

TOTAL
BELLA
WHITE
PETIT
UZELAC
MINC huk
HARDWAY
SPANN

- 1. Call to Order**
- 2. Invocation/Moment of Silence:**
- 3. Pledge of Allegiance:** Led by any veteran in attendance
- 4. Roll Call of Council**
- 5. Petitions, Communications  
Acknowledgements & Remonstrations**
  - Letter of Recommendation from Town Manager Reardon regarding strategic plan consulting firm.
  - Letter of Recommendation from Kathy Pettit & Pat Reardon regarding 2022/2023 health insurance.
- 6. Consent Agenda**

Accts. Payable Register Voucher Approval for October 11, 2022  
Approval of Town Council Meeting Minutes of September 13, 2022 & September 27, 2022
- 7. Standing & Special Committees Reports**
  - A. Budget & Finance** – Chairman Mr. Hardaway  
*Members Mr. Pettit, Mr. Minchuk*
  - B. Council Affairs** – Chairman Mr. Pettit  
*Members Mr. Minchuk, Mrs. Uzelac*
  - C. Public Works & Utilities** – Chairman Mr. Minchuk  
*Members Mr. Spann, Mrs. Uzelac*
  - D. Elections, Public Relations, Town Beautification** – Chairman Mr. Pettit  
*Members Mr. Hardaway, Mr. Minchuk*
  - E. Environmental Affairs** – Chairman Mr. White  
*Members Mr. Spann, Mrs. Uzelac*
  - F. Personnel Policy & Employee Benefits** – Chairman Mr. Hardaway  
*Members Mrs. Uzelac, Mr. Pettit-*
  - G. Public Safety** – Chairman Mr. Minchuk  
*Members Mr. Spann, Mrs. Uzelac*
  - H. Economic Development** – Chairman Mr. Pettit  
*Members Mr. Hardaway, Mr. Minchuk, Deann Patena, Jennifer Doffin*
  - I. Parks & Recreation** – Chairwoman Mrs. Uzelac  
*Members Mr. Minchuk, Mr. Pettit*
  - J. Abandoned-Blighted Properties** – Chairman Mr. Hardaway  
*Members Vicki Bunnell, Adra Breclaw-Csanyi*
  - K. Dean & Barbara White Community Center**-Chairman Mr. Pettit  
*Member Mr. White, Mr. Minchuk*
  - L. Special Projects (F & B Tax, Diversity, 4<sup>th</sup> of July Celebration)**  
Chairman Mr. Hardaway, *Members Mr. Pettit, Mr. Minchuk*







**Town of Merrillville**  
7820 Broadway  
Merrillville, Indiana 46410  
(219) 769-5711 • Fax (219) 756-6170

October 5, 2022

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

**Re: Recommendation to Select a Consultant**

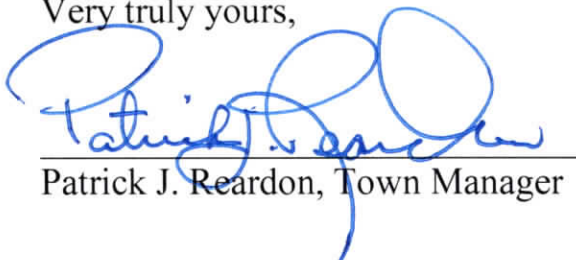
Dear Mr. Bella and Members of the Town Council,

The Development Team have reviewed the consultants' submittals to facilitate a community planning process and develop a new Comprehensive Master Plan.

It is our opinion that following the utilization of the scoring criteria and investigation that RDG Planning & Design is the most reasonable and responsive bidder. Therefore, we recommend that the bid be awarded to RDG Planning & Design in a total lump sum, not to exceed \$216,225.00.

If you or any other member of the Town Council have questions, please do not hesitate to contact me. Thank you.

Very truly yours,



Patrick J. Reardon, Town Manager



# ACCOUNTS PAYABLE VOUCHER REGISTER SUMMARY

## TOWN OF MERRILLVILLE

GOVERNMENTAL UNIT

AGENCY

APV Register Batch - OCTOBER 11, 2022 TC MEETING

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General Form No. 364 (1997) APVREGISTER\_SUM.FRX

Check Date	Vendor	Name of Claimant	Office Department	Amount of Voucher	Amount Allowed	Warrant	Check/Memorandum (See Note (2) Above)
//	802	HELLMAN'S TIRE SERVICE	LRS/TIRES	352.06			TIRES & INSTALL FEES
//	1320	MIDWESTERN ELECTRIC	CASINO/DISCRETIONARY	346.44			93rd & MISSISSIPPI ST..
//	237	NORTHWEST INDIANA AUTO	LRS/REPAIRS TO	197.63			RAIATOR LOCATE TRUCK
//	802	HELLMAN'S TIRE SERVICE	LRS/TIRES	305.85			TIRE REPAIR
//	1320	MIDWESTERN ELECTRIC	CASINO/DISCRETIONARY	220.29			93rd & MERRILLVILLE RD.
//	237	NORTHWEST INDIANA AUTO	LRS/REPAIRS TO	847.94			PARTS LOCATE TRUCK
//	111	ABLE PAPER & JANITORIAL	GENERAL/CLEANING	52.15			CLEANING SUPPLIES
//	314	AMERICAN COMPLETE AUTO	GENERAL/REPAIRS TO	1550.00			INSTALL USED TRANSFER CASE #408
//	802	HELLMAN'S TIRE SERVICE	LRS/TIRES	576.12			TIRES & INSTALL FEE
//	493	MATTHEW LAKE	SW/TRAVEL	41.00			SW INAFSM CONFERENCE
//	1315	MENARDS	FD/BUILDING SUPPLIES	7.17			MISC. SUPPLIES
//	1320	MIDWESTERN ELECTRIC	CASINO/DISCRETIONARY	1737.75			7431 MARCELLA RD.
//	1153	MY FLEET CENTER.COM	GENERAL/REPAIRS TO	35.97			OIL CHANGE #411
//	237	NORTHWEST INDIANA AUTO	LRS/REPAIRS TO	27.89			WIX FUEL
//	1339	PULSE TECHNOLOGY	GENERAL/FREIGHT	9.95			NAME PLATE/LEWIS
//	111	ABLE PAPER & JANITORIAL	GENERAL/CLEANING	765.89			CLEANING SUPPLIES
//	132	ALERT ALARM, INC.	GENERAL/TELEPHONE	87.00			QUARTERLY ALARM SVC Q4-N
//	314	AMERICAN COMPLETE AUTO	GENERAL/REPAIRS TO	1690.00			INSTALL USED TRASFER CASE & CV
//	1241	ARC DOCUMENT SOLUTIONS	GENERAL/HDWE.-SOFTWA	166.66			JUNE 2022 SKYLITE
//	219	B.E.C. BROWN EQUIPMENT	LRS/FREIGHT	26.90			SHIPPING/FREIGHT
//	693	BARNES & THORNBURG LLP	BDWY TIF/CONTRACTUAL	2377.50			RDC LEGAL FEES
//	1060	CREEKSIDE OUTDOOR LIVING	SW/CONTRACTUAL SERV	894.00			SW MSU MEADOWDALE LOT 30920
//	802	HELLMAN'S TIRE SERVICE	LRS/TIRES	124.75			TIRE REPAIR
//	669	MATTHEW A REYNOLDS	PNR/RECREATION	315.00			REC SECURITY
//	493	MATTHEW LAKE	SW/TRAVEL	41.00			SW INAFSM CONFERENCE
//	1166	MAVERICK ENVIRONMENTAL	LRS/FREIGHT	410.15			SHIPPING/FREIGHT
//	34	MAVIS TIRE SUPPLY LLC	GENERAL/REPAIRS TO	25.00			OIL CHANGE #392
//	1315	MENARDS	FD/BUILDING SUPPLIES	114.75			MISC. SUPPLIES
//	1320	MIDWESTERN ELECTRIC	CASINO/DISCRETIONARY	248.10			7824 TANEY PL
//	1153	MY FLEET CENTER.COM	GENERAL/REPAIRS TO	58.47			OIL CHANGE #103
//	237	NORTHWEST INDIANA AUTO	LRS/REPAIRS TO	48.68			WIX FUEL
//	1339	PULSE TECHNOLOGY	GENERAL/OFFICE	13.95			NAME PLATE/LEWIS
//	193	SOUTHEND BODY SHOP	POLICE EQUIP/REPAIRS	1288.50			REPAIRS TO #125's 10-50
//	111	ABLE PAPER & JANITORIAL	SW/BUILDING MAINT.	360.35			SW OFFICE CLEANING SUPPLIES
//	129	ACE HARDWARE	LRS/G&M SUPPLIES	6.25			NUTS & BOLTS
//	168	ACME PRINT COPY DESIGN	GENERAL/OFFICE	98.00			GREEN WARNING STICKERS
//	721	ADVANCE AUTO PART	FD/REPAIR PARTS	162.90			10-FRAM DEF 2.5 GAL FOR STOCK
//	596	AIM	GENERAL/TOWN	100.00			WORKSHOPS
//	132	ALERT ALARM, INC.	GENERAL/TELEPHONE	87.00			QUARTERLY ALARM SVCQ4=TRAINING
//	314	AMERICAN COMPLETE AUTO	GENERAL/REPAIRS TO	449.95			REPAIR & SEAL DAMAGED OIL COOLER
//	1241	ARC DOCUMENT SOLUTIONS	GENERAL/HDWE.-SOFTWA	166.66			AUGUST 2022 SKYLITE

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## TOWN OF MERRILLVILLE

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Check Date	Vendor	Name of Claimant	Office Department	Amount of Voucher	Amount Allowed	Warrant	Check/ Memorandum (See Note (2) Above)
//	219	B.E.C. BROWN EQUIPMENT	LRS/REPAIRS TO	610.46			SEAL HOPPER & ENGINE COVER
//	693	BARNES & THORNBURG LLP	BDWY TIF/CONTRACTUAL	2142.00			RDC LEGAL FEES
//	116	BATTERIES PLUS BULBS	FD/BUILDING SUPPLIES	495.60			12PK. CR2 72PK 9V, 144 PK AA, 72PK C
//	355	CENDER/DALTON	FD/ACCOUNTING FEES	9236.25			PROFESSIONAL SERVICES FOR
//	400	CHS OCCUPATIONAL HEALTH	LRS/CDL PHYSICALS	70.00			DRUG TESTING BILL GORNIK
//	1071	CHUCK'S COMPRESSORS INC.	FD/CONTRACTUAL	250.00			AIR QUALITY TEST, LABOR & TRAVEL
//	1098	CIVICPLUS LLC	PNR/RECREATION	4332.17			IT WORK
//	1060	CREEKSIDE OUTDOOR LIVING	SW/CONTRACTUAL SERV	1220.00			SW WESTLAKE PLAZA LOT, 8350
//	662	DAVID ANTHONY DEGARD	PNR/REC SUPERVISOR	700.00			REC SECURITY
//	364	DAVID BARRON	PNR/REC SUPERVISOR	630.00			REC SECURITY
//	442	DAVID DESALLE	PNR/RECREATION	120.00			REC SEURITY
//	994	DIESEL USA GROUP	LRS/REPAIRS TO	1990.20			PARTS
//	622	EUGENE VELAZCO	GENERAL/SUBS. & DUES	180.00			BAR LICENSE RENEWAL
//	967	FERGUSON WATERWORKS	SW/OTHER EQUIPMENT	209.00			SW SPILL KITS, OIL ABSORB PADS PK
//	774	FLUID POWER SERVICES, INC.	LRS/REPAIR PARTS	482.43			REBUILD CYLINDER & PARTS
//	850	GARY PUBLIC	CC/CONTRACTUAL	11130.00			3RD QUARTER CONTRACT WITH GPTC
//	722	GATEWAY BUSINESS	GENERAL/EQUIP. MTCE.	620.00			COPIER UNIT ID20313 FAX LINE
//	159	GLUTH BROTHERS ROOFING	FD/BLDG-GROUND	726.00			ROOF LEAK REPAIR AT ST. #71
//	712	GRUEL BROS., INC.	LRS/REPAIR PARTS	44.03			SPARK PLUGS & WEED EATER LINE
//	802	HELLMAN'S TIRE SERVICE	LRS/TIRES	95.85			TIRE REPAIR
//	751	HIGGINS OVERHEAD DOOR,	FD/BLDG-GROUND	173.00			REPLACE 2 BROKEN #4 HINGES @ ST #
//	264	HUBINGER LANDSCAPING	MISS ST	4491.00			93rd AVE MAINTENANCE
//	1164	J & L FASTENERS	LRS/G&M SUPPLIES	33.41			RING TERMINAL
//	627	JOI WHITESIDE	GENERAL/OTHER	44.14			FALL DECOR FOR OFFICE
//	557	KATHY PETTIT	GENERAL/HR TRAVEL	47.50			MILEAGE-WOMEN'S SUMMIT PNW
//	157	KIESLER'S POLICE SUPPLY,	POLICE EQUIP/OTHER	22680.50			DUTY WEAPONS FOR OFFICERS
//	773	KWATA D. OSBORNE	PNR/RECREATION	120.00			REC SECURITY
//	901	LEEP'S SUPPLY CO., INC.	LRS/STREET MATERIALS	40.34			COUPLINGS
//	669	MATTHEW A REYNOLDS	PNR/RECREATION	120.00			REC SECURITY
//	493	MATTHEW LAKE	SW/TRAVEL	41.00			SW INAFSM CONFERENCE
//	1166	MAVERICK ENVIRONMENTAL	LRS/REPAIR PARTS	5085.61			PARTS FOR TUBE GRINDER
//	34	MAVIS TIRE SUPPLY LLC	GENERAL/REPAIRS TO	17.00			BALANCE 2 TIRES #386
//	1315	MENARDS	SW/BUILDING MAINT.	454.76			SW OFFICE CLEANING SUPPLIES
//	10	MICROBAC LABORATORIES,	SW/CONTRACTUAL SERV	5941.00			SW SAMPLING Q3
//	1320	MIDWESTERN ELECTRIC	CASINO/DISCRETIONARY	2010.89			57th & HARRISON
//	614	MISS PRINT	GENERAL/PRINTING O/T	2375.00			PERSONNEL POLICY PRINTING FEES
//	2012	MOTION & CONTROL	LRS/G&M SUPPLIES	64.48			CRIMP HOSE ASSEMBLY
//	1153	MY FLEET CENTER.COM	GENERAL/REPAIRS TO	73.95			OIL CHANGE #386
//	1427	NORTHERN IND. MECHANICAL	GENERAL/REPAIRS TO	126.52			REPAIRS TO FUEL PUMP 8616/22
//	237	NORTHWEST INDIANA AUTO	LRS/REPAIRS TO	214.47			AIR & OIL FILTERS & SHOCK
//	1094	PAUL S. WROBLEWSKI	LRS/CDL PHYSICALS	78.00			DOT PHYSICAL REIMBURSEMENT

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//	1154	POST TRIBUNE	SW/SUBS & DUES	208.20			SW POST- TRIBUNE (SUBSCRIPTIONS)
//	691	POWER BRAKE & SPRING	SW/REPAIRS TO	546.15			SW 2- 2.5 GAL DEF UREA FLUID, VOLT
//	1339	PULSE TECHNOLOGY	GENERAL/OFFICE	99.47			OFFICE SUPPLIES
//	432	RIED'S FIRE & SAFETY	FD/CONTRACTUAL	192.50			SERVICE FIRE SUPPRESSION SYSTEM
//	1821	ROBINSON ENGINEERING	SW/CONTRACTUAL SERV	642.00			SW PROFESSIONAL ENG- SERVICES
//	704	SAMSON RELOCATION AND	POLICE EQUIP/REPAIRS	205.00			TOWING FOR #334's 10-50
//	1942	SCHEPEL BUICK/GMC TRUCK	LRS/REPAIRS TO	586.40			DOOR PANEL TRUCK #9
//	1174	SHIELD AUTO GLASS	POLICE EQUIP/REPAIRS	350.00			REPLACE WINDOW FROM #409's J3
//	1926	SOUTH COUNTY	SW/BUILDING MAINT.	315.00			SW MOWING SEPT 12,19,26,2022
//	193	SOUTHEND BODY SHOP	POLICE EQUIP/REPAIRS	916.00			TARDOWN FOR ESTIMATE FOR #389's
//	532	SYN-TECH SYSTEMS	LRS/HARDWARE &	42.00			TECHNICAL SUPPORT
//	49	THE LARSON GROUP, C/O	LRS/REPAIR PARTS	736.88			PARTS TRUCK 16
//	592	THE TIMES	GENERAL/LEGAL NOTICES	74.84			TOWN PLAN PUBLIC NOTICE
//	158	VS ENGINEERING, INC.	SW CONS/OTHER CAPITAL	29441.00			SW BON AIRE LAKE SHORELINE LOMR,
//	103	W.E.F. ENTERPRISES, INC.	LRS/REPAIRS TO	182.77			TRUCK 84 PARTS
09/27/2022	695	ROBERT C SANDLING	2022 RDC Bd(A)-RD	2549.91	2549.91	1781	PAYROLL
10/03/2022	104	AFLAC	PAYROLL - AFLAC	8688.20	8688.20	23941	EMPLOYEE PREMIUMS
10/03/2022	1411	NEW YORK LIFE	PAYROLL - NEW YORK	46.41	46.41	23942	MONTHLY EMPLOYEE PREMIUMS
10/03/2022	609	F.O.P. #168	PAYROLL - F. O. P. DUES	643.68	643.68	23943	UNION DUES - SEPTEMBER 2022
10/03/2022	2104	NATIONWIDE RETIREMENT	PAYROLL - DEFERRED	5686.73	5686.73	23944	EMPLOYEE DEPOSITS - 9/30/2022 PAY
10/03/2022	650	TRUSTMARK VOLUNTARY	PAYROLL - TRUSTMARK	987.43	987.43	23945	EMPLOYEE PREMIUMS
10/03/2022	61	GUARDIAN LIFE INS CO.	SW/HEALTH INS.	18549.28	18549.28	23946	SW EMPLOYEE PREMIUMS
10/03/2022	847	STARKE CIRCUIT COURT	PAYROLL - COURT	1511.04	1511.04	23947	G. FIELDS - 75C01-2009-00272
10/05/2022	274	ALLSTATE	PAYROLL - ALLSTATE	499.83	499.83	23950	MONTHLY EMPLOYEE PREMIUMS
10/05/2022	1411	NEW YORK LIFE	PAYROLL - NEW YORK	46.41	46.41	23951	MONTHLY EMPLOYEE PREMIUMS
09/23/2022	899	ROBYN L. JOHNSON	GENERAL/TRAVEL	47.50	47.50	58755	NWI WOMEN'S SUMMITT
09/23/2022	1163	BRITNI REILLO	GENERAL/TRAVEL	47.50	47.50	58756	NWI WOMEN'S SUMMITT
09/23/2022	627	JOI WHITESIDE	GENERAL/TRAVEL	47.50	47.50	58757	NWI WOMEN'S SUMMITT
09/23/2022	1328	MERRILLVILLE	FD/SEWER	363.75	363.75	58758	SEWER SERVICE FOR HQ
09/23/2022	517	CITI CARDS	FD/BUILDING SUPPLIES	931.08	931.08	58759	MISC. EQUIPMENT/SUPPLIES
09/27/2022	334	COMCAST	GENERAL/TELEPHONE	381.45	381.45	58760	INTERNET
09/27/2022	2105	U.S. BANK EQUIPMENT	GENERAL/COPIER MTCE.	244.76	244.76	58761	PLANNING COPIER
09/26/2022	1328	MERRILLVILLE	SW/WATER & SEWER	48.05	48.05	58762	SW WASTEWATER FEE 5/24/22 THRU
09/26/2022	627	JOI WHITESIDE	GENERAL/REFUNDS,	90.88	90.88	58763	OFFICE PIZZA PARTY
09/26/2022	166	LAKE COUNTY TREASURER	GENERAL/UNAPPROPRIAT	698.00	698.00	58764	COUNTY COURT COST AUGUST 2022
09/26/2022	1165	JACQUELINE PERKINS	GENERAL/REFUNDS,	58.49	58.49	58765	BREAKFAST OFFICE MTG.
09/26/2022	776	COMCAST	LRS/TELEPHONE	249.84	249.84	58766	PHONE, INTERNET & TV SVC
09/26/2022	1427	NORTHERN IND. MECHANICAL	LRS/STREET MATERIALS	1427.43	1427.43	58767	REPAIR FUEL PUMP
09/26/2022	565	MATTIE COLLINS	RP/P-T SECRETARY	961.54	961.54	58768	CONTRACTUAL PAY
09/26/2022	830	ORALIA SANTOS	RP/P-T SECRETARY	800.00	800.00	58769	CONTRACTUAL PAY
09/27/2022	699	ADAMS REMCO INC.	GENERAL/CONTRACTUAL	51.28	51.28	58770	CODE COPIER OVERAGE

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09/27/2022	334	COMCAST	GENERAL/TELEPHONE	1100.00	1100.00	58771	TELEPHONE AND INTERNET
09/27/2022	1328	MERRILLVILLE	GENERAL/SEWER USER	1044.05	1044.05	58772	SEWER USE FEES PW GARAGE
09/27/2022	720	LORI SANFRATELLO	GENERAL/TRAVEL	107.08	107.08	58773	MILEAGE REIMB.
09/27/2022	143	GEOMETRIC HOMES LLC	LANDSCAPING	2500.00	2500.00	58774	LANDSCAPE ESCROW REFUND
09/27/2022	1401	NIPSCO	PNR/GAS & ELECTRIC	18603.19	18603.19	58776	GAS/ELECTRIC
09/30/2022	1600	PAYROLL FUND	GENERAL/CLERK-TREAS.	373851.05	373851.05	58857	CT-Clerk-treasurer
09/30/2022	1600	PAYROLL FUND	GENERAL/TC PRESIDENT	60771.32	60771.32	58858	TC-Tn Council President
09/29/2022	673	CARD SERVICE CENTER	GENERAL/ECON DEV	40.82	40.82	58859	LEGAL PAPER, BASIC CLEAR SHEET
09/29/2022	563	STAPLES BUSINESS CREDIT	FD/BUILDING SUPPLIES	133.38	133.38	58860	MISC. SUPPLIES
09/29/2022	551	MONROE PEST CONTROL INC.	FD/CONTRACTUAL	172.00	172.00	58861	MONTHLY PEST CONTROL AT STATION
09/29/2022	818	INDEPENDENCE HILL	FD/SEWER	20.00	20.00	58862	WASTEWATER FOR AUGUST
09/29/2022	402	AT & T MOBILITY	FD/TELEPHONE	31.24	31.24	58863	E7011MIFI
09/30/2022	391	HOWARD'S TREE SERVICE	SW/CONTRACTUAL SERV	15500.00	15500.00	58864	SW DITCH CLEARING
09/30/2022	673	CARD SERVICE CENTER	GENERAL/TOWN ADMIN	5.67	5.67	58865	REMAINING BALANCE ON PARENT
09/30/2022	673	CARD SERVICE CENTER	GENERAL/OFFICE	359.09	359.09	58866	OFFICE SUPPLIES CONF. ROOM
09/30/2022	369	HQ PRODUCTION AUDIO	GENERAL/TOWN	362.00	362.00	58867	LAPTOP AND PRINTER RENTAL JOB
09/30/2022	673	CARD SERVICE CENTER	LRS/G&M SUPPLIES	42.64	42.64	58868	FIRST AID KIT FOR SHOP
10/03/2022	563	STAPLES BUSINESS CREDIT	FD/BUILDING SUPPLIES	126.30	126.30	58869	MISC. SUPPLIES
10/03/2022	504	TODDCO, INC.	FD/BLDG-GROUND	437.67	437.67	58870	DROP OFF SCISSOR LIFT, SERVICE
10/03/2022	700	INDIANA AMERICAN WATER	FD/WATER	418.87	418.87	58871	WATER SERVICE FOR STATION #71
10/03/2022	894	S & S COPIERS	FD/OFFICE SUPPLIES	220.00	220.00	58872	SEPTEMBER COPIEW RENTAL
10/03/2022	776	COMCAST	GENERAL/TELEPHONE	726.79	726.79	58873	SVC 9/18 TO 10/17 NORTH STATION
10/03/2022	374	CRAIG LAMB	GENERAL/CONTRACTUAL	275.00	275.00	58874	VIDEO SEPTEMBER
10/03/2022	776	COMCAST	GENERAL/TELEPHONE	329.29	329.29	58875	COMCAST TELEPHONE/INTERNET
10/03/2022	642	SPRINT	GENERAL/TELEPHONE	354.50	354.50	58876	CLERKS CELL PHONES
10/03/2022	334	COMCAST	PNR/TELEPHONE	531.63	531.63	58877	PHONE BILL
10/03/2022	902	AT&T MOBILITY	GENERAL/TELEPHONE	683.27	683.27	58878	LPR HOT SPOT SVC 8/12 TO 9/11
10/03/2022	537	READY REFRESH	FD/BUILDING SUPPLIES	189.90	189.90	58879	9-5 GALLON BOTTLES, DELIVERY FEE,
10/03/2022	705	TOWN OF MERRILLVILLE	COMM CTR	125000.00	125000.00	58880	TRANSFER OF MONIES
10/04/2022	700	INDIANA AMERICAN WATER	FD/WATER	61.05	61.05	58881	SPRINKLER SYSTEM@ST #71
10/04/2022	470	VERIZON WIRELESS	FD/TELEPHONE	551.99	551.99	58882	WIRELESS SERVICE
10/04/2022	1075	ORALIA C. SANTOS	COMPUTER CNTR/OTHER	490.03	490.03	58883	TV & WALL MOUNT FOR CT OFFICE
10/04/2022	106	HINCKLEY SPRINGS	GENERAL/OTHER	3.99	3.99	58884	WATER COOLER RENTAL
10/04/2022	596	AIM	GENERAL/INSTRUCTION-E	25.00	25.00	58885	WEVINAR-INTERNAL CONTROLS 2022
10/04/2022	299	WEX BANK	FD/UNLEADED GASOLINE	61.45	61.45	58886	GAS FUEL PURCHASE
10/04/2022	776	COMCAST	FD/TELEPHONE	57.02	57.02	58887	CABLE AT STATION #71
10/04/2022	79	AL WARREN OIL COMPANY	LRS/GASOLINE	26467.23	26467.23	58888	LRS UNLEADED
10/05/2022	1600	PAYROLL FUND	ARP/BONUSES	109064.81	109064.81	58891	TH - ARP Bonus
10/05/2022	673	CARD SERVICE CENTER	GENERAL/ENG OTHER	480.00	480.00	58892	CAR WASH PASS - STEVE'S WORK
10/05/2022	546	DAN BROWN	GENERAL/INSPECTORS	4560.00	4560.00	58893	228 NUMBER OF INSPECTIONS IN THE
10/05/2022	898	JOHN POWERS INSPECTIONS,	GENERAL/INSPECTORS	697.81	697.81	58894	31 NUMBER OF INSPECTIONS IN THE

# ACCOUNTS PAYABLE VOUCHER REGISTER SUMMARY

## TOWN OF MERRILLVILLE

GOVERNMENTAL UNIT

AGENCY

NOTES: (1) Use both sides of the form if needed. Signatures of governing board should appear only on the final page of each meeting in which accounts payable vouchers are allowed. (2) The Memorandum is for entering action on accounts payable vouchers if disallowed in whole or in part, if continue to a later meeting of governing board, or for other pertinent information.

Page 5 of 5 Pages

General Form No. 364 (1997) APVREGISTER\_SUM.FRX

Check Date	Vendor	Name of Claimant	Office Department	Amount of Voucher	Amount Allowed	Warrant	Check/Memorandum (See Note (2) Above)
10/05/2022	1617	PAUL HAROLD ANDERSON	GENERAL/INSPECTORS	1304.03	1304.03	58895	59 NUMBER OF INSPECTIONS IN THE
10/05/2022	15	TERRY GUTHRIE	GENERAL/INSPECTORS	840.26	840.26	58896	39 NUMBER OF INSPECTIONS IN THE
10/05/2022	1146	MIKE LASKARIN	GENERAL/INSPECTORS	846.70	846.70	58897	39 NUMBER OF INSPECTIONS IN THE
10/05/2022	714	CLARENCE G MECCHIA	GENERAL/INSPECTORS	1618.61	1618.61	58898	79 NUMBER OF INSPECTIONS IN THE
10/05/2022	1132	JOHN WALSDORF	GENERAL/INSPECTORS	221.65	221.65	58899	10 NUMBER OF INSPECTIONS IN THE
10/05/2022	1401	NIPSCO	GENERAL/ELECTRIC &	11831.13	11831.13	58900	STREETLIGHTS/ELECTRIC
10/05/2022	1401	NIPSCO	GENERAL/ELECTRIC &	8048.87	8048.87	58901	GAS/ELECTRIC SERVICE
10/05/2022	700	INDIANA AMERICAN WATER	GENERAL/WATER	23.60	23.60	58902	ACT 220035065067 PD SUB
10/05/2022	2105	U.S. BANK EQUIPMENT	GENERAL/COPIER LEASE	1654.87	1654.87	58903	CLERKS COPIER LEASE
10/05/2022	986	AMERICAN EXPRESS	GENERAL/POSTAGE	33.45	33.45	58904	CERTIFIED TO IND. DEPT OF TOX
10/05/2022	986	AMERICAN EXPRESS	POLICE EQUIP/OTHER	758.85	758.85	58905	SUPPLIES TO BUILD SHELVES IN
10/05/2022	299	WEX BANK	GENERAL/GASOLINE	64.04	64.04	58907	FUEL
10/05/2022	673	CARD SERVICE CENTER	GENERAL/SUBSCRIPTION	529.60	529.60	58908	NEWSPAPER SUBS
10/06/2022	99999	JANICE SPENCER	PNR/UNAPPROPRIATED	200.00	200.00	58908	DAMAGE DEPOSIT
09/30/2022	1167	EPICENTER INDIANA LLC	MISS ST TIF/LAND	88033.25	88033.25	145320	WIRE - PROPERTY PURCHASED 6680
09/30/2022	18	Town Court Tracking	TOWN COURT TRACKING	16256.00	16256.00	145327	AUGUST 2022 COURT DISB TOTALS
10/03/2022	739	CENTIER BANK	PAYROLL - NET SALARIES	50602.34	50602.34	145350	NET SALARIES FOR 9/30/2022 EOM
10/03/2022	739	CENTIER BANK	PAYROLL - NET SALARIES	268072.84	268072.84	145351	NET SALARIES FOR 9/30/2022 PAYDAY
10/03/2022	739	CENTIER BANK	PAYROLL - FEDERAL	67554.09	67554.09	145353	941 AUTO DEBIT FOR 9/30/2022
10/03/2022	739	CENTIER BANK	PAYROLL - FEDERAL	2584.08	2584.08	145354	941 AUTO DEBIT FOR 9/30/22 EOM
10/03/2022	739	CENTIER BANK	PAYROLL - FEDERAL	4950.40	4950.40	145355	945 AUTO/DEBIT FOR 9/30/22 EOM
10/03/2022	917	INDIANA CHILD SUPPORT	PAYROLL - COURT	1951.82	1951.82	145356	CHILD SUPPORT FOR 9/30/2022
10/05/2022	739	CENTIER BANK	PAYROLL - NET SALARIES	87298.23	87298.23	145427	NET SALARIES FOR 10/7/22 BONUS
10/05/2022	739	CENTIER BANK	PAYROLL - FEDERAL	15306.58	15306.58	145429	941 AUTO/DEBIT 10/7/2022 BONUS
10/05/2022	1630	IN Public Retirement System	PAYROLL - SW PERF	5425.20	5425.20	145430	SW PERF FOR 10/7/22 BONUS
10/05/2022	1630	IN Public Retirement System	PAYROLL - SW PERF	18300.73	18300.73	145431	SW PERF FOR 09/30/2022 PAYDAY
10/05/2022	1630	IN Public Retirement System	PAYROLL - SW PERF	18556.77	18556.77	145433	SW PERF FOR 9/16/2022 PAYDAY
10/05/2022	1630	IN Public Retirement System	POLICE PENSION - P.E.R.F.	39913.14	39913.14	145435	POLICE PERF FOR 9/30/2022 PAYDAY
10/05/2022	1630	IN Public Retirement System	POLICE PENSION - P.E.R.F.	39913.14	39913.14	145437	POLICE PERF FOR 9/16/2022 PAYDAY
10/05/2022	1630	IN Public Retirement System	FIRE PENSION-PERF	9650.20	9650.20	145438	FIRE PERF FOR 09/30/22 PAYDAY
10/05/2022	1630	IN Public Retirement System	FIRE PENSION-PERF	9650.20	9650.20	145439	FIRE PERF FOR 09/16/2022 PAYDAY
10/06/2022	371	PAYMENTGATEWAY	GENERAL/CONTRACTUAL	210.20	210.20	145448	MERCHANT BANKCARD BILLING
		Checks: 0 - 145448		1694810.36	1564319.97		



**Town of Merrillville**  
**Town Council Meeting Minutes**  
**September 13, 2022**  
**6:35 P.M.**

**CALL TO ORDER:** President 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 from Richard Augie of Impact Church.

**PLEDGE OF ALLEGIANCE:** Led by any veteran in attendance.

**ROLL CALL** – Roll Call was taken by Madam Clerk Treasurer White Gibson.

Present were: Vice-President Hardaway- (Ward 2)

Councilman Minchuk- (Ward 3)

Councilwoman Uzelac- (Ward 4)

Councilman White – (Ward 7)

Councilman Spann- (Ward 1)

Councilman Pettit- (Ward 6)

President Bella- (Ward 5)

Seven Present (7)

**PETITIONS, COMMUNICATIONS, ACKNOWLEDGEMENTS AND REMONSTRATIONS:**

John Cannon a representative-northwest Indiana office of attorney general Todd Rokita presented to the council what his office has to offer the Town of Merrillville. You can request an opinion to implement confusing new laws passed by the governor. As well as in the protecting Hoosiers with consumer protection division by informing Hoosiers about recalls. Mr. Cannon also stated they are trying to stop scam calls from coming through from across the world. The biggest thing they do at the Attorney General's office is help residents find if they have unclaimed property, as well can be done with unclaimed grants.

**CONSENT AGENDA**

Accts. Payable Register Voucher Approval for September 13, 2022

Approval of Town Council Meeting Minutes of August 23, 2022

Councilman Pettit made a motion to approve the Consent Agenda, seconded by Councilwoman Uzelac.

Motion carried by voice vote.

**STANDING COMMITTEES**

**BUDGET & FINANCE- HARDAWAY** – Vice President Hardaway informed the council that during the workshop on Tuesday September 20, 2022 the council will met and discuss the budget. While discussing the budget they will discuss ways to balance the budget, shortly after balancing with the council the department heads will be brought into the meeting.

**COUNCIL AFFAIRS- PETTIT** – No Report

**PUBLIC WORKS & UTILITIES- MINCHUK** – Councilman Minchuk informed the council there is a meeting tomorrow September 14, 2022 to discuss matters in the Public Works Department.

**ELECTIONS, PUBLIC RELATIONS, & TOWN BEAUTIFICATION-PETTIT**- No Report

**ENVIRONMENTAL AFFAIRS- WHITE** – Councilman White informed the council that the CDC reported that Lake County was in a high level. As of today September 13, 2022 Lake County is at a low level for Covid-19. Councilman White reported that unfortunately there were five deaths in the last seven days. There were eighty-four Lake County residents that were hospitalized due to Covid-19. Councilman White also informed the council that the reinfection rate is at a thirteen percent and the positivity rate is at twenty-one percent.

Councilwoman Uzelac also informed the council that the second booster shot will be through the Pfizer vaccine and should be available within the next upcoming weeks.

**PERSONNEL POLICY & EMPLOYEE BENEFITS – HARDAWAY** – Vice-President Hardaway informed the council that later on the agenda there is a second reading ordinance for our personnel policy manual. Vice-President Hardaway informed the council that all changes were made and if there are no concerns he hopes the ordinance is passed tonight.

**PUBLIC SAFETY- MINCHUK**- Councilman Minchuk informed the council that Public Safety has had several meetings throughout the last month. Next Saturday September 24, 2022 is the F.O.P fundraiser for domestic violence which begins at noon.

Councilman Minchuk read a letter of communication to the council.

Chief Cuttino stated that he wanted to thank everyone, the town council and the citizens for the support. