# Town Council of Merrillville

## 7820 Broadway Ave - Merrillville, IN 46410

## Town Council Meeting Minutes of the Regular Meeting of

## December 26, 2023 - 6:30 P.M.

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

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

**PLEDGE OF ALLEGIANCE:** Led by Councilor Hardaway.

**ROLL CALL** – Present at the meeting were Councilors Richard Hardaway, Jeffrey Minchuk, Margaret Uzelac, Shawn Pettit, Leonard White, and Rick Bella. Councilor Rhonda Neal was absent. Madam Clerk-Treasurer Kelly White Gibson was present to memorialize the proceedings. A quorum was attained.

### PETITIONS, COMMUNICATIONS, ACKNOWLEDGEMENTS, AND REMONSTRATIONS

**AHEPA and "Logan's Love" donation to sponsor "Ben's Blue Bag" for the Merrillville Police Department**

Chief Nuses acknowledged representatives from "Logan's Love" and its "Blue Bag" Program, providing sensory bags for Fire, Police, and Emergency Management Services.

Crown Point Fire & Rescue Lieutenant Matt Kodicek noted that Merrillville Police Department went through the training, but never received the blue bags. It was noted that through this donation, every squad car will have a bag. The bags contain sensory toys, two communication boards, and several other sensory toys to help deal with autism on emergency calls.

### CONSENT AGENDA

Accts. Payable Register Voucher Approval for December 26th, 2023.
Approval of Town Council Meeting minutes of November 12th, 2023.
Approval of Special Town Council Meeting minutes of December 20th, 2023.

**It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve the consent agenda. Upon a voice vote, the motion passed. The consent agenda was approved.**

### ADDITIONAL APPROPRIATION

**A. Proposed Additional Appropriations in the 2023 Budget Loit – Public Safety Fund for $88,194.00**

**(a) Town Attorney review of Proof of Publication(s):** Column Add Proof Publication date of December 11th, 2023, in the NWI Times. Attorney Svetanoff reported that the proof of publication appears to be in order and legal and the council may proceed.

Interim Town Manager Griffin gave a synopsis of the additional appropriation.

Councilor Bella asked Madam Clerk-Treasurer Kelly White Gibson to read **Ordinance 23-31** into the record:

**ORDINANCE NO. 23-31**

**AN ORDINANCE OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, AUTHORIZING ADDITIONAL APPROPRIATIONS IN THE 2023 BUDGET LOIT – PUBLIC SAFETY FUND**

**WHEREAS,** it has been determined that it is now necessary to appropriate more money than was originally appropriated in the annual budget in the LOIT – Public Safety Fund of the Town; and

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

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

| | AMOUNT REQUESTED | AMOUNT APPROVED BY FISCAL BODY |
|---|---|---|
| Fund 2240: LOIT – PUBLIC SAFETY FUND | | |
| 100 Series: Personal Services | $ 88,194.00 | $ 88,194.00 |
| Total for LOIT – PUBLIC SAFETY FUND | $ 88,194.00 | $ 88,194.00 |

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

**DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA,** this _____ day of _____, 2023.

_____
Rick Bella, Council President
Ward 5

_____
Marge Uzelac, Councilwoman
Ward 4

_____
Rhonda Neal, Councilwoman
Ward 1

_____
Shawn Pettit, Councilman
Ward 6

_____
Richard Hardaway, Vice President
Ward 2

_____
Leonard White, Councilman
Ward 7

_____
Jeff Minchuk, Councilman
Ward 3

ATTEST:

_____
Kelly White-Gibson
Clerk-Treasurer

**It was moved by Councilor Uzelac and seconded by Councilor Pettit, to approve Ordinance 23-31 on the second and final reading.**

a) **Public Comments**: Re: ORD 23-31 Authoring Additional Appropriations in the 2023 Budget Loit – Public Safety Fund.

1) Don Koliboski, Merrillville, Indiana voiced his support for Ordinance 23-31 but had concerns about the Lake County Option Income Tax.

**Roll call. Upon a roll call vote, there were six affirmatives and no negative. With Councilors Hardway, Minchuk, Uzelac, Pettit, White, and Bella voting in the affirmative, the motion passed. The ordinance was approved on the second and final reading.**

## STANDING & SPECIAL COMMITTEES REPORTS

- ***BUDGET & FINANCE- HARDAWAY*** – Councilor Hardaway had nothing to report.
- ***COUNCIL AFFAIRS- PETTIT*** – Councilor Pettit had nothing to report.

• ***STREET DEPARTMENT - MINCHUK*** – Councilor Minchuk reported that winter is eventually coming so be prepared and cooperate with our Street Department.

• ***ELECTIONS, PUBLIC RELATIONS, & TOWN BEAUTIFICATION - NEAL-*** In the absence of Councilor Neal, the Town Council President reported the following:

**Holiday House Decorating Contest Updates**

The Town had 18 entries in the Holiday Home Decorating Contest. The contest was opened for the community to vote. There were more than 600 votes cast. The Town Council President thanked all who participated in the contest. The winners are as follows:

3rd Place Winner - Dorothy Black of 241 West 54th Place
2nd Place Winner – Michael Carpenter of 3000 West 57th Avenue
1st Place Winner- Scott Bonsteel of 44 Indian Trail

The prizes for each of the winners will be awarded at the January 9th Town Council Meeting.

• ***ENVIRONMENTAL AFFAIRS- WHITE*** - Councilor White reported that a new variant has emerged, and the public should take precautions. Councilor Uzelac added that the flu virus is going around and flu shots are still available.

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

• ***PUBLIC SAFETY- MINCHUK-*** Councilor Minchuk had nothing to report.

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

• ***PARKS & RECREATION- UZELAC*** - Councilor Uzelac reported that everything is in order with the parks.

• ***ABANDONED -BLIGHTED PROPERTIES-HARDAWAY*** – Councilor Hardaway had nothing to report.

• ***DEAN & BARBARA WHITE COMMUNITY CENTER-PETTIT*** – **It was moved by Councilor Pettit and seconded by Councilor Minchuk to waive the fees for the Lake County Democratic Central Committee so use the Mike Anderson Event Center at the Dean and Barbara White Community Center for the Precinct Committee Member Caucus to elect a successor to fill the vacancy due to Senator Eddie Milton resignation, seconded by Councilor Minchuk.**

Councilor Bella verified the date of January 3, 2024.

**Councilor Pettit amended his motion to include the January 3, 2024 date, seconded by Councilor Minchuk.**

Councilor White inquired about the amount being waived.

Councilor Bella stated around $200.00 or $250.00 for labor.

**Upon a voice vote, the motion passed. The fee waiver for the Lake County Democratic Central Committee was approved.**

• ***SPECIAL PROJECTS (F & B TAX, DIVERSITY, 4TH of JULY CELEBRATION- HARDAWAY*** – Councilor Hardaway had nothing to report.

**DEPARTMENT & COMMISSION REPORTS**

• ***LAKE COUNTY SOLID WASTE MANAGEMENT-WHITE*** – Councilor White had nothing to report.

• ***NORTHERN INDIANA REGIONAL PLANNING COMMISSION-HARDAWAY*** – Councilor Hardaway had nothing to report.

• ***STORMWATER MANAGEMENT RESOURCES-LAKE*** – Director Lake was absent from the meeting but provided a written report to Interim Town Manager Griffin.

Councilor White asked about Stormwater's Attorney Fees for $1,900.00.

Councilor Bella informed Councilor White that the council is only the secondary approval for Stormwater invoices. Madam Clerk-Treasurer Kelly White Gibson stated that she would get Councilor White the information.

• ***SOUTHSHORE VISITORS AND CONVENTION AUTHORITY-PATENA*** – Councilor Bella reported that the Chairperson David Uran has resigned.

• ***FIRE TERRITORY BOARD-MINCHUK*** – Councilor Minchuk reported that the board is working to schedule a meeting for the middle of January.

## DEPARTMENT REPORTS/INTERIM TOWN MANAGER

**Director Price – Parks and Recreation**

Director Price reported that he talked with Mark McLaughlin of RDG Planning and Design regarding the Parks Department 10-Year Comprehensive Plan. Director Price elaborated on the plan and park improvements that have already been implemented.

Councilor Uzelac inquired about the new bike trail being included in the plan.

**Chief Nuses – Police Department**

Chief Nuses reported that announcements will be forthcoming at the beginning of the year at the next meeting regarding a more proactive Police Department.

**With leave from the Town Council, Councilor Hardaway moved, seconded by Councilor Minchuk to approve up to $150,000.00 of ARPA funds for the Drone Program.**

Chief Nuse stated the funds aren't just for the Drone Program but also include the FARO Program for accidents and crime scene reconstruction.

Councilor Hardaway stated his motion stands.

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

**Director Shine – Building and Planning**

Director Shine reported that the Building and Planning is in the process of its annual contractors' license renewal and other year-end activities. The department has over 14,000 contractors that are being renewed.

Councilor Hardaway inquired whether the department would exceed $2,000,000.00 in contractor license fees.

Director Shine reported she would know in a couple of weeks.

**Director King – Street Department**

Director King was absent. Kevin Markle reported that spring work is ongoing because of the weather and the snow plows are ready to go.

**Interim Town Manager Griffin**

Interim Town Manager Griffin reported that Director Matt Lake made a presentation to the Indiana Department of Emergency Management (IDEM) for the new IDEM Clean Community Program. He also noted that earlier in the year Director Price also made a presentation to his colleagues at the Indiana Association of Parks and Recreation.

Interim Town Manager Griffin also reported that Director Price will be leaving at the end of the week to assume a promotion to a new position in a parks and recreation department in Michigan. He noted Mr. Price's performance in his role as Park and Recreation Department Director and thanked him for his service as a Town of Merrillville employee.

## GENERAL ORDERS

### A. Ordinances:

### First Readings: (Discussion and Roll Call Vote)

1. **Ordinance 23-34 (Discussion and Roll Call Vote)**

An Ordinance of the Town of Merrillville, Lake County, Indiana, Providing that the Zoning Ordinance Town of Merrillville, Lake County be Amended by Changing the Established C-3, Highway Commercial Zoning District, and R-2, Residential Zoning District to a PUD, Planned Unit Development Zoning Classification.

Director Shine reported that the Plan Unit Development (PUD) was passed at the Plan Commission meeting on December 5, 2023.

Councilor Pettit declared that he believed that he had a possible conflict of interest on the advice of Attorney Svetanoff and would abstain from the vote.

**It was moved by Councilor Minchuk and seconded by Councilor Uzelac, to approve Ordinance 23-34 on the first reading.**

**Upon a roll call vote, there were four affirmatives, one negative, and one abstention. Councilors Hardway, Minchuk, Uzelac, and White, voting in the affirmative, Bella voting in the negative, and Councilor Pettit abstaining. the motion passed. The ordinance was approved on the first reading.**

2. **Ordinance 23-35 (Discussion and Roll Call Vote)**

An Ordinance of the Town of Merrillville Indiana, Providing That the Zoning Ordinance Town of Merrillville, Lake County, Indiana be Amended by Changing the Established C-3, Highway Commercial Zoning District, to a PUD, Planned Unit Development Zoning Classification.

Director Shine reported that the Plan Unit Development (PUD) was passed at the Plan Commission meeting on December 5, 2023

**It was moved by Councilor Minchuk and seconded by Councilor Hardaway, to approve Ordinance 23-35 on the first reading.**

Councilor Bella stated he supports this project.

Director Shine informed the council that Director Lake and our engineers reviewed this project.

**Upon a roll call vote, there were six affirmatives and no negatives. With Councilors Hardway, Minchuk, Uzelac, Pettit, White, and Bella voting in the affirmative, the motion passed. The ordinance was approved on the first reading.**

3. **Ordinance 23-36 (Discussion and Roll Call Vote)**

Ordinance of the Town of Merrillville Town Council, Town of Merrillville, Indiana petitioning for and Approving the Addition of Certain Lands to the Merrillville Conservancy District to obtain Sanitary Sewage Disposal Service.

**It was moved by Councilor Minchuk and seconded by Councilor Hardaway, to approve Ordinance 23-36 on the first reading.**

Councilor Minchuk explained Ordinance 23-36.

Attorney Svetanoff advised that a vote to expedite the process of the second reading of Ordinance 23-36 would be in order.

**Upon a roll call vote, there were six affirmatives and no negatives. With Councilors Hardway, Minchuk, Uzelac, Pettit, White, and Bella voting in the affirmative, the motion passed. The ordinance was approved on the first reading.**

**It was moved by Councilor Pettit and seconded by Councilor Minchuk to suspend the rules and read Ordinance 23-36 on the second and final reading.**

**Upon a roll call vote, there were six affirmatives and no negatives. With Councilors Hardway, Minchuk, Uzelac, Pettit, White, and Bella voting in the affirmative, the motion passed. The rules were suspended to read Ordinance 23-36 on the second and final reading.**

**It was moved by Councilor Minchuk and seconded by Councilor Hardaway, to approve Ordinance 23-36 on the second and final reading.**

**There were no public comments.**

**Upon a roll call vote, there were six affirmatives and no negatives. With Councilors Hardway, Minchuk, Uzelac, Pettit, White, and Bella voting in the affirmative, the motion passed. The Ordinance was approved on the second and final reading.**

**Original is on file in the Office of the Clerk-Treasurer.**

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

1. **Ordinance 23-31 (Discussion. Public Comment, and Roll Call Vote)**

An Ordinance of the Town of Merrillville, Lake County, Indiana, Authorizing Additional Appropriations in the 2023 Budget Loit – Public Safety Fund.

**This Ordinance was approved earlier on the agenda. Original is on file in the Office of the Clerk's-Treasurer.**

### 2. Ordinance 23-32 (Discussion, Public Comment, and Roll Call Vote)

An Ordinance of the Town of Merrillville, Lake County Indiana, Adopting the Town of Merrillville Food & Beverage Tax

**It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve the Ordinance 23-32 on the second and final reading.**

Public Comments

1) Clerk-Treasurer Elect Eric January, Merrillville, Indiana, voiced his concerns regarding the Food and Beverage Tax.

2) Don Koliboski, Merrillville, Indiana voiced his concerns regarding the Food and Beverage Tax.

There being no further public comments, the hearing was closed.

**Upon a roll call vote, there were five affirmatives and one negative. With Councilors Hardway, Minchuk, Uzelac, Pettit, and Bella voting in the affirmative, and Councilor White voting in the negative, the motion passed. The ordinance was approved on the second and final reading.**

**Original is on file in the Office of the Clerk-Treasurer.**

### 3. Ordinance 23-33 Discussion, Public Comment, and Roll Call Vote)

An Ordinance of the Town of Merrillville, Lake County Indiana, Establishing a Food & Beverage Tax Receipt Fund.

**It was moved by Councilor Hardaway and seconded by Councilor Pettit to approve the Ordinance 23-32 on the second and final reading.**

**There were no public comments.**

**Upon a roll call vote, there were five affirmatives and one negative. With Councilors Hardway, Minchuk, Uzelac, Pettit, and Bella voting in the affirmative, and Councilor White voting in the negative, the motion passed. The ordinance was approved on the second and final reading.**

**Original is on file in the Office of the Clerk-Treasurer.**

## B. Resolutions:

### 1. Resolution 23-49 (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 under I.C. 5-4-1 Et Seq.

Interim Town Manager Griffin noted that the law requires that the Town Council fix the amount of the faithful performance bond for the Clerk-Treasurer. This must be done before the beginning of each year and must be done so that the Clerk-Treasurer-elect can assume office.

**It was moved by Councilor Pettit and seconded by Councilor Minchuk to approve the resolution.**

Interim Town Manager Griffin elaborated on the resolution.

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

**Original is on file in the Office of the Clerk-Treasurer.**

### 2. Resolution 23-50 (Discussion and Voice Vote)

A Resolution of the Town Council of the Town of Merrillville Authorizing the Office of Vice President of the Town Council, Under I.C. 36.-5-2-9 and I.C. 36-1-3 Et Seq.

**It was moved by Councilor Hardaway and seconded by Councilor Pettit to approve the resolution.**

Councilor White inquired why this resolution is needed since the council already has the Office of Vice President in the by-laws.

Interim Town Manager Griffin explained why the resolution is needed.

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

**Original is on file in the Office of the Clerk-Treasurer.**

4. **Resolution 23-51 (Discussion and Voice Vote)**

A Resolution Authorizing Temporary Interfund Loan or Transfer Under I.C. 36-1-8-4 of the Indiana Code to Support Cash Flow.

Financial Advisor Hudson elaborated on the resolution.

**It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve the resolution. Upon a voice vote the resolution was approved. The motion passed. The resolution was adopted**

**Original is on file in the Office of the Clerk-Treasurer.**

5. **Resolution 23-52 (Discussion and Voice Vote)**

An Exigent Resolution Providing for the Transfer of Appropriation Balances from and Among Major Budget Classifications in the Municipal Cumulative Capital Development Fund as Requested by the Proper Officer and Forwarded to the Town Council for its Action Under I.C. 6-1.1-18-6.

**It was moved by Councilor Uzelac and seconded by Councilor Pettit to approve the resolution.**

Financial Advisor Hudson elaborated on the resolution.

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

**Original is on file in the Office of the Clerk-Treasurer.**

6. **Resolution 23-53 (Discussion and Voice Vote)**

A Resolution of the Town of Merrillville, Lake County, Indiana, Reversing, In Part, and Authorization to Transfer of Monies Within the Funds of the Parks Department.

**It was moved by Councilor Pettit and seconded by Councilor Uzelac to approve the resolution. Upon a voice vote the resolution was approved. The motion passed. The resolution was adopted**

**Original is on file in the Office of the Clerk-Treasurer.**

## C. American Rescue Plan

Councilor Hardaway reported that the AP Voucher Register Summary for ARP Purchases for December 26, 2023, is $17,400.75

**It was moved by Councilor Hardaway and seconded by Councilor Minchuk, to approve the ARP AP Voucher Register Summary for $17,400.75. Upon a voice vote, the motion passed. The ARP AP Voucher was approved.**

a) **BZA & LARGE GATHERING ACTIONS**

***None***

**OLD BUSINESS**

***None***

**NEW BUSINESS**

***None***

## SPECIAL PRESENTATIONS

### Encomiums for Retiring Officials

a) ***Service as a Town Clerk-Treasurer.*** Kelly White Gibson, serving January l, 2020 through before noon January I, 2024. Interim Town Manager Griffin thanked Madam Clerk-Treasurer Kelly White Gibson for her service and presented her with tokens of appreciation, a citation, a lamp with an inscription, and a service pin. Clerk-Treasurer Kelly White Gibson thanked the council and community.

b) ***Service as a Town Councilor.*** Leonard White, Ward 7, serving from January I, 2020 to before noon January l, 2024. Councilor Bella thanked Councilor Leonard White for his service and presented him with a citation, a lamp with an inscription, and a service pin. Councilor White thanked the council and community.

c) ***Service as a Town Councilor***. Jeffery Minchuk, serving from June 2016 through before noon January I, 2024. Councilor Bella thanked Councilor Jeffery Minchuk for his service and presented him with tokens of appreciation a citation, a lamp with an inscription, and a service pin. Councilor Minchuk thanked the council and community.

d) ***Service as a Town Councilor and Town Council President***. Richard Hardaway, serving from January 1, 2004 through before noon January 1, 2024. Councilor Pettit thanked Councilor Richard Hardaway for his service and presented him with tokens of appreciation a citation, a lamp with an inscription, a service pin, and an inscribed chair. Councilor Hardaway thanked the council and community.

## PUBLIC COMMENT

1. Don Koliboski, Merrillville, Indiana voiced his concerns regarding Resolutions 23-53 and the Food and Beverage Tax.

## ANNOUNCEMENTS

The Town Council President announced the following:

- Town Building will be closed on Friday, December 29th & Monday, January 1st in observance of the New Year
- The Town Council's next regular Meeting is set for January 9th 2024, at 6:30 p.m.
- A special Town Council meeting will be convened on January 1, 2024, at approximately 12:30 p.m. or immediately after the oath-taking ceremony of the new Town Council.

## ADJOURNMENT

Having completed all items on the agenda, the President declared the meeting adjourned at 8:10 p.m.

***Rick Bella, President***

***Eric O. January, Clerk-Treasurer***

***Respectfully Submitted By Angela Lewis***