORTH 89 DEGREES 58 MINUTES 11 SECONDS EAST, ALONG SAID SOUTH LINE, 1,841.04 FEET TO THE POINT OF BEGINNING, CONTAINING 83.79 ACRES MORE OR LESS.

LESS AND EXCEPTING FROM PARCELS 1 AND 2 THEREFROM THE FOLLOWING: A PARCEL OF LAND LYING IN THE SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 35, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN, LAKE COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE NORTH 00 DEGREES 13 MINUTES 18 SECONDS WEST (ASSUMED), 2640.73 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 55 MINUTES 33 SECONDS WEST, 2657.99 FEET ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 55 MINUTES 33 SECONDS WEST, 57.98 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER TO THE WESTERLY LINE OF A PARCEL OF LAND DEEDED TO LASALLE 115 HOLDINGS, LLC-SERIES 28 DEEP RIVER INVESTMENTS AND RECORDED AS DOCUMENT NUMBER 2012-012488 ON FEBRUARY 17, 2012 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA; THENCE SOUTH 37 DEGREES 33 MINUTES 51 SECONDS WEST, 71.49 FEET ALONG SAID WESTERLY LINE; THENCE SOUTH 00 DEGREES 04 MINUTES 27 SECONDS WEST, 43.27 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 33 SECONDS EAST, 150.00 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 27 SECONDS EAST, 100.00 FEET TO SAID NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 55 MINUTES 33 SECONDS WEST, 48.50 FEET ALONG LAST SAID NORTH LINE TO THE POINT OF BEGINNING, CONTAINING 0.32 ACRES MORE OR LESS.

Common Address: Northeast Corner of 101st and Deep River
Parcel Numbers: 45-12-35-300-003.000-030 and 45-12-35-400-006.000-030

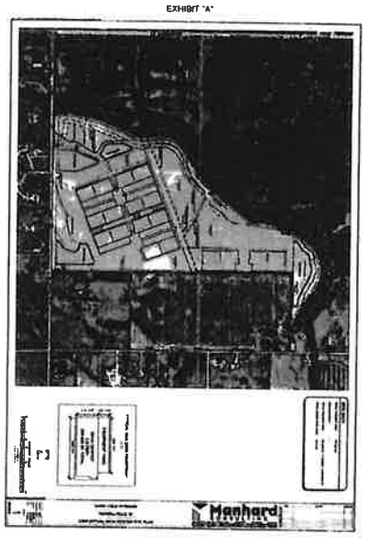
THIS LAND IS TO BE DEVELOPED PER TENTATIVE LAND USE PLAN, A COPY OF WHICH IS ATTACHED HERETO, MADE A PART HEREOF AND MARKED EXHIBIT "A". THE DESIGNATED PERMITTED USE SHALL BE FOR A DATA CENTER, THE DEFINITION OF WHICH IS AS FOLLOWS: "A LARGE GROUP OF NETWORKED COMPUTER SERVERS TYPICALLY USED BY ORGANIZATIONS FOR THE REMOTE STORAGE, PROCESSING, OR DISTRIBUTION OF LARGE AMOUNTS OF DATA", ALL AS SUBMITTED AND APPROVED BY THE MERRILLVILLE PLAN COMMISSION ON JULY 16, 2024.

SECTION 2: That the Town Council further approves the Zoning Commitment dated July 23, 2024, a copy of which is attached hereto, made a part hereof and marked Exhibit "B", which was also approved by the Merrillville Plan Commission on July 16, 2024.

SECTION 3: The Town Council now finds that the above Zone Change will not be injurious to the public health, safety, morals and general welfare of the community and that the use or value of the area adjacent to the property included in this ordinance will not be effected in a substantially adverse manner and the need for the change in zoning

WEST, 205.11 FEET; THENCE NORTH 68 DEGREES 48 MINUTES 00 SECONDS EAST, 83.79 FEET; THENCE NORTH 11 DEGREES 22 MINUTES 34 SECONDS WEST, 546.26 FEET; THENCE NORTH 29 DEGREES 18 MINUTES 04 SECONDS WEST, 110.00 FEET; THENCE NORTH 60 DEGREES 43 MINUTES 56 SECONDS EAST, 116.66 FEET; THENCE NORTH 74 DEGREES 57 MINUTES 18 SECONDS EAST, 102.08 FEET; THENCE NORTH 54 DEGREES 40 MINUTES 23 SECONDS EAST, 86.37 FEET; THENCE NORTH 37 DEGREES 33 MINUTES 51 SECONDS EAST, 235.29 FEET TO THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89 DEGREES 55 MINUTES 33 SECONDS EAST ALONG SAID NORTH LINE, 58.00 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 07 MINUTES 55 SECONDS WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, 75.43 FEET; THENCE NORTH 37 DEGREES 30 MINUTES 13 SECONDS EAST, 16.33 FEET; THENCE NORTH 37 DEGREES 52 MINUTES 26 SECONDS EAST, 115.24 FEET; THENCE NORTH 41 DEGREES 26 MINUTES 37 SECONDS EAST, 550.19 FEET; THENCE NORTH 38 DEGREES 24 MINUTES 21 SECONDS EAST, 94.66 FEET; THENCE NORTH 03 DEGREES 52 MINUTES 42 SECONDS EAST, 97.97 FEET; THENCE NORTH 32 DEGREES 40 MINUTES 46 SECONDS WEST, 80.28 FEET; THENCE NORTH 04 DEGREES 23 MINUTES 57 SECONDS EAST, 116.87 FEET; THENCE NORTH 21 DEGREES 37 MINUTES 00 SECONDS EAST, 126.43 FEET; THENCE NORTH 23 DEGREES 44 MINUTES 21 SECONDS EAST, 220.46 FEET; THENCE NORTH 20 DEGREES 10 MINUTES 10 SECONDS EAST, 281.86 FEET; THENCE NORTH 38 DEGREES 29 MINUTES 29 SECONDS EAST, 105.45 FEET; THENCE NORTH 52 DEGREES 51 MINUTES 11 SECONDS EAST, 126.00 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 49 SECONDS EAST, 122.84 FEET; THENCE NORTH 78 DEGREES 07 MINUTES 45 SECONDS EAST, 122.27 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 12 SECONDS EAST, 113.46 FEET TO THE WEST LINE OF SAID LOT 2; THENCE SOUTH 89 DEGREES 58 MINUTES 12 SECONDS EAST, 11.28 FEET; THENCE SOUTH 78 DEGREES 00 MINUTES 08 SECONDS EAST, 122.29 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 09 SECONDS EAST, 122.29 FEET; THENCE SOUTH 84 DEGREES 28 MINUTES 49 SECONDS EAST, 121.30 FEET; THENCE SOUTH 49 DEGREES 08 MINUTES 24 SECONDS EAST, 105.00 FEET; THENCE SOUTH 49 DEGREES 29 MINUTES 40 SECONDS EAST, 97.40 FEET; THENCE SOUTH 83 DEGREES 04 MINUTES 02 SECONDS EAST, 358.02 FEET; THENCE SOUTH 86 DEGREES 52 MINUTES 20 SECONDS EAST, 79.42 FEET; THENCE SOUTH 00 DEGREES 07 MINUTES 40 SECONDS WEST, 5.00 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 20 SECONDS EAST, 260.00 FEET; THENCE NORTH 00 DEGREES 07 MINUTES 40 SECONDS EAST, 45.00 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 20 SECONDS EAST, 134.62 FEET; THENCE SOUTH 00 DEGREES 13 MINUTES 57 SECONDS EAST, 90.00 FEET; THENCE NORTH 89 DEGREES 52 MINUTES 20 SECONDS WEST, 1287.84 FEET; THENCE SOUTH 00 DEGREES 10 MINUTES 56 SECONDS EAST ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 35, 1321.49 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE SOUTH 00 DEGREES 10 MINUTES 36 SECONDS EAST, 2643.16 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A"



herein arises from a condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood. The Council further finds that the strict application of the terms of the Zoning Ordinance will constitute an unusual and unnecessary hardship if applied to the property herein if this rezoning were not granted and this rezoning does not interfere substantially with a comprehensive plan.

SECTION 4: That the Town Engineer and/or Planning & Building Department hereby authorized and directed upon enactment and approval of this Ordinance, to cause a change to be made on the Zone Maps, to make certain notations in ink thereon and to record the date of passage of this Ordinance.

SECTION 5: Since an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage, or as soon thereafter as otherwise provided by law.

PASSED AND ADOPTED by the Town Council of the Town of Merrillville, on this ___ day of August, 2024.

ZONING COMMITMENT

THIS ZONING COMMITMENT (hereinafter referred to as the "Commitment") is entered into and effective as of the 6th day of August, 2024 by and between the **Town of Merrillville, Lake County, Indiana, an Indiana Municipal Corporation** (hereinafter referred to as "Merrillville"), and **Karis Acquisitions, LLC, a Delaware Limited Liability Company** (hereinafter referred to as the "Company").

RECITALS

WHEREAS, pursuant to IC §36-7-4-1015 and 21-23 of the Merrillville Zoning Ordinance, Ordinance 02-03 adopted February 12, 2002, an Owner of real estate within Indiana may make certain Zoning Commitments to a Plan Commission regarding real estate;

WHEREAS, Company is in the process of purchasing Real Estate in Merrillville, Indiana, legally described as follows:

PARCEL I:

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER; AND THAT PART OF THE SOUTHWEST QUARTER LYING EASTERLY AND SOUTHERLY OF THE CENTERLINE OF BEAVER DAM EXTENSION DITCH, ALL IN SECTION 35, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID WEST HALF OF THE SOUTHEAST QUARTER, SAID POINT BEING SOUTH 89 DEGREES 58 MINUTES 11 SECONDS WEST, 1,331.06 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 35 AS MEASURED ALONG THE SOUTH LINE OF SAID SECTION 35; THENCE SOUTH 89 DEGREES 58 MINUTES 11 SECONDS WEST, 753.61 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 01 MINUTES 49 SECONDS WEST, 149.30 FEET; THENCE NORTH 75 DEGREES 04 MINUTES 51 SECONDS WEST, 111.85 FEET; THENCE NORTH 38 DEGREES 39 MINUTES 40 SECONDS WEST, 111.85 FEET; THENCE NORTH 02 DEGREES 14 MINUTES 28 SECONDS, 162.09 FEET; THENCE NORTH 42 DEGREES 53 MINUTES 10 SECONDS EAST, 360.57 FEET; THENCE NORTH 47 DEGREES 06 MINUTES 50 SECONDS WEST, 726.00 FEET; THENCE SOUTH 42 DEGREES 53 MINUTES 10 SECONDS WEST, 150.00 FEET TO A POINT OF CURVE, SAID POINT BEING ON A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1,330.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC LENGTH OF 431.02 FEET TO A RADIAL LINE; THENCE NORTH 65 DEGREES 40 MINUTES 55 SECONDS WEST ALONG SAID RADIAL LINE, 95.04 FEET; THENCE NORTH 72 DEGREES 33 MINUTES 29 SECONDS WEST, 150.00 FEET; THENCE SOUTH 87 DEGREES 05 MINUTES 38 SECONDS WEST, 100.66 FEET; THENCE SOUTH 60 DEGREES 11 MINUTES 48 SECONDS WEST, 70.53 FEET; THENCE SOUTH 85 DEGREES 00 MINUTES 20 SECONDS WEST, 142.80 FEET; THENCE NORTH 50 DEGREES 28 MINUTES 39 SECONDS WEST, 103.66 FEET; THENCE NORTH 40 DEGREES 16 MINUTES 53 SECONDS WEST, 54.58 FEET; THENCE NORTH 03 DEGREES 49 MINUTES 20 SECONDS WEST, 134.98 FEET; THENCE NORTH 71 DEGREES 22 MINUTES 45 SECONDS WEST, 41.08 FEET; THENCE NORTH 23 DEGREES 28 MINUTES 50 SECONDS EAST, 149.98 FEET, TO A POINT OF CURVE, SAID POINT BEING ON A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 235.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 37.97 FEET TO A POINT OF REVERSE CURVE, SAID POINT BEING ON A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 675.50 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 383.83 FEET TO A POINT ON A NONE RADIAL LINE; THENCE SOUTH 89 DEGREES 01 MINUTES 11 SECONDS EAST, 82.32 FEET; THENCE NORTH 84 DEGREES 51 MINUTES 34 SECONDS EAST, 59.88 FEET; THENCE NORTH 87 DEGREES 17 MINUTES 49 SECONDS EAST, 101.08 FEET; THENCE SOUTH 76 DEGREES 33 MINUTES 46 SECONDS EAST, 101.08 FEET; THENCE SOUTH 60 DEGREES 25 MINUTES 21 SECONDS EAST, 101.08 FEET; THENCE NORTH 37 DEGREES 38 MINUTES 51 SECONDS, 20.00 FEET; THENCE NORTH 21 DEGREES 12 MINUTES 00 SECONDS WEST, 205.11 FEET; THENCE NORTH 68 DEGREES 48 MINUTES 00 SECONDS EAST, 53.79 FEET; THENCE NORTH 11 DEGREES 22 MINUTES 34 SECONDS WEST, 546.28 FEET; THENCE NORTH 29 DEGREES 16 MINUTES 04 SECONDS WEST, 110.00 FEET; THENCE SOUTH 60 DEGREES 43 MINUTES 56 SECONDS WEST, 210.00 FEET; THENCE SOUTH 55 DEGREES 41 MINUTES 52 SECONDS WEST, 122.01 FEET; THENCE SOUTH 41 DEGREES 01 MINUTES 11 SECONDS WEST, 126.77 FEET; THENCE SOUTH 25 DEGREES 50 MINUTES 36 SECONDS WEST; 126.77 FEET; THENCE SOUTH 10 DEGREES 40 MINUTES 02 SECONDS WEST, 126.77; THENCE SOUTH 04 DEGREES 30 MINUTES 33 SECONDS EAST, 126.77 FEET; THENCE SOUTH 11 DEGREES 41 MINUTES 42 SECONDS EAST, 117.10 FEET; THENCE SOUTH 04 DEGREES 57 MINUTES 17 SECONDS WEST, 111.47 FEET; THENCE SOUTH 14 DEGREES 02 MINUTES 50 SECONDS WEST, 92.28 FEET; THENCE SOUTH 24 DEGREES 38 MINUTES 39 SECONDS WEST, 98.13 FEET; THENCE SOUTH 28 DEGREES 47 MINUTES 11 SECONDS WEST, 115.45 FEET; THENCE SOUTH 23 DEGREES 28 MINUTES 50 SECONDS WEST, 425.77 FEET; THENCE SOUTH 15 DEGREES 22 MINUTES 14 SECONDS WEST, 114.61 FEET; THENCE SOUTH 13 DEGREES 29 MINUTES 30

