Town Council of Merrillville
7820 Broadway Ave - Merrillville, IN 46410
Town Council Meeting Minutes of the Regular Meeting of
December 30, 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 Christian Church.

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

PETITIONS, COMMUNICATIONS, ACKNOWLEDGEMENTS, AND REMONSTRATIONS:

- **Home Decorating Winners**
  - 3rd Place Winner: Cowgill Family 201 East 71st Place
  - 2nd Place Winner: Davis Family 5460 Filmore Street
  - 1st Place Winner: Carpenter Family 3000 West 57th Avenue
- **School Tree Award**
  - Merrillville Pre-School
- **Merit Board System Rejection Letter from Police Chief Nuses**
  Clerk-Treasurer Eric January read the following letter into the record:

TOWN of MERRILLVILLE
Merrillville Metropolitan Police Department

Monday, December 23, 2024

Hon. Rick Bella, Town Council President
Town of Merrillville
7820 Broadway
Merrillville, Indiana 46410

Dear Mr. President:

Greetings. Pursuant to IC 36-8-3.5-4(a) the Town Board of Metropolitan Police Commissioners called a meeting of the active members of the Merrillville Police Department for this day to vote on the resolution adopted by the Town Council at its special meeting of 20 November 2024.

Only active members of the department attended the meeting. Voting was by secret written ballot. The results are below:

34 total sworn officers voted.

25 voted against the merit board.

9 voted for the merit board.

With this action, we believe that the merit board system is rejected and the Town Council Resolution is properly confirmed by a majority of the active members of the Police Department.

Sincerely

Konstantinos Nuses, Chief
Merrillville Police Department

Upon a question from President Bella regarding notifying the state regarding our decision not to participation, Town Manager Griffin responded that the council does not have to notify the state, and no further action is need is spelled out under state statue, but there may be some discussion regarding variation that the council may consider.

President Bella asked Town Manager Griffin to add them to the Council Workshop Agenda.

- **Town Attorney Svetanoff's Statement – Town Court**
  Attorney Svetanoff read the following statement into the record:

DISCUSSION ON COURT ORDER

On December 26th, the Lake County Superior Court in the Merrillville Town Court Litigation Matter issued a Court Order concerning the ability of the Clerk-Treasurer to cast a tie-breaking vote. The Court issued an Order ruling in the favor of the Clerk-Treasurer on his ability to cast his vote and re-establishing the Town Court.

We are of the opinion that this Order is incorrect on at least three (3) fronts: (1) the Trial Court found that the Clerk-Treasurer could issue a tie-breaking vote even though a true deadlock in voting did not exist, the actual vote that occurred on the re-establishment of the Town Court was: 3 votes "yes"; 3 votes "no"; and 1 "abstention". Under the Indiana Code and Roberts Rules of Order, this vote required a majority of the members elected/present to cast their vote in favor or against and the abstention had the same effect as a "no" vote; (2) the Trial Court found that the Town Court could be re-established only upon one reading of the Ordinance, which is in direct conflict with Indiana Code which establishes that an Ordinance must be adopted only upon two (2) separate readings unless otherwise allowed; and (3) the Trial Court found that the Clerk/Treasurer would have voted in favor of re-establishing the Court even though his official vote had not been cast.

Also, we are of the opinion that the Trial Court did not consider current case law and the latest version of Robert's Rules of Order, which both directly discuss and interpret abstentions as being considered a "no" vote.

Upon considering these above-mentioned factors the Town is preparing a Motion to Correct Error so the Trial Court can reconsider its Order or vigorously file an appeal of this case to the Court of Appeals and possibly the Indiana Supreme Court.

Finally, please be aware that since the inception of this litigation, which has existed for years, this is the first negative ruling in which the Town has experienced but we are confident that at the end of the day the Town will prevail in the closing of the Court.

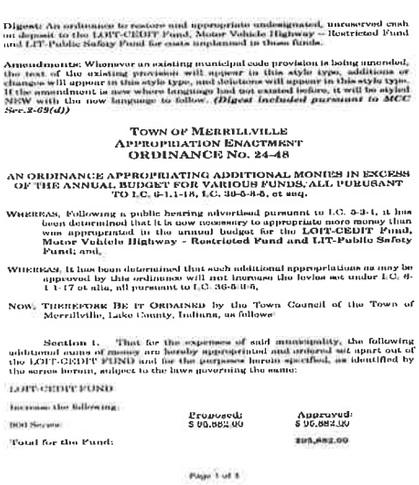
Clerk-Treasurer Eric January commented on the statement regarding him being denied the right to break a tie vote!

PUBLIC HEARING:

1. **Town Attorney review of Proof of Publication(s): Add Proof of Publication dated, with a public hearing date of December 30th, 2024, Re: Ord 24-48**

   Attorney Svetanoff reported that he has reviewed the Proof of Publication, and everything is in order and conforms with the Indiana Code. The council may proceed with the public hearing.

2. **Public Hearing: Re ORD 24-48**



Digest: An ordinance to restore and appropriate undesignated, unreserved cash on deposit to the LOIT-CEDIT Fund, Motor Vehicle Highway – Restricted Fund and LIT-Public Safety Fund for costs unplanned in those funds.

Amendments: Whenever an existing municipal code provision is being amended, the text of the existing provision will appear in this style type, additions or changes will appear in this style type, and deletions will appear in this style type. If the amendment is new where language had not existed before, it will be styled NEW with the new language to follow. *(Digest included pursuant to MCC Sec.2-69(d))*

TOWN OF MERRILLVILLE
APPROPRIATION ENACTMENT
ORDINANCE No. 24-48

AN ORDINANCE APPROPRIATING ADDITIONAL MONIES IN EXCESS OF THE ANNUAL BUDGET FOR VARIOUS FUNDS, 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 more money than was appropriated in the annual budget for the **LOIT-CEDIT Fund, Motor Vehicle Highway - Restricted Fund and LIT-Public Safety Fund**; and,

WHEREAS, It has been determined that such additional appropriations as may be approved by this ordinance will not increase the levies set under I.C. 6-1.1-17 et alia, all pursuant to I.C. 36-5-3-5,

NOW, THEREFORE BE IT ORDAINED 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 LOIT-CEDIT FUND and for the purposes herein specified, as identified by the series herein, subject to the laws governing the same:

LOIT-CEDIT FUND

Increase the following:

	Proposed:	Approved:
100 Series:	$ 90,882.00	$ 90,882.00
Total for the Fund:		$90,882.00

Page 1 of 3

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the MOTOR VEHICLE HIGHWAY - RESTRICTED FUND for the purposes herein specified, as identified by the series herein, subject to the laws governing the same:

MOTOR VEHICLE HIGHWAY - RESTRICTED FUND

Increase the following:

	Proposed:	Approved:
100 Series	$210,000.00	$210,000.00
Total for the Fund:		$210,000.00

Section 3. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the LIT-PUBLIC SAFETY FUND for the purposes herein specified, as identified by the series herein, subject to the laws governing the same:

LIT-PUBLIC SAFETY FUND

Increase the following:

	Proposed:	Approved:
100 Series	$ 50,549.00	$ 50,000.00
Total for the Fund		$ 50,000.00

Section 4. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of the action and that these monies be made available for expenditure subject to an order of the Commissioner, pursuant to IC § 6-1.1-18.

Section 5. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.8, I.C. 36-5-3-5, I.C. 36-5-4-2, this ordinance 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. 6-1.1-17-14 et seq.

Introduced and First on the 16th Day of December, 2024

DULY ORDAINED AND ADOPTED this _____ Day of _____ 2024, by the Town Council of the Town of Merrillville, Lake County, Indiana.

TOWN COUNCIL of the TOWN of MERRILLVILLE, INDIANA

Town Manager Griffin explain Ordinance 24-48

Public Comments:

1. Bryon Mesarch of Merrillville Indiana voiced his concerns regarding tax abatements.

President Bella informed Mr. Mesarch that Ordinance 24-48 is regarding transfers of funds not tax abatements.

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

CONSENT AGENDA:

- Accounts Payable Register Voucher Approval for December 30th, 2024
- AP Register Summary for ARP Purchases for December 30th, 2024
- Approval of Town Council Meeting Minutes December 10th, 2024
- Cender & Dalton Contract for 2025 review and Approval

Cender|Dalton
Municipal Advisors

December 19, 2024

Mr. Michael Griffin, Town Manager
Town of Merrillville
7821 Broadway
Merrillville, IN 46410

Dear Mr. Griffin:

We are pleased to submit herein our proposal to engage Cender & Company, LLC. d/b/a Cender|Dalton Municipal Advisors ("Consultant") as financial consultant to perform certain professional services for the Town of Merrillville ("Town") for various financial consulting services for 2025, as requested.

SCOPE OF SERVICES

The scope of our services as financial consultant for various projects may include all or part of the following professional services:

- Assist the Town with its ARP funds budgeting and reporting, as requested.
- Make recommendations on what the Town could possibly afford in various capital projects, proposed wage and salary increases, as well as assist in long-term financial planning.
- Assist the Town with its budget preparation process, as requested, as well as budget review and management throughout the year, including RDC operational related budget items.
- Prepare periodic cash flow analysis for the Town on its major funds including, but not limited to General, MVH, LRS, Park, Local Income Tax and Cumulative Capital Development Funds.
- Assistance with preparing cash flows and assisting the Town for Tax Anticipation Warrants ("Warrants") including preparation of loan parameters, obtaining bids for the Warrants, and assistance with closing on the Warrants. Consultant will not serve as a placement agent on such issuance.
- Assist the Town with any other financial, accounting or consulting services, as requested.

Mr. Michael Griffin, Town Manager
Town of Merrillville
December 19, 2024
Page 3

AGREED AND ACCEPTED:

TOWN OF MERRILLVILLE
Merrillville, Indiana

EXHIBIT A

MUNICIPAL ADVISORY SERVICES

During the normal course of consulting services, as Town officials work on capital planning and cash flow planning, there are occasions to discuss potential financings. If applicable, assist the Town in analysis of proposed financings. Conder & Company, L.L.C. is a registered municipal advisor firm with the Securities and Exchange Commission and the Municipal Securities Rulemaking Board, any financing transactions would be contracted under separate agreements with the Town once there is a decision to move ahead.

As part of this engagement, Consultant may be providing certain specific municipal advisory services to the Town in regard to capital planning, cash flow analysis and preliminary debt structures, if requested, but will not act as a placement agent to the Town nor as a broker nor as a dealer. Consultant has a fiduciary responsibility to the Town and will act accordingly with the best interests of the Town throughout this engagement.

See EXHIBIT B for Disclosure of Conflicts of Interest with Various Forms of Compensation. The Consultant also provides other financial consulting services to the Town. In addition, the Consultant also provides other financial consulting services to the Merrillville Stormwater Utility and the Merrillville Fire Protection Territory, which are related to the Town. We are not aware of any other conflicts of interest other than the preceding items. See EXHIBIT C for supplemental information from the Municipal Securities Rulemaking Board relative to how to file a complaint with an appropriate regulatory authority.

- Approval of Meeting Minutes for Data Center Advisory Committee for November 20th, 2024
- D&BWCC Meeting Minutes from Monday, December 9, 2024
- Approval of Meeting Minutes for ARPA from December 16th, 2024

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

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

PRESENTATION of DECLARATIONS: ***NONE***

STANDING & SPECIAL COMMITTEES REPORTS:

***BUDGET & FINANCE*—NEAL**—Vice-President Neal had nothing to report.

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

STREET DEPARTMENT- UZELAC– Councilor Uzelac reported the following:

- **Staffing** – The Street Department has hired to new employees at a rate of pay of $22.73 per hour. The new employees are in the process of being trained on heavy equipment.
- **Trash Pickup** - Trash pickup is occurring on the main roadways.
- **General Parks Maintenance** – The Street Department is picking up trash and other debris at the Parks.

ELECTIONS, PUBLIC RELATIONS, & TOWN BEAUTIFICATION - NEAL- Vice-President Neal reported that a meeting occurred, and the committee are still waiting on quotes on the Gateway signs.

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

PERSONNEL POLICY & EMPLOYEE BENEFITS – HARDAWAY- Councilor Hardaway had nothing to report.

PUBLIC SAFETY- HARDAWAY- Councilor Hardaway reported that she will defer to Fire Chief Yerga and Police Chief Nuses during their reports regarding public safety.

ECONOMIC DEVELOPMENT-PETTIT – Councilor Pettit reported that two meeting were held earlier tonight at 4:30 p.m. A Redevelopment Commission Workshop where five resolutions were discussed and one of

them is on the agenda tonight. The other four were moved to the Plan Commission for the creation of new economic allocation areas.

Councilor Pettit also informed the council that all five resolutions were passed at the Redevelopment Commission that was held earlier tonight at 6:00 p.m. If the Resolution 24-44 listed on the agenda is passed by the council, the resolution will have to be advertised, and a public hearing will take place on January 14th. A Redevelopment Commission Workshop will be held on this day to discuss the property for sale located on the corner of 73rd Madison which the Town of Merrillville owns, but the property was put in the Redevelopment Commission's name not the Town of Merrillville's name.

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

PARKS AND DEAN & BARBARA WHITE COMMUNITY CENTER - PETTIT – Councilor Pettit reported that there are problems with the tiles used on the mosaic wall and the flooring in several rooms at the Dean and Barbara White Community Center.

Councilor Pettit also reported that he spoke to a representative from Core Construction regarding the fact that the 5-year warranty for the tiles will be honored.

SPECIAL COMMITTEES

ABANDONED-BLIGHTED PROPERTIES - HAYNES-EDWARDS & CHANDLER-FELTON– Councilor Haynes-Edwards reported that from November through December Code Enforcement responded to 198 incidents which included calls for service, follow up, and packet deliveries. The Code Enforcement also issued thirty-three warnings and thirty-nine tickets during the period.

Councilor Haynes-Edwards also reported that Code Enforcement has received fifteen vacant abandoned and blighted properties for the calendar year. The Code Enforcement will resume activity for abandoned and blighted properties in the Spring.

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

SPECIAL TOWN PROJECTS - NEAL – Councilor Neal reported on the following events:

- Black History Celebration – The committee is gearing up for the annual Black History Celebration.

DEPARTMENT & COMMISSION REPORTS:

LAKE COUNTY SOLID WASTE MANAGEMENT-NEAL– Vice-President Neal reported that a rescheduled for December 16th had to be cancelled because of lack of participation from other Towns and Cities.

NORTHWESTERN INDIANA REGIONAL PLANNING COMMISSION-HARDAWAY – Councilor Hardaway reported that the next meeting will be held on January 16th.

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

SOUTHSHORE VISITORS AND CONVENTION AUTHORITY-PATENA – Deanne Patena was absent.

FIRE TERRITORY BOARD - NEAL & HARDAWAY – Councilor Hardaway and Vice-President Neal had nothing to report.

DEPARTMENT REPORTS/ TOWN MANAGER

Interim Parks Director Roberts – Parks and Recreation
Interim Parks Director Roberts reported that the flooring repair discussed earlier by Councilor Pettit is the main issue.

Chief Nuses – Police Department

Chief Nuses reported the following statistics for 2024:

- **Service Calls** – 30,000 service calls.

Chief Nuses also reported that there was one homicide for the year as of December 30, 2024. There was an incident in the Town where an armed perpetrator with an outstanding warrant barricade himself in a home. The perpetrator was arrested without incident. There were also other incidents that contributed to the service calls. Chief Nuses stated that for 2025 new police practices will be implemented.

Chief Nuses reported that there is an increase in spam and fraud calls. The public should be aware of these calls or text messages.

Director Shine - Building and Planning
Director Shine updated the council on the following:

- **Contractor's Licenses** – The Building and Planning Department in the process of contractor's licenses renewal.
- **End of the Year Report** – After the final processing of all licenses and permits, the department will prepare an end of the year report.
- **Goals** – The department is in the process of setting goals for 2025.

Director King – Street Department
Director King had nothing to add to the Street Report.

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

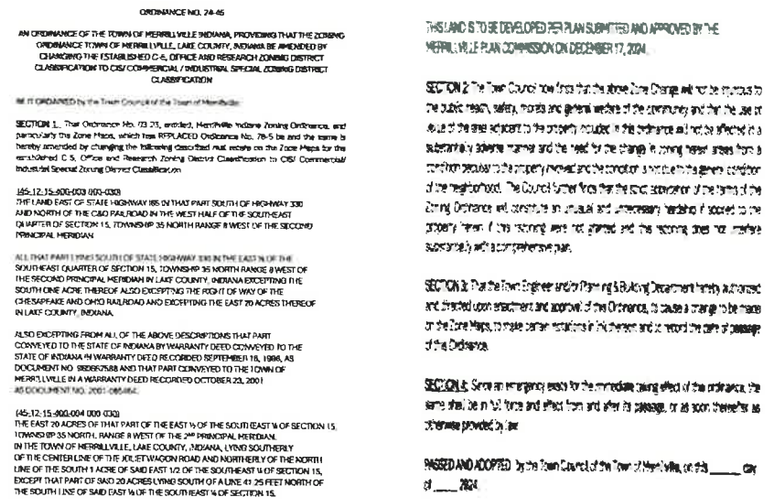
GENERAL ORDERS

A. Ordinances: (Discussion and Roll Call Vote)

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

1. **Ordinance 24-45 (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-5, Office, and Research Zoning District Classification CIS/Commercial/Industrial Special Zoning District.



ORDINANCE NO. 24-45

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-5, OFFICE AND RESEARCH ZONING DISTRICT CLASSIFICATION TO CIS/ COMMERCIAL / INDUSTRIAL SPECIAL ZONING DISTRICT CLASSIFICATION

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

SECTION 1. That Ordinance No. 73-25, 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 for the established C-5, Office and Research Zoning District Classification to CIS/ Commercial/ Industrial Special Zoning District Classification

(45-12-15-400-003.000-030)
THE LAND EAST OF STATE HIGHWAY 185 ON THAT PART SOUTH OF HIGHWAY 330 AND NORTH OF THE C&O RAILROAD IN THE WEST HALF OF THE SOUTH EAST QUARTER OF SECTION 15, TOWNSHIP 35 NORTH RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN

ALL THAT PART LYING SOUTH OF STATE HIGHWAY 330 IN THE EAST ½ OF THE SOUTH EAST QUARTER OF SECTION 15, TOWNSHIP 35 NORTH RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN IN LAKE COUNTY, INDIANA EXCEPTING ITE SOUTH ONE ACRE THEREOF ALSO EXCEPTING THE RIGHT OF WAY OF THE CHESAPEAKE AND OHIO RAILROAD AND EXCEPTING THE EAST 20 ACRES THEREOF IN LAKE COUNTY, INDIANA.

ALSO EXCEPTING FROM ALL OF THE ABOVE DESCRIPTIONS THAT PART CONVEYED TO THE STATE OF INDIANA BY WARRANTY DEED CONVEYED TO THE STATE OF INDIANA IN WARRANTY DEED RECORDED SEPTEMBER 16, 1998, AS DOCUMENT NO. 9808670388 AND THAT PART CONVEYED TO THE TOWN OF MERRILLVELLE IN A WARRANTY DEED RECORDED OCTOBER 23, 2001 AS DOCUMENT NO. 2001-085482.

(45-12-15-400-004.000-030)
THE EAST 20 ACRES OF THAT PART OF THE EAST ½ OF THE SOUTH EAST ¼ OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN, IN THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, LYING SOUTHERLY OF THE CENTER LINE OF THE JOLIET WAGON ROAD AND NORTHERLY OF THE NORTH LINE OF THE SOUTH 1 ACRE OF SAID EAST 1/2 OF THE SOUTHEAST ¼ OF SECTION 15, EXCEPT THAT PART OF SAID 20 ACRES LYING SOUTH OF A LINE 41.25 FEET NORTH OF THE SOUTH LINE OF SAID EAST ½ OF THE SOUTH EAST ¼ OF SECTION 15.

THIS LAND IS TO BE DEVELOPED PER PLAN SUBMITTED AND APPROVED BY THE MERRILLVILLE PLAN COMMISSION ON DECEMBER 17, 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 the ordinance will not be affected in a substantially adverse manner and the need for the change in zoning never 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 the rezoning does not involve 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 the thereon and to record the date of passage of the 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 second by Counselor Uzelac to approve Ordinance 24-45

Director Shine explained Ordinance 24-45.

Clerk-Treasurer Eric January stated that the Town of Merrillville has enough warehouses and storage units, and he is opposed to the tax abatement for Crow Holdings Development.

Councilor Pettit stated that zone changes are first reading ordinances not second, and the public comments were held by the Planning Commission.

Councilor Pettit elaborated on the history of the property, owners, and usage of the property, and investing in the Town of Merrillville.

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

First Reading: Ordinance (Discussion and Roll Call Vote)

1. **<u>Ordinance 24-49 (Discussion and Roll Call Vote)</u>**
   An Ordinance to Fix And Establish The Wage And Salary Rate Of The Elected Officers, The Non-Elected Officers, And The Employees Of The Town Of Merrillville, Indiana

-This Section Left Blank-

Digest: An ordinance to amend the existing Wage and Salary Ordinance to modify salaries in the Police Department, according to the terms of a collective bargaining agreement. It will also authorize a one-time retention stipend for the Police Chief and Assistant Chief, to be aligned more equitably with the base pay for the Fire Chief and Deputy Fire Chief as fixed FY 2024. *Digest as drafted pursuant to IC 36-1-17(d).*

ORDINANCE No. 24-48
of the
TOWN of MERRILLVILLE, INDIANA

AN ORDINANCE to FIX and ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of MERRILLVILLE, INDIANA.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana,

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees,

WHEREAS, I.C. 36-5-3-2(b), still further provides that the Town legislative body shall by ordinance fix the compensation of its own members and the Town Clerk Treasurer;

WHEREAS, Pursuant to IC 36-8-9-6, the town legislative body shall appropriate a sum sufficient to pay the salaries of the members of the town police department,

WHEREAS, Pursuant to IC 36-8-9-6(b), the town legislative body shall determine the compensation to be paid to members of the police department in amounts that are just and reasonable, which has been particularly defined in Section 7 of the Collective Bargaining Agreement between The Fraternal Order of Police Merrillville Lodge Number 168 and the Town of Merrillville, dated March 1st, 2023,

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year;

WHEREAS, The Town Council of the Town of MERRILLVILLE, as the town legislative body, adopted Ordinance No 23-26 amended by Ordinance No 24-02, Ordinance No. 24-23, and Ordinance No. 24-K, fixing the compensation of its elected officers, appointed officers, and employees of the Town for the year 2024 and thereafter; and,

WHEREAS, The Town Council of the Town of MERRILLVILLE, as the town legislative body, has been statutorily advised by the Town Manager [text is illegible] by the compensation of the elected members of the Merrillville Police Department as particularly defined in Section 7.1 of the Fraternal Bargaining Agreement [illegible] and by the corresponding [illegible] of the Town for the year ensuing and the present,

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED by the Town Council of the Town of MERRILLVILLE, Lake County, Indiana, that the Wage Ordinance of the Officers and Employees of the Town of MERRILLVILLE, Lake County, Indiana, as heretofore established and fixed, pursuant to the provisions hereinabove recited and as follows:

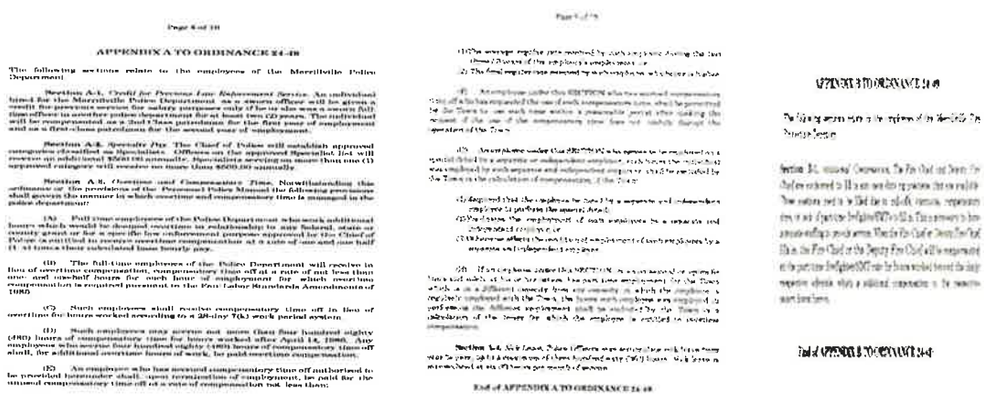
Section 1. (A) That except as otherwise provided in the Ordinance of the aforementioned police officers, All salaries, together with additional benefits of employment, for the calendar year 2024 with regard to police officers and for all officers, regular full time employees and part time employees of the town police department, except as provided pursuant to the terms of the pension plan and ordinances of the town police and fire [illegible] and [illegible] of the Indiana Code, shall be as follows:

Section 2. (A) That unless otherwise provided by law or ordinance the rates and rates for the various [illegible] shall be as follows: [illegible] policy [illegible] of the [illegible] shall be as fixed from time to time [illegible] existing provisions of the ordinance as a [illegible] and basis of time worked.

(B) That for the purpose of this ordinance, [illegible] is entitled to any [illegible] for the purpose of this ordinance, an [illegible] [illegible] shall be any [illegible] of less than one [illegible] of service in the position classified.

(C) Approved workplace basis. That the approved staffing levels for various positions in the various offices and departments shown under the [illegible] including [illegible], are hereby fixed, and positions are authorized to [illegible] of members, in the absence of a [illegible] [illegible] with regard to the authorized total wage and salary budgetary limit set forth in this annual ordinance, a [illegible] number of a wage and salary budgetary limit, there is no [illegible] [illegible] of authorization to the contrary.

(D) Town Council request. Whenever a member of the Town Council is requested as a [illegible] to attend [illegible] Plan Commission, as established by the statutes and the Code of Ordinances, [illegible] shall be entitled to the existing salary [illegible] [illegible] [illegible]



APPENDIX A TO ORDINANCE 24-49

The following sections relate to the employees of the Merrillville Police Department:

Section A-1. Credit for Previous Law Enforcement Service. An individual hired for the Merrillville Police Department as a sworn officer will be given a credit for previous service for salary purposes only if he or she was a sworn full-time officer in another police department for at least two (2) years. The individual will be compensated as a 2nd Class patrolman for the first year of employment and as a first-class patrolman for the second year of employment.

Section A-2. Specialty Pay. The Chief of Police will establish approved categories classified as Specialties. Officers on the approved Specialty list will receive an additional $500.00 annually. Specialties serving on more than one (1) separated category will receive no more than $600.00 annually.

Section A-3. Overtime and Compensatory Time. Notwithstanding this ordinance or the provisions of the Personnel Policy Manual the following provisions shall govern the manner in which overtime and compensatory time is managed in the police department:

(A) Full time employees of the Police Department who work additional hours which would be deemed overtime in relationship to any federal, state or county grant or for a specific law enforcement purpose approved by the Chief of Police is entitled to receive overtime compensation at a rate of one and one half (1 ½) times their calculated base hourly pay.

(B) The full-time employees of the Police Department will receive in lieu of overtime compensation, compensatory time off at a rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required pursuant to the Fair Labor Standards Amendments of 1985.

(C) Such employees shall receive compensatory time off in lieu of overtime for hours worked according to a 28-day 7(k) work period system.

(D) Such employees may accrue not more than four hundred eighty (480) hours of compensatory time for hours worked after April 14, 1986. Any employees who accrue four hundred eighty (480) hours of compensatory time off shall, for additional overtime hours of work, be paid overtime compensation.

(E) An employee who has accrued compensatory time off authorized to be provided hereunder shall, upon termination of employment, be paid for the unused compensatory time off at a rate of compensation not less than:

End of APPENDIX A TO ORDINANCE 24-49

Town Manager Griffin explained Ordinance 24-49.

It was moved by Councilor Pettit and second by Counselor Hardaway to approve Ordinance 24-49 on first reading.

Upon a question from Councilor Pettit regarding advertising and public hearing on the salary ordinance, Town Manager Griffin responded that the answer is no. A salary ordinance for towns does not have to be advertised and can be passed any time.

Upon a question from Councilor Uzelac regarding the 3% raise for the Police Department, Town Manager Griffin responded that the raise is per the collecting bargaining agreement.

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

It was moved by Councilor Pettit and second by Counselor Hardaway to suspend the rules and r l Ordinance 24-49 on second reading.

Upon a roll call vote, there were seven affirmatives and no negatives. Councilors Rhonda Neal, Shauna Haynes-Edwards, Leona Chandler-Felton, Margaret Uzelac Shawn Pettit, Keesha Hardaway, and Rick Bella voted in the affirmative. There were no negatives. The motion passed. The rules were suspended to read Ordinance 24-49 on second and final reading.

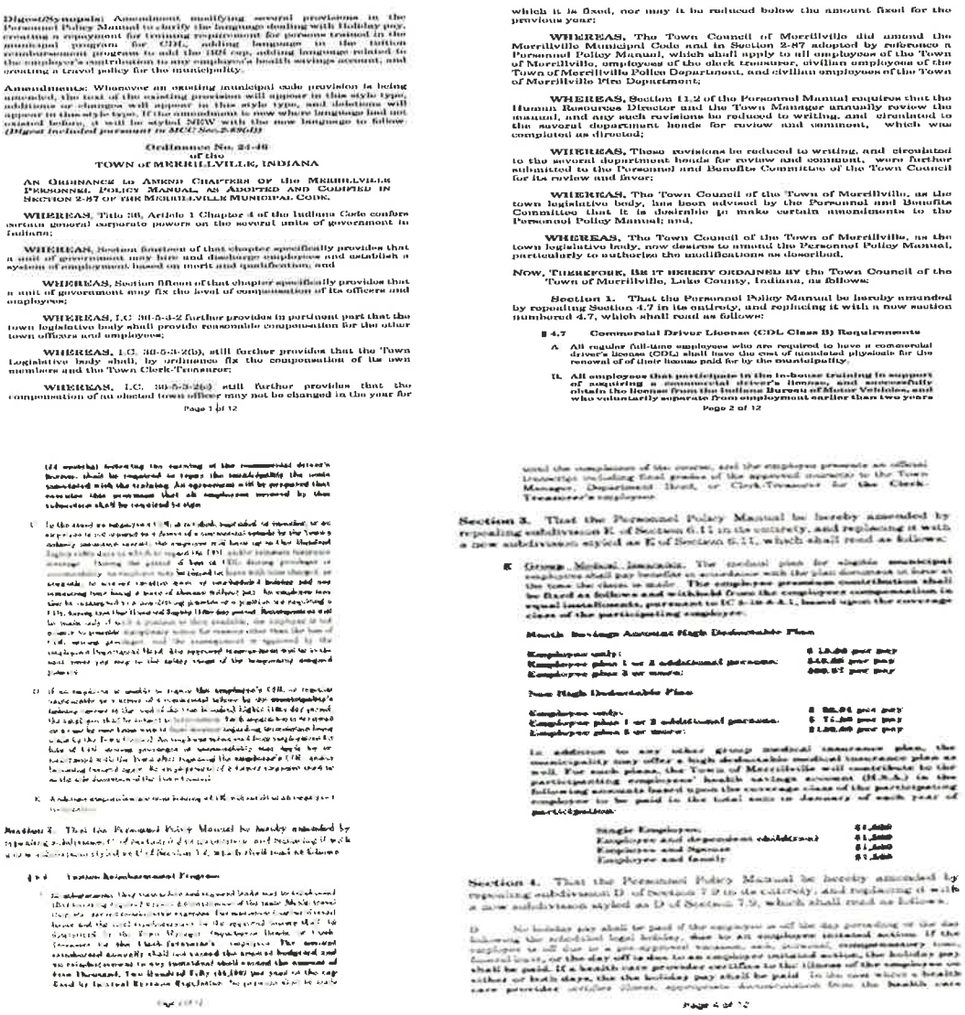
It was moved by Councilor Hardaway and second by Counselor Haynes-Edwards to approve Ordinance 24-49 on second and final reading.

There were no public comments by the public.

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

Second Reading: (Discussion and Roll Call Vote):

2. **Ordinance 24-46 (Discussion and Roll Call Vote)**
   An Ordinance to Amend Chapters of the Merrillville Personnel Policy Manual, as Adopted and Codified in Section 2-87 of the Merrillville Municipal Code.



Digest/Synopsis: Amendment modifying several provisions in the Personnel Policy Manual to clarify the language dealing with Holiday pay, creating a repayment for training requirement for persons trained in the municipal program for CDL, adding language to the tuition reimbursement program to add the IRS cap, adding language related to the employee's contribution to any employee's health savings account, and creating a travel policy for the municipality.

Amendments: Whenever an existing municipal code provision is being amended, the text of the existing provision will appear in this style type, additions or changes will appear in this style type, and deletions will appear in this style type. If the amendment is new where language had not existed before, it will be styled NEW with the new language to follow. *(Digest included pursuant to MCC Sec. 2-85(d))*

Ordinance No. 24-46
of the
TOWN of MERRILLVILLE, INDIANA

AN ORDINANCE TO AMEND CHAPTER OF the MERRILLVILLE PERSONNEL POLICY MANUAL, AS ADOPTED AND CODIFIED IN SECTION 2-87 OF THE MERRILLVILLE MUNICIPAL CODE.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may hire and discharge employees and establish a system of employment based on merit and qualification; and

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees;

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for

Page 1 of 12

which it is fixed, nor may it be reduced below the amount fixed for the previous year;

WHEREAS, The Town Council of Merrillville did amend the Merrillville Municipal Code and in Section 2-87 adopted by reference a Personnel Policy Manual, which shall apply to all employees of the Town of Merrillville, employees of the clerk treasurer, civilian employees of the Town of Merrillville Police Department, and civilian employees of the Town of Merrillville Fire Department;

WHEREAS, Section 11.2 of the Personnel Manual requires that the Human Resources Director and the Town Manager annually review the manual, and any such revisions be reduced to writing, and circulated to the several department heads for review and comment, which was completed as directed;

WHEREAS, These revisions be reduced to writing, and circulated to the several department heads for review and comment, were further submitted to the Personnel and Benefits Committee of the Town Council for its review and favor;

WHEREAS, The Town Council of the Town of Merrillville, as the town legislative body, has been advised by the Personnel and Benefits Committee that it is desirable to make certain amendments to the Personnel Policy Manual; and,

WHEREAS, The Town Council of the Town of Merrillville, as the town legislative body, now desires to amend the Personnel Policy Manual, particularly to authorize the modifications as described,

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

Section 1. That the Personnel Policy Manual be hereby amended by repealing Section 4.7 in its entirety, and replacing it with a new section numbered 4.7, which shall read as follows:

§ 4.7 Commercial Driver License (CDL Class B) Requirements

A. All regular full-time employees who are required to have a commercial driver's license (CDL) shall have the cost of mandated physicals for the renewal of of their license paid for by the municipality.

B. All employees that participate in the in-house training in support of acquiring a commercial driver's license, and successfully obtain the license from the Indiana Bureau of Motor Vehicles, and who voluntarily separate from employment earlier than two years

Page 2 of 12

(2) months) following the training of the commercial driver's license, shall be required to repay the municipality the costs associated with the training. An agreement will be prepared that executes this provision that all employees covered by this subsection shall be required to sign.

C. In the event an employee's CDL is not timely renewed or an employee is not covered by a driver's or commercial vehicle by the Town's policy, insurance carrier, the employee will lose or be declared ineligible for which to operate the CDL during the period of non-renewal or non-coverage. During the period of lost CDL driving privileges or non-coverage, the employee will be charged to be unpaid, to accrue vacation days, or unscheduled holidays paid (no remaining time being a leave of absence without pay). An employee may use his vacation days or any portion of a position not requiring a CDL during the unscheduled holiday time days period. Reassignments are to be made only if such a position is then available, the employer is not required to provide temporary jobs for reasons other than the loss of CDL, unless provided and be reassigned or appointed by the employee Department Head. Any approved reassignment shall be at the said rates pay step in the salary range of the temporarily assigned position.

D. If an employee is unable to renew the employee's CDL or regain valid coverage as a result of a reasonable refusal by the municipality's licensing carrier to the end of the 12 month eligible (12) day period, the employee shall be subject to termination. The employee is required or agrees he or she has been warned regarding the consequences being caused by the Town's Section 2 hereof and the employee will lose of CDL driving privileges or unavailability, may apply for or reassignment to the Town shall inspect the employee's CDL and/or licensing record upon the employee's request and report to the Clerk-Treasurer's employee.

E. A driver employee may not have more than one license.

Section 2. That the Personnel Policy Manual be hereby amended by repealing subdivision C of Section 6.11 in its entirety, and replacing it with a new subdivision styled as C of Section 6.11, which shall read as follows:

§ 6.11 Tuition Reimbursement Program

A. To enhance the knowledge and expertise of employees of the Town of Merrillville, the Clerk-Treasurer of the Clerk-Treasurer's employee. The annual reimbursement amount shall not exceed the amount budgeted and no reimbursement in any instance shall exceed the amount of Five Thousand, Two Hundred Fifty ($5,250) per year or the cap fixed by Internal Revenue Regulation, whichever is less.

Page 3 of 12

and the completion of the course, and the employee presents an official transcript including final grades of the approved course(s) to the Town Manager, Department Head, or Clerk-Treasurer for the Clerk-Treasurer's employee.

Section 3. That the Personnel Policy Manual be hereby amended by repealing subdivision E of Section 6.11 in its entirety, and replacing it with a new subdivision styled as E of Section 6.11, which shall read as follows:

E. Group Medical Insurance. The medical plan for eligible municipal employees shall pay benefits in accordance with the plan document in force at the time the claim is made. The employee premium contributions shall be fixed as follows and withheld from the employees compensation in equal installments, pursuant to IC 5-10-8-6.1, based upon the coverage class of the participating employee.

Month Savings Account High Deductable Plan

Employee only:	$ 15.00 per pay
Employee plus 1 or 2 additional persons:	$45.00 per pay
Employee plus 3 or more:	$60.57 per pay

Year High Deductable Plan

Employee only:	$ 35.01 per pay
Employee plus 1 or 2 additional persons:	$ 75.00 per pay
Employee plus 3 or more:	$ 100.00 per pay

In addition to any other group medical insurance plan, the municipality may offer a high deductable medical insurance plan as well. For such plans, the Town of Merrillville will contribute to the participating employees' health savings account (H.S.A.) in the following amounts based upon the coverage class of the participating employee to be paid in the total sum in January of each year of participation.

Single Employee:	$1,000
Employee and dependent child(dren)	$1,000
Employee and Spouse	$1,000
Employee and family	$1,000

Section 4. That the Personnel Policy Manual be hereby amended by repealing subdivision D of Section 7.9 in its entirety, and replacing it with a new subdivision styled as D of Section 7.9, which shall read as follows:

D. No holiday pay shall be paid if the employee is off the day preceding or the day following the scheduled legal holiday, due to an employee initiated action. If the employee is off due to a pre-approved vacation, sick, personal, compensatory time, funeral leave, or the day off is due to an employer initiated action, the holiday pay shall be paid. If a health care provider certifies to the illness of the employee on either or both days, the the holiday pay shall be paid. In the case where a health care provider certifies illness, appropriate documentation from the health care

Page 4 of 12

provider regarding the certification must accompany the employee's timesheet for that day(s) and will be placed in the employee's personnel file.

Section 5. That the Personnel Policy Manual be hereby amended by adding an entirely new section to be styled as Section 6.10.5 Travel and Conferences, which shall read as follows:

NEW 6.10.5 Travel and Conferences

A. The following policy shall be used in providing for or reimbursing Town Council Members, Clerk-Treasurer, Members of Commissions and Boards, Appointed Officials and Employees for travel accommodations when such travel has been authorized and budgeted in relation to municipal business.

B. Travel Authorization: Before transfer a conference registration may be authorized there must be an existing approved appropriation identified for travel, training or conference in the appropriate budget. The following additional internal controls are in effect governing when conference travel is authorized:

(i) Members of the Town Council require the written authorization of the Town Council President, or the Town Council Vice President, or a vote in a regular or special meeting.

(ii) The Town Clerk-Treasurer shall require no additional permission.

(iii) The Town Manager shall require the written authorization of the Town Council President or the Town Council vice president.

(iv) Members of Board or Commissions and Department heads, shall require the written authorization of the Town Manager or the manager's designee.

(v) Employees shall require the written authorization of the head of the department in which the employee serves.

C. Registration Fees. The cost of registration or similar fees for conferences, seminars and other similar meetings or functions related to Town affairs will be provided for or reimbursed when supported by original detailed receipts. Whenever possible, arrangements for these affairs should be made by a designated person and directly billed to the individual.

D. Transportation. (i) Travel by commercial airlines, rail service, bus, or similar common carrier mode will be provided for at the prevailing "coach" or "tourist" rate when authorized and supported by original detailed receipts. (ii) Taxi fare and/or the cost of other local (public) conveyance (Uber/Lyft) will be provided for or reimbursed when supported by original detailed receipts. Gratuities for this service will not be reimbursed. (iii) Parking fees and tolls will be reimbursed when supported by original receipts. (iv) When a personal automobile is used in lieu of common carrier transportation, reimbursement will be governed by Section 9.10 of the Personnel Policy Manual.

E. Lodging. Lodging shall be provided for or reimbursed when supported by original receipts in the following manner:

(i) Single occupancy will be provided at the actual cost. Double occupancy will be provided at actual cost when both parties are eligible for reimbursement. Double occupancy will be provided at the single occupancy rate when only one party is eligible for reimbursement unless there is a rate change.

(ii) Reimbursement for lodging rates shall include room rate, associated local taxes per day per eligible party, and other charges made to the room are the responsibility of the employee. Personal service will not be reimbursable.

F. Meals. (i) Meals will be reimbursed when supported by original detailed receipts up to $75.00 per day, including gratuities. Such gratuities should be reasonable and should not exceed twenty percent (20%). Reimbursement under this provision will not exceed $75 for failing the provision. (ii) Where meals or snacks are not available, an employee may claim reimbursement for other employees up to the maximum amount provided for in this section, provided that the number of employees provided that each employee be identified by name and that an original detailed receipt is provided. (iii) Payment for meals for any individual will not be made in excess than one individual meal. No reimbursement will be made for meals when already provided for in the registration fee associated with the travel or conference.

G. Insurance Coverage. Adequate liability coverage must be carried before consideration can be given to the use of personal automobile in connection with Town business. The adequacy of this liability should be determined by the Town Manager.

Example 1 and 2 are not applicable.

Section 6. That the Personnel Policy Manual be hereby amended by adding an entirely new section to be styled as Section 6.11 Other Post Employment Benefits, which shall read as follows:

NEW 6.11 Other Post Employment Benefits

Insurance for Retirees

A. Retired "PUBLIC SAFETY" Employees

Retired Public Safety Employees as defined in I.C. 5-10-8-8.3 (b), who are receiving disability benefits under I.C. 10-8-8.1, 10-8-7.1, 10-8-7.5, or I.C. 36-8-6-8 and surviving spouses and dependents of public safety employees who die while in active service or after retirement shall be eligible for participation in a Retirees' Group Health and Life Insurance Plan as established by the Municipality.

A retired or disabled public safety employee who is eligible for group health insurance under this assessment may elect to have the person's spouse, and dependents covered under the group health and life insurance plan at the time the person retires or becomes disabled. To participate in this program, the retired public safety employee, public safety employee receiving disability benefits or a surviving spouse or dependent of a public safety employee who dies in active service or after retirement must perform the following:

1. The eligible party must file a written request for insurance coverage with the municipality in the Human Resource Department within ninety (90) days after the person retires or begins receiving benefits.
2. Worker Premium. The eligible party must pay an amount equal to the employee's premium for the group health insurance by a date certain each month, as when actively at work. (Life Insurance). The eligible party must pay an amount equal to the employee's share of the premium for the group life insurance by a date certain each month. No additional notice or any invoicing will be given. For the retirees' plan, the employee share of the group health or medical insurance shall be the amount fixed for the employee's premium in force for the worker's coverage class. For the retirees' plan, the employee share of the group life insurance shall be fifty percent (50%) and the employer share shall be fifty percent (50%).
3. is at least eighteen (18) and less than twenty-three (23) and is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university;

Dependent. For the purposes of this benefit, a dependent of a public safety employee means a natural child, stepchild, or adopted child of a public safety employee who:

1. is less than eighteen (18) years of age;
2. is eighteen years of age or older and physically or mentally disabled (using disability guidelines established by the Social Security Administration); or

A retired or disabled public safety employee's eligibility for the retiree's health insurance under this section ends on the earlier of the following:

1. When the public safety employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;
2. When the municipality terminates the health insurance program for active public safety employees;

A surviving spouse's eligibility for the retiree's health insurance under this section ends on the earliest of the following:

3. When the municipality terminates the health insurance program for active public safety employees;
4. When health insurance becomes available to the surviving spouse through employment;

A dependent's eligibility for the retiree's health insurance under this section ends on the earliest of the following:

1. When dependent becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;
2. When the municipality terminates the health insurance program for active public safety employees;
3. When the dependent no longer meets the criteria defining a dependent as set forth in this enactment;
4. When health insurance becomes available to the dependent through employment;

Retired "Public Safety" Employees

(1) Retired Public Employee as defined in I.C. 5-10-8-8(7)(A), who:

(i) will have reached fifty five (55) years of age on or before the employee's retirement date but will not be eligible on that date for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;

(ii) who will have completed twenty (20) years of creditable employment with a public employer on or before the employee's retirement date, ten (10) years of which must have been completed immediately preceding the retirement date; and

(iii) who will have completed at least fifteen (15) years of participation in the retirement plan of which the employee is a member on or before the employee's retirement date;

shall be eligible for participation in a Retirees' Group Health and Life Insurance plan as established by the Municipality. To be eligible, the public employee must be a participant in the Public Employee Retirement Fund (PERF), and qualify for a benefit under I.C. 5-10.5-6.

A retired public employee who is eligible for group health and life insurance under this enactment may elect to have the person's spouse covered under

the group health insurance plan at the time the person retires. To participate in this program, the retired or separating public employee, must perform the following:

1. The eligible party must file a written request for insurance coverage with the municipality in the Human Resource Department within ninety (90) days after the person retires or begins receiving benefits.
2. Worker Premium. The eligible party must pay an amount equal to the employee's premium share for the group health insurance by a date certain each month, as when actively at work. (Life Insurance). The eligible party must pay an amount equal to the employee's share of the premium for the group life insurance by a date certain each month. No additional notice or any invoicing will be given. For the retirees' plan, the employee share of the group health or medical insurance shall be the amount fixed for the employee's premium in force for the worker's coverage class. For the retirees' plan, the employee share of the group life insurance shall be fifty percent (50%) and the employer share shall be fifty percent (50%).

A retired public employee's eligibility for the retiree's health insurance under this section ends on the earlier of the following:

1. When the public employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;
2. When the municipality terminates the health insurance program for active public employees;

A retired public employee's surviving spouse covered at the time of the employee's retirement may continue coverage by paying premiums according to the same terms as the retired employee would have been required to pay for coverage as covered by the spouse. A surviving spouse's eligibility for the retiree's health insurance under this section ends on the earlier of the following:

1. When the surviving spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;
2. When the municipality terminates the health insurance program for active public employees;
3. The date of the surviving spouse's remarriage;
4. Two years after the date of the employee's death;

A dependent's eligibility for the retiree's health insurance under this section ends on the earliest of the following:

1. When dependent becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;

2. When the municipality terminates the health insurance program for active public employees;
3. When the dependent no longer meets the criteria defining a dependent as set forth in this enactment;
4. When health insurance becomes available to the dependent through employment;

Section 7. That the Personnel Policy Manual be hereby amended by amending Section 6.8 to be styled as Section 6.8 Pension Benefits, which shall read as follows:

6.8 Pension Benefits

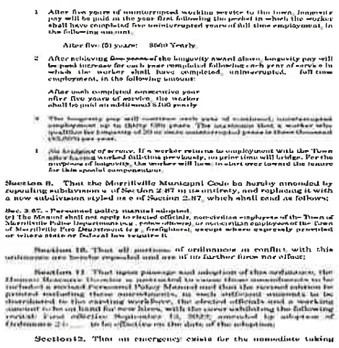
Town employees may be eligible to qualify for participation in the state's Public Employee Retirement Fund (PERF). If the employee is employed in a covered full-time position, and the Employees may also qualify for the federal government's Old Age Survivors and Disability Insurance (OASDI) commonly known as Social Security. Employee's interested in more information should contact the Human Resources Director to obtain the proper plan document and requirement forms to determine eligibility.

The town shall pay on behalf of each worker who participates in the PERF pension, the required three percent (3%) contribution set forth in IC 5-10.3-3-3(b), beginning with the pay period starting Dec 29, 2024, with each pay thereafter.

Section 8. That the Personnel Policy Manual be hereby amended by amending Section 6.12 to be styled as Section 6.12 Employee Longevity, which shall read as follows:

6.12 Employee Longevity Program

A. The Town has created of Merrillville recognizes the issues of its full-time employees (and elected officials) with the schedule of longevity pay to express gratitude and appreciation to those full-time employees (and elected officers) with a select number of who have completed at least five consecutive years of service to the Town. The longevity program is adopted on the salary ordinance each year by the Town Council, established to promote continuing years of service to the town. All regular full-time employees (and elected officials) of the town who have completed at least five full years of working service shall earn longevity pay in designated amounts after completion of uninterrupted service of five years. The longevity pay accordingly shall be paid according to the schedule below:



1 After five years of uninterrupted working service to the town, longevity pay will be paid in the year first following the period in which the worker shall have completed five uninterrupted years of full time employment, in the following amount:

After five (5) years: $600 Yearly.

2 After achieving ~~five years~~ of the longevity award above, longevity pay will be paid increase for each year completed following each year of service in which the worker shall have completed, uninterrupted, full time employment, in the following amount:

After each completed consecutive year after five years of service, the worker shall be paid an additional $100 yearly.

3 The longevity pay will continue each year of continued, uninterrupted employment up to thirty (30) years. The maximum that a worker who qualifies for longevity of 30 or more uninterrupted years is three thousand ($3,000) per year.

4 An hiatus of service. If a worker returns to employment with the Town after having worked full-time previously, no prior time will bridge. For the purposes of longevity, the worker will have to start over toward the tenure for this special compensation.

Section 8. That the Merrillville Municipal Code be hereby amended by repealing subdivision 4 of Section 2.87 in its entirety, and replacing it with a new subdivision styled as 4 of Section 2.87, which shall read as follows:

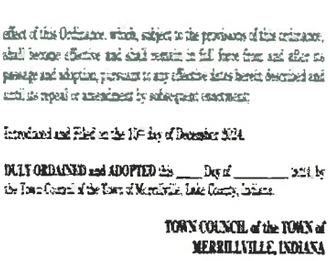
Sec. 2.87. - Personnel policy manual adopted.
(4) The Manual shall not apply to elected officials, nonelection employees of the Town of Merrillville Police Department (e.g., police officers), or nonelection employees of the Town of Merrillville Fire Department (e.g., firefighters), except where expressly provided or where state or federal law require it.

Section 10. That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

Section 11. That upon passage and adoption of this ordinance, the Human Resource Director is instructed to cause these amendments to be included a revised Personnel Policy Manual and that the revised edition be printed including these amendments, in such sufficient amounts to be distributed to the existing workforce, the elected officials and a working amount to be on hand for new hires, with the cover exhibiting the following revisit: First effective September 13, 2022, amended by adoption of Ordinance 24-___ to be effective on the date of the adoption;

Section 12. That an emergency exists for the immediate taking

Page 11 of 12



effect of this Ordinance, which, subject to the provisions of this ordinance, shall become effective and shall remain in full force from and after its passage and adoption, pursuant to any effective dates herein described and until its repeal or amendment by subsequent enactment;

Introduced and Filed on the 10th day of December 2024.

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

TOWN COUNCIL of the TOWN of
MERRILLVILLE, INDIANA

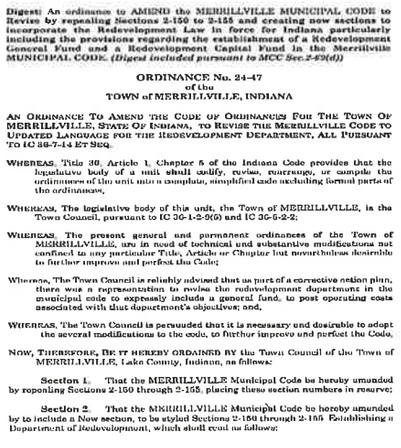
Town Manager Griffin explained Ordinance 24-46

It was moved by Councilor Pettit and second by Counselor Vice-President Neal to approve Ordinance 24-46 on the second reading.

There were no public comments by the public.

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

3. **<u>Ordinance 24-47 (Discussion and Roll Call Vote)</u>**
An Ordinance to Amend the Code of Ordinances for the Town of Merrillville, State of Indiana, to Revise the Merrillville Code to Updated Language for the Redevelopment Department, All Pursuant to IC 36-7-14 Et. Seq.



Digest: An ordinance to AMEND the MERRILLVILLE MUNICIPAL CODE to Revise by repealing Sections 2-150 to 2-155 and creating new sections to incorporate the Redevelopment Law in force for Indiana particularly including the provisions regarding the establishment of a Redevelopment General Fund and a Redevelopment Capital Fund in the Merrillville MUNICIPAL CODE. ***(Digest included pursuant to MCC Sec.2-49(d))***

ORDINANCE No. 24-47
of the
TOWN of MERRILLVILLE, INDIANA

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE TOWN OF MERRILLVILLE, STATE OF INDIANA, TO REVISE THE MERRILLVILLE CODE TO UPDATED LANGUAGE FOR THE REDEVELOPMENT DEPARTMENT, ALL PURSUANT TO IC 36-7-14 ET SEQ.

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

WHEREAS, The legislative body of this unit, the Town of MERRILLVILLE, is the Town Council, pursuant to IC 36-1-2-9(6) and IC 36-5-2-2;

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

Whereas, The Town Council is reliably advised that as part of a corrective action plan, there was a representation to revise the redevelopment department in the municipal code to expressly include a general fund, to post operating costs associated with that department's objectives; and,

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

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

Section 1. That the MERRILLVILLE Municipal Code be hereby amended by repealing Sections 2-150 through 2-155, placing these section numbers in reserve;

Section 2. That the MERRILLVILLE Municipal Code be hereby amended by to include a New section, to be styled Sections 2-150 through 2-155 Establishing a Department of Redevelopment, which shall read as follows:



(D) Relocating, constructing, and improving sewers, utility services, off-street parking facilities, and levees.
(E) Laying out and constructing necessary public improvements, including parks, playgrounds, and other recreational facilities.
(F) Restricting the use of real property acquired according to law.
(G) Repairing and maintaining buildings acquired, if demolition of those buildings is not considered necessary to carry out the redevelopment plan.
(H) Rehabilitating real or personal property, whether or not acquired, to carry out the redevelopment or urban renewal plan.
(I) Disposing of property acquired on the terms and conditions and for the uses and purposes that best serve the interests of the units served by the redevelopment commission.
(J) Making payments required or authorized by IC 8-23-17.
(K) Performing all acts incident to the statutory powers and duties of a redevelopment commission.

"Subdivision" means the division of a parcel of land into lots, parcels, tracts, units or interests in the manner defined and prescribed by a subdivision control ordinance adopted by the legislative body under IC 36-7-4.

"Thoroughfare" means a public way or public place that is included in the thoroughfare plan of a unit. The term includes the entire right-of-way for public use of the thoroughfare and all surface and subsurface improvements on it such as sidewalks, curbs, shoulders, and utility lines and mains.

"Zoning ordinance" refers to an ordinance adopted under IC 36-7-4-600 et seq. or under prior law. The term includes:
(A) PUD district ordinances (as defined in IC 36-7-4-1501); and
(B) All zone maps incorporated by reference into the ordinance as provided in IC 36-7-4-602 et seq. [Ord. 11-17 § 1, 2000: Code 2001 § 216.011]

Sec. 2-151 Establishment of the redevelopment department.
(A) There is established a department of redevelopment in the town, to be controlled by and pursuant to the provisions of IC 36-7-14.5 through 36-7-14.52 as may be amended from time to time. The department is composed of the Merrillville redevelopment commission and such persons it may employ.

(B) The redevelopment commission consists of five members, as follows:
(1) The town council shall appoint two persons, who must be at least 18 years of age and must be residents of the town.
(2) The town council president, as municipal executive, shall appoint three persons, who must be at least 18 years of age and must be residents of the town.
(3) The town council president as municipal executive shall also appoint an individual to serve as a nonvoting adviser who shall serve subject to the following:
(a) The nonvoting adviser must be a member of the town board of school trustees of the town of Merrillville or an individual recommended by it to the town council president as municipal executive.

(B) The redevelopment commission may:
(1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of areas in need of redevelopment located within the corporate boundaries of the unit;
(2) Hold, use, sell (by conveyance, by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of areas in need of redevelopment, on the terms and conditions that the commission considers best for the unit and its inhabitants;
(3) Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on;
(4) Clear real property acquired for redevelopment purposes;
(5) Enter on or into, inspect, investigate, and assess real property and structures acquired or to be acquired for redevelopment purposes to determine the existence, source, nature, and extent of any environmental contamination, including the following:
(a) Hazardous substances.
(b) Petroleum.
(c) Other pollutants.
(6) Remediate environmental contamination, including the following, found on any real property or structures acquired for redevelopment purposes:
(a) Hazardous substances.
(b) Petroleum.
(c) Other pollutants.
(7) Repair and maintain structures acquired for redevelopment purposes.
(8) Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes.
(9) Survey or examine any land to determine whether it should be included within an area needing redevelopment to be acquired for redevelopment purposes and to determine the value of that land.
(10) Appear before any other department or agency of the unit, or before any other governmental agency in respect to any matter affecting:
(a) real property acquired or being acquired for redevelopment purposes; or
(b) any area needing redevelopment within the jurisdiction of the commissioners.
(11) Institute or defend in the name of the unit any civil action.
(12) Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the department of redevelopment.
(13) Appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, and attorneys.
(14) Appoint clerks, guards, laborers, and other employees the commission considers advisable, except that those appointments must be made in accordance with the merit system of the unit if such a system exists.
(15) Prescribe the duties and regulate the compensation of employees of the department of redevelopment.

Page | 7

Page | 8

Page | 9

Sec. 5-15.5 Annual reports.

(A) **Not later than April 15 of each year**, the redevelopment commissioners or their designees shall file with the executive and fiscal body a report setting out their activities during the preceding calendar year. The redevelopment commissioners or their designees shall also present the report to the unit's fiscal body at a public meeting.

(B) The report of the commissioners of a municipal redevelopment commission must show the names of the then qualified and acting commissioners, the names of the officers of that body, the number of regular employees and their fixed salaries or compensation, the amount of the expenditures made during the preceding year and their general purpose, an accounting of the tax increment revenues expended by any entity receiving the tax increment revenues as a grant or loan from the commission, the amount of funds on hand at the close of the calendar year, and other information necessary to disclose the activities of the commissioners and the results obtained.

(C) The report of the commissioners of a county redevelopment commission must show all the information required by subsection (B), plus the names of any commissioners appointed or removed from office during the preceding calendar year.

(D) A copy of each report filed under this section must be submitted to the department of local government finance in an electronic format.

(E) The report required under subsection (A) must also include the following information set forth for each tax increment financing district regarding the previous year:
(1) Revenues received.
(2) Expenses paid.
(3) Fund balances.
(4) The amount and maturity date for all outstanding obligations.
(5) The amount paid on outstanding obligations.
(6) A list of all the parcels and the depreciable personal property of any designated taxpayer included in each tax increment financing district, allocation area and the base assessed value and incremental assessed value for each parcel and the depreciable personal property of any designated taxpayer on the list.
(7) To the extent that the following information has not previously been provided to the department of local government finance:

Page | 10





Introduced at the Town Council meeting of October ___ 2024.

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

TOWN COUNCIL of the TOWN of MERRILLVILLE, INDIANA

It was moved by Councilor Pettit and second by Counselor Uzelac to approve Ordinance 24-47 on the second and final reading.

Upon a question from President Bella to Councilor Pettit regarding comments, Councilor Pettit responded that Ordinance 25-47 is in response to our audit corrective action plan.

Town Manager Griffin added to the explanation of Ordinance 24-47.

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

4. **<u>Ordinance 24-48 (Discussion and Roll Call Vote)</u>**
An Ordinance Appropriating Additional Money in Excess of the Annual Budget for Various Funds, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.

Digest: An ordinance to restore and appropriate undesignated, unreserved cash on deposit to the LOIT-CEDIT Fund, Motor Vehicle Highway – Restricted Fund and LIT-Public Safety Fund for costs unplanned in those funds.

Amendments: Whenever an existing municipal code provision is being amended, the text of the existing provision will appear in this style type, additions or changes will appear in this style type, and deletions will appear in this style type. If the amendment is new where language had not existed before, it will be styled NEW with the new language to follow. ***(Digest included pursuant to MCC Sec.2-69(d))***

TOWN OF MERRILLVILLE
APPROPRIATION ENACTMENT
ORDINANCE No. 24-48

AN ORDINANCE APPROPRIATING ADDITIONAL MONIES IN EXCESS OF THE ANNUAL BUDGET FOR VARIOUS FUNDS, ALL PURUSANT 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 more money than was appropriated in the annual budget for the **LOIT-CEDIT Fund, Motor Vehicle Highway – Restricted Fund and LIT-Public Safety Fund**; and,

WHEREAS, It has been determined that such additional appropriations as may be approved by this ordinance will not increase the levies set under I.C. 6-1.1-17 et alia, all pursuant to I.C. 36-5-3-5,

NOW, THEREFORE BE IT ORDAINED 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 LOIT-CEDIT FUND and for the purposes herein specified, as identified by the series herein, subject to the laws governing the same:

LOIT-CEDIT FUND

Increase the following:

	Proposed:	**Approved:**
900 Series:	$ 95,882.00	$ 95,882.00
Total for the Fund:		**$95,882.00**

Page 1 of 3

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the MOTOR VEHICLE HIGHWAY – RESTRICTED FUND for the purposes herein specified, as identified by the series herein, subject to the laws governing the same:

MOTOR VEHICLE HIGHWAY – RESTRICTED FUND

Increase the following:

	Proposed:	**Approved:**
100 Series	$10,000.00	$10,000.00
Total for the Fund		**$10,000.00**

Section 3. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the LIT PUBLIC SAFETY FUND for the purposes herein specified, as identified by the series herein, subject to the laws governing the same:

LIT-PUBLIC SAFETY FUND

Increase the following:

	Proposed:	**Approved:**
100 Series	$ 50,000.00	$ 50,000.00
Total for the Fund		**$ 50,000.00**

Section 4. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of the actions and that these moneys be made available for expenditure subject to an order of the Commissioners' pursuant to IC 6-1.1-18

Section 5. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.8, I.C. 36-5-3-5, I.C. 36-5-4-2 this ordinance 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. 5-14-1.5-11 et seq.

Introduced and Filed on the 17th Day of December, 2024

Page 2 of 3

DULY ORDAINED AND ADOPTED this _____ Day of _____ 2024, by the Town Council of the Town of Merrillville, Lake County, Indiana.

TOWN COUNCIL of the TOWN of MERRILLVILLE, INDIANA

It was moved by Councilor Hardaway and second by Vice-President Neal to approve Ordinance 24-48 on the second and final reading.

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

B. Resolutions:

1. **<u>Resolutions 24-44 (Discussion and Voice Vote</u>**
   A Preliminary Resolution of the Town Council of the Town of Merrillville, Indiana, Declaring an Area in the Town as and Economic Revitalization Area and Approving a Real Property Tax Economic Revitalization Area and Approving a Real property Tax Abatement for CHI/Acquisitions LP (DBA Crow Holdings Development)

RESOLUTION NO. 24-44

A PRELIMINARY RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, INDIANA, DECLARING AN AREA IN THE TOWN AS AN ECONOMIC REVITALIZATION AREA AND APPROVING A REAL PROPERTY TAX ABATEMENT FOR CHI/ACQUISITIONS LP (D/B/A CROW HOLDINGS DEVELOPMENT)

WHEREAS, CHI Acquisitions LP (d/b/a Crow Holdings Development), and/or any affiliate thereof (collectively, the "Company"), is pursuing the construction of a redevelopment project consisting of a new three building logistics park (the "Project") on property located at the southwest corner of East 73rd Avenue and Mississippi Street in the Town of Merrillville (the "Town"), as further described in the map attached hereto as Exhibit A and incorporated herein by reference (collectively, the "Real Property"); and

WHEREAS, the Company has requested that the Real Property be designated an economic revitalization area (an "ERA") for purposes of permitting real property tax deductions pursuant to I.C. 6-1.1-12.1, as amended; and

WHEREAS, the Company has further requested that the Town Council of the Town of Merrillville, Indiana (the "Council") approve a ten-year real property tax deduction schedule for the Project; and

WHEREAS, the Company has advised the Council that the Project will involve significant investment in real property redevelopment or rehabilitation; and

WHEREAS, the Company submitted to the Council a form SB-1/Real Property Statement of Benefits in connection with the Project, and provided all information and documentation necessary for the Council to make an informed decision (the "Statement"); and

WHEREAS, the Council is authorized under the provisions of I.C. 6-1.1-12.1-1 *et seq.* to designate areas in the Town as an ERA for the purposes described herein; and

WHEREAS, the Council has considered the Statement submitted by the Company and has conducted a complete and proper investigation of the Real Property, and determined that the Real Property qualifies as an "economic revitalization area" under Indiana statutes; and

WHEREAS, the Council has considered the following factors under I.C. 6-1.1-12.1-17 in connection with the Project:

1. The total amount of the Company's investment in real and personal property under the Project;
2. The number of new full-time equivalent jobs (if any) to be created under the Project;
3. The average wage of the new employees (if any) under the Project compared to the state minimum wage; and
4. The infrastructure requirements for the Company's investment under the Project;

(collectively, the "Deduction Schedule Factors");

NOW, THEREFORE, IT IS FOUND, DETERMINED AND RESOLVED by the Council as follows:

1. That the estimate of the value of the redevelopment or rehabilitation of the Real Property is reasonable for projects of that nature.

2. That the value of the construction of improvements as a result of the Project creates benefits of the type and quality anticipated by the Council within the ERA and can reasonably be expected to result from the proposed Project and the redevelopment or rehabilitation of the Real Property.

3. That the benefits described in the Statement can reasonably be expected to result from the proposed redevelopment or rehabilitation of the Real Property.

4. That the totality of benefits from the proposed redevelopment or rehabilitation of the Real Property is sufficient to justify a real property tax deduction period and schedule as set out herein.

5. That the Deduction Schedule Factors in connection with the Project justify granting the deduction schedule for real property under I.C. 6-1.1-12.1-17 as specified herein.

NOW, THEREFORE, based on the foregoing, the Council further RESOLVES, FINDS AND DETERMINES:

1. That all of the conditions for the designation of the Real Property as an "economic revitalization area" and all of the requirements for the tax deductions to be granted hereby have been met, and the foregoing findings are true and all information required to be submitted has been submitted in proper form.

2. That the Statement submitted by the Company is hereby approved.

3. That the Real Property is hereby designated as an "economic revitalization area" pursuant to I.C. 6-1.1-12.1-1 *et seq.*, and the Company is entitled to real property tax deductions for the proposed redevelopment or rehabilitation of real property as part of the Project for a period of ten years as allowed in I.C. 6-1.1-12.1-4 (as in effect on the date hereof), in accordance with the following abatement schedule, hereby adopted pursuant to I.C. 6-1.1-12.1-17 (as in effect on the date hereof):

YEAR OF DEDUCTION	PERCENTAGE
1	100%
2	100%
3	100%
4	87.5%
5	75.0%
6	62.5%
7	50.0%
8	37.5%
9	25.0%
10	12.5%

4. That notice hereof should be published according to law stating the following: the adoption and substance hereof, a copy of the description of the affected area is available for inspection in the County Assessor's Office and the date on which the Council will hear and receive remonstrances and objections and take final action, all as required by law.

5. That the effectiveness of this Resolution is hereby conditioned on the receipt by the President of the Town Council of written consent of the Company that this Resolution shall be deemed to incorporate the provisions of Indiana Code 6-1.1-12-14, imposing an annual fee on the Company at the maximum permissible percentage of 15%. The President of the Town Council is authorized to enter into an agreement on behalf of the Town to effectuate the incorporation of such provisions.

6. The term of the ERA shall be unlimited, and shall apply to both real and personal property for any property in the ERA that is approved by the Town Council for a tax abatement, with the deduction schedule for any such project to be set forth in the applicable Town Council approval resolution.

7. That, subject to Section 5, this Resolution shall be in full force and effect from and after its passage by the Merrillville Town Council and such publications as may be required by law.

8. That the Council shall cause certified copies of this Resolution to be filed with the Lake County Auditor and the Lake County Assessor.

*****

ALL OF WHICH IS PASSED AND ADOPTED THIS 30TH DAY OF DECEMBER, 2024, BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA.

TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, TOWN COUNCIL

It was moved by Councilor Pettit and seconded by Councilor Haynes-Edwards to approve Resolution 24-44.

Managing Director Matt Kurues of Crow Holdings Industrial explained Crow Holdings Development's business relationship with the Town of Merrillville, development, zoning, and tax abatements.

Upon a question from President Bella regarding tax abatements increasing homeowners' property taxes, Town Manager Griffin responded that tax abatements do not increase homeowners' property taxes.

Councilor Pettit reported that this is a preliminary resolution and there will be an advertisement and public hearing on January 14, 2025.

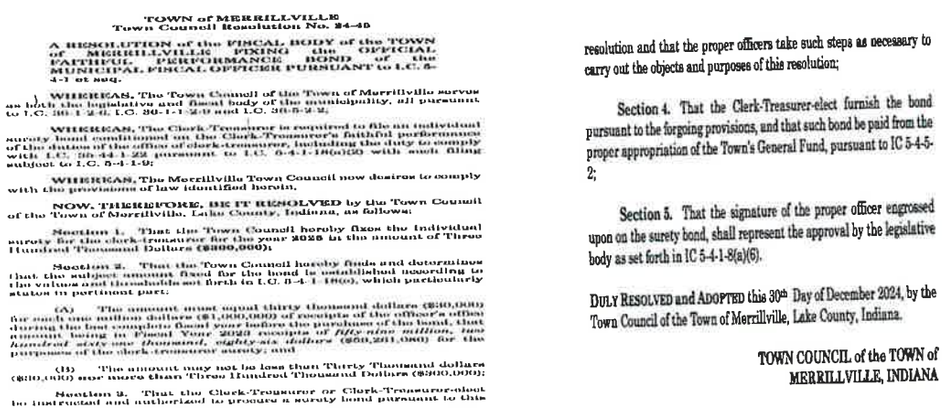
Clerk-Treasurer Eric January shared an article by Ball State University regarding the Fiscal Impact of Tax Abatement in Indiana by Michael J. Hicks and Dagney G. Faulk of Ball State University. The article can be viewed at https://jpna.org/index.php/jpna/article/view/70.

Clerk-Treasurer Eric January stated that developers do not recognize the value of Merrillville and small businesses in Merrillville are not getting any tax breaks.

Councilor Pettit stated that private property owners can sell the property to whomever they please or not sell the property.

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

2. **Resolutions 24-45 (Discussion and Voice Vote**
A Resolution of the Fiscal Body of the Town of Merrillville Fixing the Official Faithful Performance Bond of the Municipal Fiscal Officer Pursuant to I.C. 5-4-1.



TOWN of MERRILLVILLE
Town Council Resolution No. 24-45

A RESOLUTION of the FISCAL BODY of the TOWN of MERRILLVILLE FIXING the OFFICIAL FAITHFUL PERFORMANCE BOND of the MUNICIPAL FISCAL OFFICER PURSUANT to I.C. 5-4-1 et seq.

WHEREAS, The Town Council of the Town of Merrillville serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-9; I.C. 36-1-3-2-9 and I.C. 36-5-2-2;

WHEREAS, The Clerk-Treasurer is required to file an individual surety bond conditioned on the Clerk-Treasurer's faithful performance of the duties of the office of clerk-treasurer, including the duty to comply with I.C. 36-4-4-1-25 pursuant to I.C. 5-4-1-18(a)(3) with such filing subject to I.C. 5-4-1-9;

WHEREAS, The Merrillville Town Council now desires to comply with the provisions of law identified herein;

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

Section 1. That the Town Council hereby fixes the individual surety for the clerk-treasurer for the year 2025 in the amount of Three Hundred Thousand Dollars ($300,000);

Section 2. That the Town Council hereby finds and determines that the subject amount fixed for the bond is established according to the values and thresholds set forth in I.C. 5-4-1-18(a), which particularly states in pertinent part:

(A) The amount must equal thirty thousand dollars ($30,000) for each one million dollars ($1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, that amount being in Fiscal Year 2023 receipts of *fifty-nine million, two hundred sixty-one thousand, eighty-six dollars* ($59,261,086) for the purposes of the clerk-treasurer surety; and

(B) The amount may not be less than Thirty Thousand dollars ($30,000) nor more than Three Hundred Thousand Dollars ($300,000);

Section 3. That the Clerk-Treasurer or Clerk-Treasurer-elect be instructed and authorized to procure a surety bond pursuant to this resolution and that the proper officers take such steps as necessary to carry out the objects and purposes of this resolution;

Section 4. That the Clerk-Treasurer-elect furnish the bond pursuant to the forgoing provisions, and that such bond be paid from the proper appropriation of the Town's General Fund, pursuant to IC 5-4-5-2;

Section 5. That the signature of the proper officer engrossed upon on the surety bond, shall represent the approval by the legislative body as set forth in IC 5-4-1-8(a)(6).

DULY RESOLVED and ADOPTED this 30th Day of December 2024, by the Town Council of the Town of Merrillville, Lake County, Indiana.

TOWN COUNCIL of the TOWN of MERRILLVILLE, INDIANA

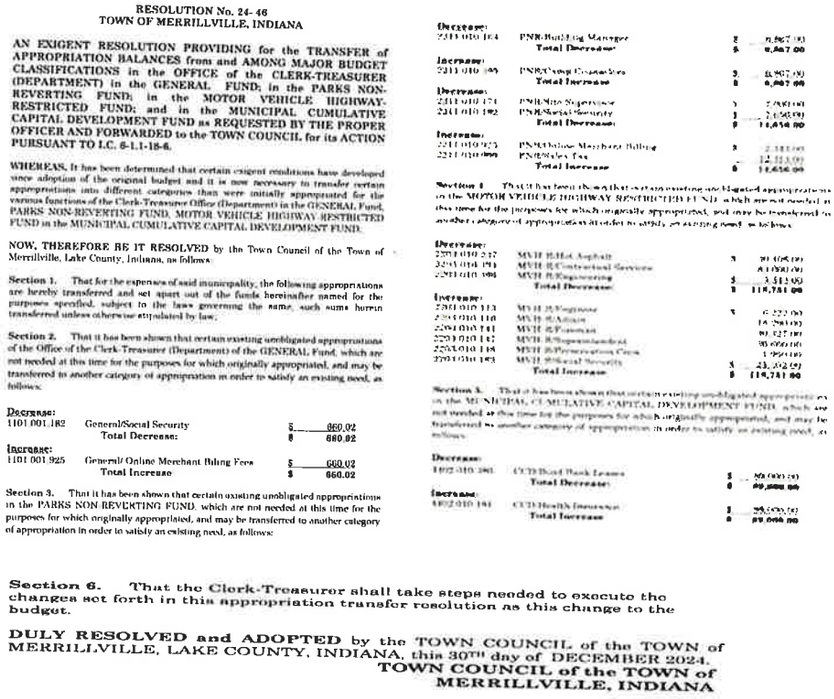
Town Manager Griffin explained Resolution 24-45.

It was moved by Councilor Uzelac and seconded by Councilor Haynes-Edwards to approve Resolution 24-45.

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

3. **Resolutions 24-46 (Discussion and Voice Vote**
An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classification In The Office Of The Clerk-Treasurer (Department) In The General Fund; In The Parks Non-Reverting Fund; In The Motor Vehicle Highway-Restricted Fund; And In The Municipal

Cumulative Capital Development Fund As Requested By The Proper Officer And Forward To The Town Council For Its Action Pursuant To I.C. 6-1.1-18-6



RESOLUTION No. 24- 46
TOWN OF MERRILLVILLE, INDIANA

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the OFFICE of the CLERK-TREASURER (DEPARTMENT) in the GENERAL FUND; in the PARKS NON-REVERTING FUND; in the MOTOR VEHICLE HIGHWAY-RESTRICTED FUND; and in the MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO I.C. 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the Clerk-Treasurer Office (Department) in the GENERAL Fund, PARKS NON-REVERTING FUND, MOTOR VEHICLE HIGHWAY-RESTRICTED FUND in the MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND.

NOW, THEREFORE BE IT RESOLVED 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 appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the Office of the Clerk-Treasurer (Department) of the GENERAL Fund, which are not needed at this time for the purposes for which originally appropriated, and may be transferred to another category of appropriation in order to satisfy an existing need, as follows:

Decrease:		
1101 001.182	General/Social Security	$ 660.02
	Total Decrease:	**$ 660.02**
Increase:		
1101 001.925	General/ Online Merchant Biling Fees	$ 660.02
	Total Increase	**$ 660.02**

Section 3. That it has been shown that certain existing unobligated appropriations in the PARKS NON-REVERTING FUND, which are not needed at this time for the purposes for which originally appropriated, and may be transferred to another category of appropriation in order to satisfy an existing need, as follows:

Decrease:		
2211 010 164	PNR/Building Manager	$ 8,867.00
	Total Decrease:	**$ 8,867.00**
Increase:		
2211 010 195	PNR/Comp Counselors	$ 8,867.00
	Total Increase	**$ 8,867.00**
Decrease:		
2211 010 171	PNR/Site Supervisor	$ 7,000.00
2211 010 182	PNR/Social Security	$ 1,456.00
	Total Decrease:	**$ 14,456.00**
Increase:		
2211 010 925	PNR/Online Merchant Billing	$ 2,181.00
2211 010 999	PNR/Sales Tax	$ 12,275.00
	Total Increase	**$ 14,456.00**

Section 4. That it has been shown that certain existing unobligated appropriations in the MOTOR VEHICLE HIGHWAY RESTRICTED FUND, which are not needed at this time for the purposes for which originally appropriated, and may be transferred to another category of appropriation in order to satisfy an existing need, as follows:

Decrease:		
2201 010 237	MVH H.H.S. Asphalt	$ 20,105.00
2201 010 193	MVH H.Contractual Services	$ 80,000.00
2201 010 198	MVH H.Engineering	$ 3,512.00
	Total Decrease:	**$ 119,741.00**
Increase:		
2201 010 113	MVH H.Engineer	$ 6,222.00
2201 010 116	MVH H.Admin	$ 14,281.00
2201 010 141	MVH H.Foreman	$ 80,525.00
2201 010 142	MVH H.Superintendent	$ 95,000.00
2553 010 148	MVH H.Preservation Crew	$ 1,950.00
2201 010 182	MVH H.Social Security	$ 23,203.00
	Total Increase	**$ 119,741.00**

Section 5. That it has been shown that certain existing unobligated appropriations in the MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND, which are not needed at this time for the purposes for which originally appropriated, and may be transferred to another category of appropriation in order to satisfy an existing need, as follows:

Decrease:		
1402 010 391	CCD Bond Bank Leases	$ 89,000.00
	Total Decrease:	**$ 89,000.00**
Increase:		
1402 010 141	CCD Health Insurance	$ 89,000.00
	Total Increase	**$ 89,000.00**

Section 6. That the Clerk-Treasurer shall take steps needed to execute the changes set forth in this appropriation transfer resolution as this change to the budget.

DULY RESOLVED and ADOPTED by the TOWN COUNCIL of the TOWN of MERRILLVILLE, LAKE COUNTY, INDIANA, this 30TH day of DECEMBER 2024.

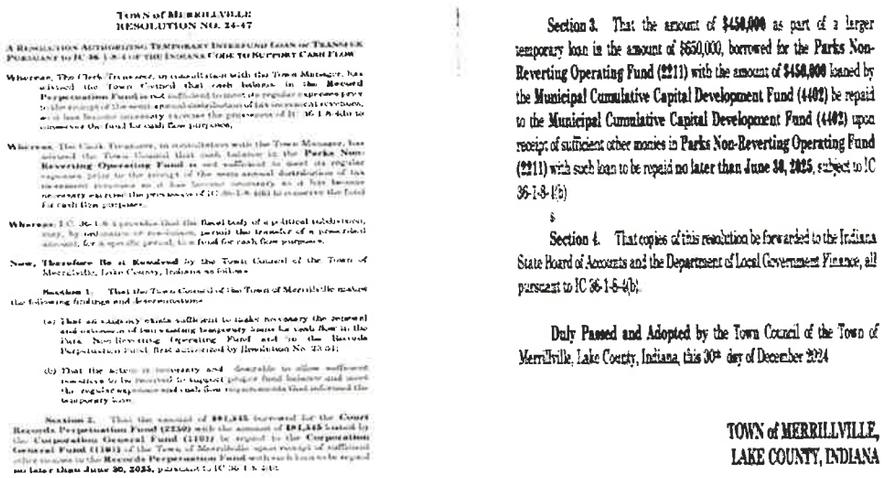
TOWN COUNCIL of the TOWN of MERRILLVILLE, INDIANA

Town Manager Griffin explained Resolution 24-46

It was moved by Councilor Uzelac and seconded by Vice-President Neal to approve Resolution 24-46

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

4. **Resolution 24-47 (Discussion and Voice Vote**
A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4 of the Indiana Code to Support Cash Flow.



TOWN of MERRILLVILLE
RESOLUTION NO. 24-47

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN OR TRANSFER PURSUANT TO IC 36-1-8-4 OF THE INDIANA CODE TO SUPPORT CASH FLOW

Whereas, The Clerk-Treasurer, in consultation with the Town Manager, has advised the Town Council that cash balance in the **Record Perpetuation Fund** is not sufficient to meet its regular expenses prior to the receipt of the semi-annual distribution of tax increment revenues, and has become necessary exercise the provisions of IC 36-1-8-4(b) to conserve the fund for cash flow purposes;

Whereas, The Clerk-Treasurer, in consultation with the Town Manager, has advised the Town Council that cash balance in the **Parks Non-Reverting Operating Fund** is not sufficient to meet its regular expenses prior to the receipt of the semi-annual distribution of tax increment revenues, and has become necessary exercise the provisions of IC 36-1-8-4(b) to conserve the fund for cash flow purposes;

Whereas, I.C. 36-1-8-4 provides that the fiscal body of a political subdivision, may, by ordinance or resolution, permit the transfer of a prescribed amount, for a specific period, to a fund for cash flow purposes.

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

Section 1. That the Town Council of the Town of Merrillville makes the following findings and determinations:

(a) That an emergency exists sufficient to make necessary the renewal and extension of two existing temporary loans for cash flow in the Parks Non-Reverting Operating Fund and in the Records Perpetuation Fund, first authorized by Resolution No. 23-51;

(b) That the action is necessary and desirable to allow sufficient resources to be received to support proper fund balance and meet the regular expenses and cash flow requirements that informed the temporary loan.

Section 2. That the amount of **$81,545** borrowed for the **Court Records Perpetuation Fund (2250)** with the amount of **$81,545** loaned by the **Corporation General Fund (1101)** be repaid to the **Corporation General Fund (1101)** of the Town of Merrillville upon receipt of sufficient other monies in the **Records Perpetuation Fund** with such loan to be repaid **no later than June 30, 2025**, pursuant to IC 36-1-8-4(b).

Section 3. That the amount of **$450,000** as part of a larger temporary loan in the amount of $650,000, borrowed for the **Parks Non-Reverting Operating Fund (2211)** with the amount of **$450,000** loaned by the **Municipal Cumulative Capital Development Fund (4402)** be repaid to the **Municipal Cumulative Capital Development Fund (4402)** upon receipt of sufficient other monies in **Parks Non-Reverting Operating Fund (2211)** with such loan to be repaid **no later than June 30, 2025**, subject to IC 36-1-8-4(b).

Section 4. That copies of this resolution be forwarded to the Indiana State Board of Accounts and the Department of Local Government Finance, all pursuant to IC 36-1-8-4(b).

Duly Passed and Adopted by the Town Council of the Town of Merrillville, Lake County, Indiana, this 30th day of December 2024

TOWN of MERRILLVILLE,
LAKE COUNTY, INDIANA

Town Manager Griffin explained Resolution 24-47.

It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve Resolution 24-47.

Upon a voice vote, the motion passed. Resolution 24-47 was approved.

C. BZA & LARGE GATHERING ACTIONS: NONE

OLD BUSINESS
NONE

NEW BUSINESS

- Annual Elections for the Town Council President and Vice President 2025

President Bella opened nominations for the 2025 Council President.

Councilor Pettit nominated Councilor Rick Bella and seconded by Councilor Uzelac.

Upon a question by President Bella regarding any more nominations for Council President, Councilor Haynes-Edwards nominated herself.

President Bella closed the nominations and call for the voted.

Upon a roll call vote there were four votes for Councilor Rick Bella for Council President. Councilors Margaret Uzelac Shawn Pettit, Keesha Hardaway, and Rick Bella voted to affirm Councilor Rick Bella. There were three votes for Councilor Haynes-Edwards for Council President. Councilors Rhonda Neal, Shauna Haynes-Edwards, and Leona Chandler-Felton voted to affirm Councilor Shauna Haynes-Edwards.

President Bella was approved as the 2025 Council President.

President Bella opened nominations for the 2025 Council Vice-President.

It was moved by Councilor Pettit to nominate Councilor Rhonda Neal.

Upon a question by President Bella regarding any more nominations for Council Vice-President, no council member responded.

It was moved by Councilor Uzelac, and second by Councilor Pettit to close the nominations and have a unanimous vote for Councilor Rhonda Neal as the 2025 Council Vice-President.

Upon a voice vote, the motion passed. Councilor Rhonda Neal was approved as the 2025 Council Vice-President.

PUBLIC COMMENTS:

1. Dan Brown of Merrillville Indiana voiced his concerns regarding the 73rd Mississippi development and tax abatements.

2. Chris Holtz of Merrillville Indiana voiced his concerns regarding tax abatements.

3. Amy Shollenberger of Merrillville Indiana voiced her concerns regarding 73rd Mississippi development and the increase traffic flow with trucks.

4. Bryor Mesarch of Merrillville Indiana voiced his concerns regarding TIF Zones, tax abatements, and the lack of communication between council members and residents.

5. Jessica Nummy of Merrillville Indiana voiced her concerns regarding abandoned and the stray animals in the Town of Merrillville.

6. Pablo Payan of Merrillville Indiana voiced his concerns regarding the use of tax abatements.

7. Sabine Miller of Merrillville Indiana voiced her concerns regarding tax abatements, warehouses, and lack of entertainment in Merrillville.

8. Edward Scott of Merrillville Indiana voiced his concerns regarding the warehouse development and trucks.

9. Honorable Judge Eugene Velazco of Merrillville Indiana made a statement regarding the decision of the court to keep the Town of Merrillville Court open and thanked Clerk-Treasurer Eric January for all his help.

10. Leonard White of Merrillville Indiana voiced his concerns regarding abstentions and redistricting.

President Bella informed the council and residents that towns and cities must redistrict after every census.

ANNOUNCEMENTS

The Town Council President announced the following:

- Town Council Meeting Tuesday, January 14th at 6:30 p.m.

ADJOURNMENT

Having completed all items on the agenda, the Town Council President announced the meeting adjourned at 8:03 p.m.

Rick Bella, Town Council President

Eric O. January, Clerk-Treasurer

Respectfully Submitted By Angela Lewis