SECONDS WEST, 426.41 FEET; THENCE SOUTH 80 DEGREES 26 MINUTES 35 SECONDS EAST, 15.04 FEET; THENCE SOUTH 15 DEGREES 43 MINUTES 31 SECONDS EAST 161.99 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 49 SECONDS EAST, 119.78 FEET TO THE SOUTH LINE OF SAID SECTION 35; THENCE NORTH 89 DEGREES 58 MINUTES 11 SECONDS EAST, ALONG SAID SOUTH LINE, 1,841.04 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

PART OF THE WEST HALF OF THE SOUTHEAST QUARTER, THE NORTHEAST QUARTER, AND THAT PART OF THE SOUTHWEST QUARTER LYING EASTERLY AND SOUTHERLY OF THE CENTERLINE OF BEAVER DAM EXTENSION DITCH, ALL IN SECTION 35, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA, AND PART OF LOT 2, IN OAK TREE ESTATES, AN ADDITION TO MERRILLVILLE, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 88 PAGE 31, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SAID WEST HALF OF THE SOUTHEAST QUARTER, SAID POINT BEING SOUTH 89 DEGREES 58 MINUTES 11 SECONDS WEST, 1,331.06 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 35 AS MEASURED ALONG THE SOUTH LINE OF SAID SECTION 35 TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 58 MINUTES 11 SECONDS WEST, 753.61 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 49 SECONDS WEST, 149.30 FEET; THENCE NORTH 75 DEGREES 04 MINUTES 51 SECONDS WEST, 111.85 FEET; THENCE NORTH 38 DEGREES 39 MINUTES 40 SECONDS WEST, 111.85 FEET; THENCE NORTH 02 DEGREES 14 MINUTES 28 SECONDS WEST, 162.09 FEET; THENCE NORTH 42 DEGREES 53 MINUTES 10 SECONDS EAST, 360.57 FEET; THENCE NORTH 47 DEGREES 06 MINUTES 50 SECONDS WEST, 726.00 FEET; THENCE SOUTH 42 DEGREES 53 MINUTES 10 SECONDS WEST, 150.00 FEET TO A POINT OF CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 1,330.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC LENGTH OF 431.02 FEET TO A RADIAL LINE; THENCE NORTH 65 DEGREES 40 MINUTES 55 SECONDS WEST ALONG SAID RADIAL LINE, 93.04 FEET; THENCE NORTH 72 DEGREES 33 MINUTES 29 SECONDS WEST, 150.00 FEET; THENCE SOUTH 87 DEGREES 05 MINUTES 38 SECONDS WEST, 100.66 FEET; THENCE SOUTH 60 DEGREES 11 MINUTES 48 SECONDS WEST, 70.53 FEET; THENCE SOUTH 85 DEGREES 00 MINUTES 20 SECONDS WEST, 142.80 FEET; THENCE NORTH 50 DEGREES 28 MINUTES 39 SECONDS WEST, 103.66 FEET; THENCE NORTH 40 DEGREES 16 MINUTES 53 SECONDS WEST, 54.58 FEET; THENCE NORTH 03 DEGREES 49 MINUTES 20 SECONDS WEST, 134.98 FEET; THENCE NORTH 71 DEGREES 22 MINUTES 45 SECONDS WEST, 41.08 FEET; THENCE NORTH 23 DEGREES 28 MINUTES 50 SECONDS EAST, 149.98 FEET, TO A POINT OF CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 235.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 37.97 FEET TO A POINT OF REVERSE CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 675.50 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 383.83 FEET TO A POINT ON A NONRADIAL LINE; THENCE SOUTH 89 DEGREES 01 MINUTES 11 SECONDS EAST, 82.12 FEET; THENCE NORTH 84 DEGREES 51 MINUTES 34 SECONDS EAST, 39.88 FEET; THENCE NORTH 87 DEGREES 17 MINUTES 49 SECONDS EAST, 101.08 FEET; THENCE SOUTH 76 DEGREES 33 MINUTES 46 SECONDS EAST, 101.08 FEET; THENCE SOUTH 60 DEGREES 25 MINUTES 21 SECONDS EAST, 101.08 FEET; THENCE NORTH 37 DEGREES 38 MINUTES 51 SECONDS, 20.00 FEET; THENCE NORTH 21 DEGREES 12 MINUTES 00 SECONDS WEST, 205.11 FEET; THENCE NORTH 68 DEGREES 48 MINUTES 00 SECONDS EAST, 53.79 FEET; THENCE NORTH 11 DEGREES 22 MINUTES 34 SECONDS WEST, 346.28 FEET; THENCE NORTH 29 DEGREES 16 MINUTES 04 SECONDS WEST, 110.00 FEET; THENCE NORTH 63 DEGREES 48 MINUTES 24 SECONDS EAST, 118.56 FEET; THENCE NORTH 74 DEGREES 57 MINUTES 18 SECONDS EAST, 102.08 FEET; THENCE NORTH 54 DEGREES 40 MINUTES 23 SECONDS EAST, 85.37 FEET; THENCE NORTH 37 DEGREES 33 MINUTES 51 SECONDS EAST, 235.29 FEET TO THE NORTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89 DEGREES 55 MINUTES 33 SECONDS EAST ALONG SAID NORTH LINE, 58.00 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 07 MINUTES 55 SECONDS WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 35, 75.43 FEET; THENCE NORTH 37 DEGREES 30 MINUTES 13 SECONDS EAST, 15.33 FEET; THENCE NORTH 37 DEGREES 52 MINUTES 26 SECONDS EAST, 115.24 FEET; THENCE NORTH 41 DEGREES 26 MINUTES 37 SECONDS EAST, 550.19 FEET; THENCE NORTH 38 DEGREES 24 MINUTES 21 SECONDS EAST, 94.66 FEET; THENCE NORTH 03 DEGREES 52 MINUTES 42 SECONDS EAST, 97.97 FEET; THENCE NORTH 32 DEGREES 40 MINUTES 46 SECONDS WEST, 50.26 FEET; THENCE NORTH 04 DEGREES 23 MINUTES 57 SECONDS EAST, 118.87 FEET; THENCE NORTH 21 DEGREES 37 MINUTES 00 SECONDS EAST, 125.43 FEET; THENCE NORTH 23 DEGREES 44 MINUTES 21 SECONDS EAST, 230.46 FEET; THENCE NORTH 26 DEGREES 19 MINUTES 10 SECONDS EAST, 281.86 FEET; THENCE NORTH 38 DEGREES 29 MINUTES 20 SECONDS EAST, 195.45 FEET; THENCE NORTH 52 DEGREES 51 MINUTES 11 SECONDS EAST, 126.00 FEET; THENCE NORTH 66 DEGREES 15 MINUTES 49 SECONDS EAST, 122.84 FEET; THENCE NORTH 78 DEGREES 07 MINUTES 48 SECONDS EAST, 122.27 FEET; THENCE SOUTH 89 DEGREES 56 MINUTES 12 SECONDS EAST, 113.46 FEET TO THE WEST LINE OF SAID LOT 2; THENCE SOUTH 89 DEGREES 56 MINUTES 12 SECONDS EAST, 11.25 FEET; THENCE SOUTH 78 DEGREES 06 MINUTES 08 SECONDS EAST, 122.29 FEET; THENCE SOUTH 66 DEGREES 11 MINUTES 06 SECONDS EAST, 122.29 FEET; THENCE SOUTH 54 DEGREES 25 MINUTES 49 SECONDS EAST, 121.30 FEET; THENCE SOUTH 49 DEGREES 08 MINUTES 24 SECONDS EAST, 105.00 FEET; THENCE SOUTH 49 DEGREES 29 MINUTES 49 SECONDS EAST, 97.40 FEET; THENCE SOUTH 63 DEGREES 04 MINUTES 02 SECONDS EAST,

358.92 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 20 SECONDS EAST, 79.42 FEET; THENCE SOUTH 00 DEGREES 07 MINUTES 40 SECONDS WEST, 5.00 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 20 SECONDS EAST, 260.00 FEET; THENCE NORTH 00 DEGREES 07 MINUTES 40 SECONDS EAST, 45.00 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 20 SECONDS EAST, 134.62 FEET; THENCE SOUTH 00 DEGREES 13 MINUTES 57 SECONDS EAST, 90.00 FEET; THENCE NORTH 89 DEGREES 52 MINUTES 20 SECONDS WEST, 1287.84 FEET; THENCE SOUTH 00 DEGREES 10 MINUTES 56 SECONDS EAST ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 35, 1321.49 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 35; THENCE SOUTH 00 DEGREES 10 MINUTES 36 SECONDS EAST, 2643.15 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPTING FROM PARCELS 1 AND 2 THEREFROM THE FOLLOWING:

A PARCEL OF LAND LYING IN THE SOUTHWEST AND SOUTHEAST QUARTERS OF SECTION 35, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN, LAKE COUNTY, INDIANA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE NORTH 00 DEGREES 13 MINUTES 18 SECONDS WEST (ASSUMED), 2640.73 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 55 MINUTES 33 SECONDS WEST, 2657.99 FEET ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER AND THE POINT OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 55 MINUTES 33 SECONDS WEST, 57.99 FEET ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER TO THE WESTERLY LINE OF A PARCEL OF LAND DEEDED TO LASALLE 115 HOLDINGS, LLC-SERIES 28 DEEP RIVER INVESTMENTS AND RECORDED AS DOCUMENT NUMBER 2012-012486 ON FEBRUARY 17, 2012 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA; THENCE SOUTH 37 DEGREES 33 MINUTES 51 SECONDS WEST, 71.49 FEET ALONG SAID WESTERLY LINE; THENCE SOUTH 00 DEGREES 04 MINUTES 27 SECONDS WEST, 43.27 FEET; THENCE SOUTH 89 DEGREES 55 MINUTES 33 SECONDS EAST, 150.00 FEET; THENCE NORTH 00 DEGREES 04 MINUTES 27 SECONDS EAST, 100.00 FEET TO SAID NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 89 DEGREES 55 MINUTES 33 SECONDS WEST, 48.50 FEET ALONG LAST SAID NORTH LINE TO THE POINT OF BEGINNING, CONTAINING 0.32 ACRES MORE OR LESS.

Common Address: Northeast Corner of 101st and Deep River

Parcel Numbers: 45-12-35-300-003.000-030 and 45-12-35-400-008.000-030

(hereinafter referred to as the "Property").

WHEREAS, Company has made application to Merrillville to rezone the Property from (A-1) Agricultural to (C/I-S) Commercial/Industrial Special District;

WHEREAS, Company desires to provide assurances to Merrillville that Company's intention in developing the Property is solely to develop it as a data center or use similar thereto;

WHEREAS, Company, based on factors beyond its control, desires the ability to delay the commencement of the development for a period longer than permitted by Merrillville Town Ordinance; and

WHEREAS, in an effort to address each of the parties' concerns, the parties are entering into this Agreement so that, based on Company's assurances, Merrillville will, by these presents, approve the rezoning of the Property, subject to the terms and conditions set forth herein:

COMMITMENT

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound hereby, Merrillville and Company commit as follows:

1. *Recitals Incorporated*. All Parties agree that the Recital terms set forth hereinabove in this Commitment are an inherent part of this commitment instrument, and incorporated herein. Further the Recitals shall be used to interpret this Commitment.

2. *Commitment*. The Company, upon completing the purchase of the Property, in order to preserve the integrity of the area, agrees to develop and use the Property, upon being rezoned as (C/I-S) Commercial/Industrial Special District, as a Data Center or use similar thereto. A Data Center, for purposes of this Agreement, shall be defined as a large group of networked computer servers typically used by organizations for the remote storage, processing, or distribution of large amounts of data.

3. *Zoning Reversion*. Company hereby agrees that if the Property is rezoned by the Merrillville Town Council, Company, notwithstanding Merrillville Town Zoning Ordinance Section 21-47 to the contrary, shall obtain a building permit for the first phase of construction of the proposed development within four (4) years after the date of Merrillville Town Council's approval of the zone change. If Company fails to obtain a building permit within the time period outlined herein, the (C/I-S) Commercial/Industrial Special District Zone classification will revert back to the current (A-1) Agricultural Zone classification upon a majority vote of the Merrillville Town Council.

4. *Successors and Assigns*. Wherever reference is made herein to any party by name or designation, such reference shall be deemed to extend to and include the successors and permitted assigns of such party.

5. *This Commitment*. This Commitment shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns, and shall constitute the entire agreement among the parties. This Commitment shall not be modified or amended except by a written instrument duly executed by all of the parties hereto.

6. *Recording*. The undersigned authorizes the Planning Director of the Planning Department for the Town of Merrillville to record these Commitments in the Office of the Recorder of Lake County, Indiana, upon approval of the change of zone to (C/I-S) Commercial/Industrial Special District by the Merrillville Town Council and the purchase of the Property by the Company.

7. *Enforcement*. These Commitments may be enforced by the Merrillville Plan Commission and/or the Merrillville Town Council.

8. *Notices*. All notices required to be given under this Commitment shall be in writing, and deemed sufficient to each party when sent by United States Mail, postage pre-paid, or hand-delivered to the following:

MERRILLVILLE PLAN COMMISSION
Attn: President of Plan Commission
7820 Broadway
Merrillville, IN 46410

Attn: Planning Director
7820 Broadway
Merrillville, IN 46410

With Copy to:

Atty. Joseph C. Svetanoff
KOPKA PINKUS DOLIN PC
9801 Connecticut Drive
Crown Point, IN 46307

TOWN OF MERRILLVILLE
Michael Griffin, Interim Town Manager,
or his successor
7820 Broadway
Merrillville, IN 46410

KARIS ACQUISITIONS, LLC
Attn: Jake Finley
2150 Goodlette-Frank Road N., Suite 702
Naples, FL 34102

With Copy to:

Atty. Betsy Gates-Alford
BURKE, WARREN, MACKAY
& SERRITELLA, P.C.
330 N. Wabash Ave., 21st Floor
Chicago, IL 60611

Atty. Richard E. Anderson
ANDERSON & ANDERSON, P.C.
9211 Broadway
Merrillville, IN 46410

9. *Miscellaneous*. The Company acknowledges and agrees that, unless additional approvals are obtained, all Merrillville land use approval regulations, codes, and requirements will be hereafter complied with, in all respects. Upon further development of ancillary uses, the Company will seek appropriate planning and zoning approval.

10. *Governing Law*. This Commitment shall be governed by the laws of the State of Indiana.

11. *Public Action*. It is expressly acknowledged and stated that this Commitment is entered into by Merrillville after action at a Public Meeting of the Town Council of Merrillville on the ___ day of August, 2024 to approve Ordinance No. 24-26 rezoning the property to (C/I-S) Commercial/Industrial Special District, by a vote of _____ in favor and _____ against, and whereby the Town Council President and Town Clerk-Treasurer, respectively, were directed to execute and attest the same, and deliver this Commitment.

12. *Corporate/Entity Authorization*. The undersigned Person executing this Commitment on behalf of Karis Acquisitions, LLC, a Delaware limited liability company, represents that he is the duly elected and authorized Signatory of said limited liability company, and is fully empowered to execute and deliver this Commitment and that all necessary corporate or entity action for making this Commitment has been taken and done.

13. *Expiration*. This Commitment shall expire automatically if the zoning district or classification applicable to this parcel is changed from (C/I-S) Commercial/Industrial Special District.

IN WITNESS WHEREOF, the Parties have executed this Agreement the date and year first above written.

COMPANY:

KARIS ACQUISITIONS, LLC, a Delaware limited liability company

By: _____ DATE: 8/6/24
Printed: JAKE FINLEY
Its: Authorized Signatory

STATE OF Florida)
) SS:
COUNTY OF Collier)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this date personally appeared KARIS ACQUISITIONS, LLC, a Delaware limited liability company, by JAKE FINLEY, Authorized Signatory, who acknowledged the execution of the foregoing Zoning Commitment for and on behalf of said KARIS ACQUISITIONS, LLC and who, having been duly sworn, stated that the representations therein contained are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 6 day of August, 2024.

_____
Notary Public

Commission Expires: 3/14/27
County of Residence: Collier

LAURA IANUALE
Notary Public
State of Florida
Comm# HH373438
Expires 3/14/2027

It was moved by Councilor Pettit and seconded by Councilor Uzelac to defer Ordinance 24-33 for two-weeks. Upon a roll call vote, there were six affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, and Rick Bella. There were no negatives. The motion passed. The ordinance was deferred for two weeks.

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

8. Ordinance 24-34 (Discussion and Roll Call Vote)

An Enactment Appropriating Additional Money in Excess of the Annual Budget for the Police Department Continuing Education Fund, all pursuant to I. C. 6-1,1-18. I.C. 36-5-3-5. Et seq.

TOWN OF MERRILLVILLE
APPROPRIATION ENACTMENT
ORDINANCE NO. 24-34

An Enactment Appropriating Additional Money In Excess of the Annual Budget for the Police Department Continuing Education Fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

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

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

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

POLICE DEPARTMENT CONTINUING EDUCATION FUND 2228

Increase the following:

22280101187 CE/OVERTIME	$60,000.00
Total 100 Series:	$ 60,000.00
TOTAL for the FUND:	$ 60,000.00

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

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

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

It was moved by Councilor Neal and seconded by Councilor Uzelac to approve Ordinance 24-34.
Upon a roll call vote, there were six affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, and Rick Bella. There were no negatives. The motion passed. The ordinance was approved on first reading.
(The original is on file in the Office of the Clerk-Treasurer)

Second Reading: (Discussion, Public Comment, and Roll Call Vote)

1. **Ordinance 24-24 (Discussion, Public Comment, and Roll Call Vote)**
   An Ordinance Of The Town Council Of The Town Of Merrillville, Indiana, Authorizing The Issuance Of The Town Of Merrillville, Indiana, Taxable Economic Development Increment Revenue Bonds, Series 2024 (Boys And Girls Clubs Of Northwest Indiana Project) (Including Bond Anticipation Notes) And Approving And Authorizing Other Actions In Respect Thereto (Boys & Girls Clubs Of Greater Northwest Indiana Inc. Incentive)

ORDINANCE NO. 24-24

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, INDIANA, AUTHORIZING THE ISSUANCE OF THE TOWN OF MERRILLVILLE, INDIANA, TAXABLE ECONOMIC DEVELOPMENT TAX INCREMENT REVENUE BONDS, SERIES 2024 (BOYS AND GIRLS CLUBS OF NORTHWEST INDIANA PROJECT) (INCLUDING BOND ANTICIPATION NOTES) AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

(BOYS & GIRLS CLUBS OF GREATER NORTHWEST INDIANA INC. INCENTIVE)

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

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;

WHEREAS, Boys & Girls Clubs of Greater Northwest Indiana Inc., and/or one or more subsidiaries, affiliates or joint ventures thereof (collectively, the "Developer"), desires to undertake the acquisition, construction, renovation, and equipping of facilities for use by the Developer in its non-profit recreational and related operations within the Town (the "Development"), which will benefit and serve the Broadway Allocation Area created by the Merrillville Redevelopment Commission (the "Redevelopment Commission") in the Town (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");

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 2024" (with such further series or different series designation as determined to be necessary or appropriate), in the aggregate principal amount not to exceed Two Million Dollars ($2,000,000) (collectively, the "Bonds"), and/or bond anticipation notes, in the aggregate principal amount not to exceed Two Million Dollars ($2,000,000), in anticipation of the issuance of such Bonds (the "BANs") under the Act and make (or be deemed to make) the net proceeds of such Bonds available to the Developer for the purpose of financing a portion of the costs of the Project;

WHEREAS, The Economic Development Commission has rendered a report concerning the proposed financing or refinancing of economic development facilities for the Developer;

WHEREAS, Following a public hearing, pursuant to Section 24 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 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/or BANs; and

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

WHEREAS, The Town intends to issue the Bonds and/or BANs 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 funds 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 or BANs (the "Financing Agreement"), by and between the Town and the Developer with respect to the use of the proceeds of the Bonds or BANs and the completion of the Project;

WHEREAS, The Redevelopment Commission has pledged to the Town a portion of the tax increment revenues generated by 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;

WHEREAS, No member of the Town Council of the Town (the "Town Council") has any pecuniary interest in any employment, 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 Indiana Code 36-7-12-16; and

WHEREAS, The forms 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 into 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 the amount necessary to finance a portion of the costs of the Project will require the issuance, sale and delivery of economic development revenue bonds and/or bond anticipation notes in an aggregate principal amount not to exceed Two Million Dollars ($2,000,000).

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/or BANs, 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 and/or BANs in the maximum aggregate principal amount not to exceed Two Million Dollars ($2,000,000). Principal on the Bonds shall be payable in the amount of $200,000 each year, with the first principal payment date not before February 1, 2025, and with additional principal payment dates on each of the nine (9) anniversaries thereafter. The Bonds shall bear interest at a rate of 0% per annum. The BANs, if issued, shall have a term not longer than five (5) years, with interest payable on such date or dates as the Town Council President shall determine prior to the issuance of the BANs. The maximum interest rate on the Bonds and/or BANs shall not exceed zero percent (0.0%) per annum with respect to the Bonds and eight percent (8.0%) per annum with respect to the BANs. The Bonds and/or BANs may be issued on either a taxable or tax-exempt basis, and the Bonds may be issued as serial bonds and/or term bonds subject to mandatory sinking fund redemption. The Bonds and/or BANs shall be subject to optional redemption prior to maturity as determined by negotiations with the purchaser thereof. The Bonds and/or BANs 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 and/or BANs shall be issued for the purpose of procuring funds to (a) pay a portion of the cost of acquisition, design, construction, renovation, improvement and equipping of the Project, (b) pay capitalized interest on the Bonds and/or BANs (if necessary), (iii) fund a debt service reserve fund (if necessary), (d) pay all incidental expenses on account of the issuance of the Bonds and/or BANs and acquiring any credit enhancement with respect thereto, and (e) refunding the BANs. The Bonds and/or BANs shall be sold by private negotiation. 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 principal and interest on BANs shall be payable from the proceeds of the Bonds; provided, that the Town Council President may determine prior to the sale of the BANs that interest thereon shall be payable from Tax Increment Revenues. The Bonds and/or BANs shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the Town.

SECTION 5. The Town Council President and the Clerk-Treasurer of the Town are authorized and directed to sell such Bonds and/or BANs at a price of par (or such percentage thereof as the Town Council President may determine prior to the sale thereof), at a rate of interest not to exceed zero percent (0.0%) per annum with respect to the Bonds and not to exceed eight percent (8.0%) per annum with respect to the BANs, and with a final maturity date not later than the later of (a) February 1, 2034 or (b) the date that is nine (9) years after the first principal payment on the Bonds, with respect to the Bonds; and no later than five (5) years after their date of issuance with respect to the BANs.

SECTION 6. Each of the Town Council President and the Clerk-Treasurer is 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. Their execution shall be deemed as confirmed by the Town Council upon the signature of the Town Council President evidencing adoption, pursuant to IC 36-5-2-10(a), and attested thereto by the Town Clerk-Treasurer as prescribed by I.C. 36-5-2-10.2(2). The signatures of the Town Council President and the Town Clerk-Treasurer are required under IC 36-7-12-25(c), which expressly states that bonds must be attested to by the fiscal officer. Their execution shall be deemed as confirmed by the Town Council upon the signature of the Town Council President evidencing adoption, pursuant to IC 36-5-2-10(a), and attested thereto by the Town Clerk-Treasurer as prescribed by I.C. 36-5-2-10.2(2). The Town Council President, the Clerk-Treasurer and any other officer of the Town are authorized to arrange for the delivery of such Bonds and/or BANs to the purchaser, payment for which will be made in the manner set forth in the Financing Documents. The Town Council President and the Clerk-Treasurer may, by their execution of the Financing Documents requiring their signatures, approve any and all changes therein 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)(10) 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/or BANs, and after the issuance of said Bonds and/or BANs, 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 and/or BANs 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 and/or BANs secured thereby, or otherwise, of any sum that may remain due and unpaid by the Town upon any of such Bonds and/or BANs. 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 and/or the BANs, or otherwise, of any sum that may remain due and unpaid upon the Bonds and/or BANs 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 and/or BANs.

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 Indiana 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.

ALL OF WHICH IS PASSED AND ADOPTED THIS ____ DAY OF _____, 2024, BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA.

Town Manager Griffin explained Ordinance 24-24.

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

Councilor Pettit reported that the Town of Merrillville sold the property to the Boys and Girls Club of Greater Northwest Indiana.

By leave of President Bella, Michael Jensen, President/CEO of the Boys and Girls Club of Greater Northwest Indiana explained the plans for the property.
By leave of President Bella, Robert Swintz explained TIF District funding.
Public Comments:

1. Bryon Messer Merrillville, Indiana voiced his concerns regarding the TIF District funding for the Boys and Girls Club of Greater Northwest Indiana.

By leave of President Bella, Town Manager also explained the TIF District funding.
Upon a roll call vote, there were three affirmative, two negatives, and one abstention. Councilors Rhonda Neal, Shawn Pettit, and Rick Bella voted in the affirmative. Councilors Shauna Haynes-Edwards, Leona Chandler-Felton voted in the negative. Councilor Margaret Uzelac abstained. The motion failed. The ordinance wasn't approved on second reading.
(The original is on file in the Office of the Clerk-Treasurer)

2. **Ordinance 24-27 (Discussion, Public Comment, and Roll Call Vote)**
An Ordinance Of The Town Of Merrillville Indiana, Providing That The Zoning Ordinance Town Of Merrillville, Lake County, Indiana Be Amended By Changing The Established M-1. Limited Industrial Zoning District Classification To A Planned Unit Development Zoning District Classification (Phase 6) And Amending Phases 5 & 7

a distance of 41.66 feet to the West line of the NE ¼ of said Section 30; thence N 00°02'42" E along said West line, a distance of 577.67 feet to the point of beginning, and part of the Southeast Quarter of Section 19, Township 35 North, Range 8 West of the Second Principal Meridian and the Northeast Quarter of Section 30, Township 35 North, Range 8 West of the Second Principal Meridian, more particularly described as follows: Commencing at the NW corner of the South 40 acres of the SE ¼ of said Section 19; thence S 00°24'05" W along the West line of said SE ¼, a distance of 185.07 feet; thence S 88°00'19" E, a distance of 631.01 feet; thence S 01°59'41" W, a distance of 125.00 feet to the point of beginning; thence S 88°00'19" E, a distance of 316.21 feet; thence S 08°12'15" E, a distance of 386.34 feet; thence S 00°42'28" W, a distance of 319.83 feet; thence N 90°00'00" W, a distance of 370.73 feet; thence N 00°18'00" E, a distance of 591.95 feet; thence N 00 12'04" E, a distance of 121.06 feet to the point of beginning, and part of the Northeast Quarter of Section 30, Township 35 North, Range 8 West of the Second Principal Meridian more particularly described as follows: Commencing at the Northwest corner of the NE ¼ of said Section 30; thence S 00°02'42" W along the West line of said NE ¼, a distance of 577.67 feet; thence S 05°57'27" E, a distance of 41.66 feet to the point of beginning; thence N 89°07'28" E, a distance of 1273.28; thence S 08°44'02" W, a distance of 146.71 feet; thence S 88°13'39" E, a distance of 615.16 feet; thence S 01°46'21" W, a distance of 483.57 feet; thence S 88°07'20" E, a distance of 352.68 feet; thence S 01°52'40" W, a distance of 140.00 feet to the South line of the NE ¼ of the NE ¼ of said Section 30; thence N 88°07'20" W along said South line and the South line of the NW ¼ of the NE ¼, a distance of 1835.23 feet; thence N 28°36'07" W, a distance of 660.67 feet to a point of curve; thence Northerly along a curve concave to the East and having a radius of 328.34 feet, an arc distance of 118.08 feet; thence N 05°57'27" W, a distance of 10.41 to the point of beginning, excepting therefrom the following described parcel: Part of the Northeast Quarter of Section 30, Township 35 North, Range 8 West of the Second Principal Meridian more particularly described as follows: Commencing at the Northwest corner of the NE ¼ of said Section 30; thence S 00°02'42" W along the West line of said NE ¼, a distance of 577.67 feet; thence S 05°57'27" E, a distance of 52.08 feet to a point of curve; thence Southeasterly along a curve concave to the East and having a radius of 328.37 feet, an arc distance of 118.08 feet; thence S 28°36'07" E, a distance of 261.10 feet to the point of beginning; thence N61°23'53" E, a distance of 35.00 feet; thence S 72°02'25" E, a distance of 28.00 feet; thence S 89°39'22" E, a distance of 1638.38 feet; thence S 01°46'21" W, a distance of 275.44 feet; thence S 88°07'20" E, a distance of 352.68 feet; thence S 01°52'40" W, a distance of 140.00 feet to the South line of the NE ¼ of said Section 30; thence N 88°07'20" W along said South line and the South line of the NW ¼ of the NE ¼, a distance of 1835.23 feet; thence N 28°36'07" W, a distance of 419.57 feet to the point of beginning.

THIS LAND IS TO BE DEVELOPED PER PLAN SUBMITTED AND APPROVED BY THE MERRILLVILLE PLAN COMMISSION ON JULY 16, 2024.

SECTION 2: The Town Council now finds that the above Zone Change will not be injurious to the public health, safety, morals and general welfare of the community and that the use or value of the area adjacent to the property included in this ordinance will not be affected in a substantially adverse manner and the need for the change in zoning herein arises from a condition peculiar to the property involved and the condition is not due to the general condition of the neighborhood. The Council further finds that the strict application of the terms of the Zoning Ordinance will constitute an unusual and unnecessary hardship if applied to the property herein if this rezoning were not granted and this rezoning does not interfere substantially with a comprehensive plan.

SECTION 3: That the Town Engineer and/or Planning & Building Department hereby authorized and directed upon enactment and approval of this Ordinance, to cause a change to be made on the Zone Maps, to make certain notations in ink thereon and to record the date of passage of this Ordinance.

SECTION 4: Since an emergency exists for the immediate taking effect of this ordinance, the same shall be in full force and effect from and after its passage, or as soon thereafter as otherwise provided by law.

PASSED AND ADOPTED by the Town Council of the Town of Merrillville, on this ____day of _____ 2024.

ORDINANCE NO. 24-27

AN ORDINANCE OF THE TOWN OF MERRILLVILLE INDIANA, PROVIDING THAT THE ZONING ORDINANCE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA BE AMENDED BY CHANGING THE ESTABLISHED M-1, LIMITED INDUSTRIAL ZONING DISTRICT CLASSIFICATION TO A PLANNED UNIT DEVELOPMENT ZONING DISTRICT CLASSIFICATION (PHASE 6) AND AMENDING PHASES 5 AND 7

BE IT ORDAINED by the Town Council of the Town of Merrillville:

SECTION 1: That Ordinance No. 03-23, entitled, Merrillville Indiana Zoning Ordinance, and particularly the Zone Maps, which has REPLACED Ordinance No. 78-5 be and the same is hereby amended by changing the following described real estate on the Zone Maps from its established M-1, Limited Industrial Zoning District Classification to a Planned Unit Development Zoning District Classification: (PHASE 6) and amending PHASES 5 and 7.

LEGAL DESCRIPTION Phase 6:
Part of the Northeast Quarter of Section 30, Township 35 North, Range 8 West of the Second Principal Meridian more particularly described as follows: Commencing at the Northwest corner of the NE ¼ of said Section 30; thence S 00°02'42" W along the West line of said NE ¼, a distance of 577.67 feet; thence S 05°57'27" E, a distance of 52.08 feet to a point of curve; thence Southeasterly along a curve concave to the East and having a radius of 328.37 feet, an arc distance of 118.08 feet; thence S 28°36'07" E, a distance of 261.10 feet to the point of beginning; thence N61°23'53" E, a distance of 35.00 feet; thence S 72°02'25" E, a distance of 28.00 feet; thence S 89°39'22" E, a distance of 1638.38 feet; thence S 01°46'21" W, a distance of 275.44 feet; thence S 88°07'20" E, a distance of 352.68 feet; thence S 01°52'40" W, a distance of 140.00 feet to the South line of the NE ¼ of the NE ¼ of said Section 30; thence N 88°07'20" W along said South line and the South line of the NW ¼ of the NE ¼, a distance of 1835.23 feet; thence N 28°36'07" W, a distance of 419.57 feet to the point of beginning, containing 15.537 acres, more or less, all in the Town of Merrillville, Lake County, Indiana.

LEGAL DESCRIPTION Phase 5 and 7 merged into one.
Part of the Southeast Quarter of Section 19, Township 35 North, Range 8 West of the Second Principal Meridian and the Northeast Quarter of Section 30, Township 35 North, Range 8 West of the Second Principal Meridian, more particularly described as follows: Beginning at the SW corner of the SE ¼ of said Section 19; thence N 00°24'05" E, along the West line of said SE ¼, a distance of 477.23 feet; thence S 88°00'19" E, a distance of 631.01 feet; thence S 01°59'41" W, a distance of 125.00 feet; thence S 00°12'04" W, a distance of 121.06 feet; thence S 00°18'00" W, a distance of 591.95 feet; thence S 90°00'00" E, a distance of 370.73 feet; thence S 00°42'28" W, a distance of 221.32 feet; thence S 89°07'28" W, a distance of 990.34 feet; thence N 05°57'27" W,

It was moved by Councilor Pettit and seconded by Councilor Neal to approve Ordinance 24-27.
Director Shine explained Ordinance 24-27.
Public Comments
No comments were given by the public.
Upon a roll call vote, there were six affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, and Rick Bella. There were no negatives. The motion passed. The ordinance was approved on second and final reading.
(The original is on file in the Office of the Clerk-Treasurer)

B. Resolutions:

1. Resolution 24-21 (Discussion and Voice Vote)
A Resolution of the Town Council Approving and Authorizing Purchase of the Property, Casualty, and Multi-Peril Insurance Lines for the Municipality through the Pampalone Agency, pursuant to Sections 2-135 through 2-139 of the Merrillville Municipal Code.

Town of Merrillville
Town Council Resolution No. 24-21

A Resolution of the Town Council Approving and Authorizing Purchase of the Property, Casualty and Multi-peril Insurance Lines for the municipality through the Pampalone Agency, pursuant to Sections 2-135 through 2-139 of the Merrillville Municipal Code

Whereas, The Town of Merrillville through the Town Council as the Works Board of the municipality, as part of its public duties, has responsibility to preserve the property and assets of the municipality, to protect the treasury from extraordinary claims and to indemnify the officers and employees performing duties lawfully, from time to time, so it is necessary to purchase certain lines of property, casualty and multi-peril lines of insurance;

Whereas, The Town Council, pursuant to Section 2-136 (A) of the Merrillville Municipal Code, serves as the purchasing agency for the municipality and its executive departments except for those executive departments which are expressly subject to the purchasing authority of a relevant governing board of jurisdiction;

Whereas, Pursuant to Section 2-136.1 (E) of the Merrillville Municipal Code, the Town Council shall have exclusive authority to approve purchases involving insurance of any type or term, except where ordinances of the unit otherwise permit;

Whereas, The Town Manager, pursuant to Section 2-136.1 (D)(11) of the Merrillville Municipal Code, serves as the Purchasing Agent for the office of town manager/administration, for the offices of the Town Council, for any department or office for which an agent is not otherwise expressly provided, and for all executive departments of the municipality;

Whereas, The Town Manager had been reliably advised that the current property and casualty insurance lines as well as the workers compensation coverages expired on August 8, 2024, has determined that it is necessary or desirable in the conduct of the Town's affairs, to take steps to renew the coverages that were in force and under the same terms before August 8, 2024;

Whereas, In addition to the reasons set forth in this preamble, noting that the purchase is for a service, pursuant to Section 2-138 of the Merrillville Municipal Code, the purchasing agency may make this purchase in whatever manner the purchaser determines to be reasonable;

Whereas, In addition to the reasons set forth in this preamble, noting that the purchase price exceeds $15,000, pursuant to Section 2-136.2(B)(3) of the Merrillville Municipal Code, the purchasing agent requires the additional approval of the purchasing agency to execute the purchase;

Whereas, The purchase will be supported by budgeted accounts in the several funds of the municipality including the *Municipal Cumulative Capital Development Fund*, there is or expected to be sufficient appropriations to support the purchase, all pursuant to Section 2-136.1 (F); and,

PROPERTY & CASUALTY LINES	2023 - 2024	2024 - 2025	Dollar / Percent Change
Workers COMPENSATION	$ 140,964 *	$ 158,733	12.6%
Commercial AUTO LIABILITY	$ 370,026	$ 386,976	4.6%
Umbrella Insurance	$ 22,116	$ 22,174	0.3%
LIABILITY Insurance Lines	$ 201,846	$ 232,243	15.1%
PROPERTY Insurance Lines	$ 46,052	$ 53,529	16.2%
CYBER SECURITY Insurance	$ 1,989	$ 2,174	9.3%
Subtotal	$ 784,976	$ 863,529	9.46%
DEAN & BARBARA WHITE COMMUNITY CENTER PROPERTY Special Insurance Lines	$ 39,946	$ 46,181.00	15.6%
Subtotal	$ 39,946	$ 46,182	15.6%
GRAND TOTAL:	$ 824,922	$ 909,711	9.75%

*Includes premium adjustment from audit.

(B) That given that the renewal date came at an uncommon period in the year and did not provide the purchasing agent or agency sufficient time to consider soliciting other proposals, the receipt of a renewal proposal from the current insurance agency is determined to be reasonable;

Section 2. That based upon the findings and determinations set forth in Section 1 and described in the preamble in this resolution, the Town Council as the Works Board of the municipality hereby approves the purchase and renewal of insurance services from the **Pampalone Insurance Agency, Incorporated,** 6695 Broadway Street, Merrillville, Indiana 46410 for the following lines of coverages, under the same or similar terms in force prior to this renewal, at the annual premiums set forth for August 9, 2024 through August 9, 2025 and set forth comparatively below:

See next page.

Section 3. That the purchase of the identified property and casualty lines as well as the special coverages required pursuant to the capital lease indentures for the Dean and Barbara White Community Center are hereby authorized and approved and the Town Manager is hereby directed to execute the purchasing agreements with **Pampalone Insurance Agency, Incorporated,** and any signature of such an agreements made prior to this resolution's authorization is hereby ratified pursuant to IC 36-1-4-16;

Section 4. That the proper officers are authorized and directed to execute the purchase agreement and any additional documents in order to implement the purposes of this resolution and then file copies of these documents as financial materials with the Office of the Clerk-Treasurer, pursuant to IC 36-5-4-14.

DULY, PASSED and RESOLVED by the Town Council of the Town of Merrillville, Lake County, Indiana, acting as the Works Board, this 13th day of August 2024.

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

PAMPALONE INSURANCE AGENCY, INC.
6695 BROADWAY, MERRILLVILLE, INDIANA 46410 (219) 736-5000 FAX (219) 769-6357
www.pampaloneinsurance.com

Town of Merrillville

2024 – 2025 Insurance Summary

Travelers' renewal quotations reflect a 3.5% increase in overall exposures (property values, number of vehicles, budget, etc.), and a 6.8% rate increase.

General Liability : Rates increased 3.7% and the exposure basis increased by 2.5% (the net expenditures in the budget)

Property : The buildings and personal property are insured on a blanket basis for replacement cost. Blanket building values increased from $52,595,274 to $57,497,937 to allow for inflationary increases in construction costs. The rates increased by 8.7% compared to last year, primarily due to increased re-insurance costs.

Equipment: The rates did not change from the previous year, and the total value of the equipment schedule increased from $1,748,584 to $1,861,136.

Auto Liability and Physical Damage : Rates are up 6.8% due to industry increases in bodily injury claim settlements and vehicle repair costs, and the vehicle count is also up by 1.6%, (174 last year to 177 this year).

Professional Lines: Law Enforcement Liability, Public Entity Management Liability, Public Entity Employment Practices Liability: Rates are up 7.7% overall due to negative loss experience for the insurance industry. Also, the exposure increased with the addition of five full time officers (64 to 69), six drones (at approximately $1,200 annual premium each), and a small increase in budget expenditures.

Umbrella/Excess Liability : Rates increased by 4.3% and the underlying exposures increased by about 1%.

IPEP Workers Compensation : Total estimated payrolls increased 7.2%, using the most recent audit plus a 3% allowance for raises. The base rates for all classifications were unchanged. The Workers Compensation Experience Modifier increased from .81 last year to .92 this year. The credit on the policy remained at 20%, the same as last year. The increase in deposit premium is due to a combination of increased estimated payrolls and increased Experience Modifier.

It was moved by Councilor Neal and seconded by Councilor Pettit to approve Resolution 24-21.
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: ME Restaurant V INC and Indiana Corporation
Owner: Merrillville Real Estate LLC C/O Deepak Shah
Request: Special Exception Approval
Purpose: To Allow a Dine in Restaurant with Entertainment & Performances
Location: 8239 Georgia Street
Zoning: C-3, Highway Commercial Zoning District

Planning and Building Director Shine reported the ABZA approved the use variance.
It was moved by Councilor Pettit and seconded by Councilor Neal to approve the ABZA Action.
Upon a roll call vote, there were six affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, and Rick Bella. There were no negatives. The motion passed. The ABZA Action was approved.

Petitioner: NWI Hindu Religious Center Indian American Cultural Center
Owner: NWI Hindu Religious Center Indian American Cultural Center
Request: Approval for a Large Gathering Permit
Purpose: Indian Feast
Location: 8605 Merrillville Road
Times: Sunday, August 18th 11:00 a.m. – 5:00 p.m.

Director Shine explained the Large Gathering Action.
It was moved by Councilor Uzelac and seconded by Councilor Chandler-Felton to approve the Large Gathering Action.
Upon a roll call vote, there were six affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, and Rick Bella. There were no negatives. The motion passed. The Large Gathering Action was approved.

Petitioner: Elizabeth Medina/La Plabra De Dios Legendary Movement
Owner: MK Partnership

Request: Special Exception Approval
Purpose: To Allow a Church
Location: 5490 Broadway
Zoning: C-3, Highway 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 ABZA Action.
Upon a roll call vote, there were six affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, and Rick Bella. There were no negatives. The motion passed. The ABZA Action was approved.

Petitioner: Ying Ying Zhang
Owner: Ying Ying Zhang
Request: Special Exception Approval
Purpose: To Allow a Dine in Restaurant
Location: 6601 Broadway
Zoning: C-3, Highway Commercial Zoning District
Planning and Building Director Shine reported the ABZA approved the use variance.
It was moved by Councilor Pettit and seconded by Councilor Chandler-Felton to approve the ABZA Action.
Upon a roll call vote, there were six affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, and Rick Bella. There were no negatives. The motion passed. The ABZA Action was approved.

OLD BUSINESS
NONE

NEW BUSINESS
- Appointment of Merrillville Metropolitan Police Commissioner

It was moved by Councilor Neal and seconded by Councilor Haynes-Edwards to appoint Luther Cuttino to fill the unexpired term of the late Commissioner Gene Ward which will end June of 2026.

Upon a roll call vote, there were six affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac, Shawn Pettit, and Rick Bella. There were no negatives. The motion passed. The appointment of Luther Cuttino was approved.

- Formation of a new citizen Advisory Committee to Investigate Data Centers
  President Bella reported that the council will meet to discuss this topic at the Council Workshop on Wednesday August 21st.

PUBLIC COMMENT

1. Representatives from Logan Loves invited the Town of Merrillville to participant in the Second Autism Walk this Sunday at Ren Park in Schererville, Indiana.
2. Inez Clarkson Merrillville, Indiana voiced her concern regarding the increase in burglary, vandalism, condition of the Parks, and lack response from the council members regarding concerns of the residents.
3. Bryon Messer Merrillville, Indiana voiced his concerns regarding public safety, Town of Merrillville employees, TIF funding, and reinvesting in high priority items.
4. Vern Hines Merrillville, Indiana voiced his concerns regarding the Historical Society and a handicap accessible ramp.

ANNOUNCEMENTS
The Town Council President Pro Tempore announced the following:

- Town Council Meeting Tuesday, August 27th at 6:30 p.m.
- RDC Meeting August 27th at 6:15 p.m.
- Town Council Workshop August 21st at 5:00 p.m.

ADJOURNMENT
Having completed all items on the agenda, the President Pro Tempore declared the meeting adjourned at 8:39 p.m.

Rick Bella, Town Council President

Eric O. January, Clerk-Treasurer

Respectfully Submitted By Angela Lewis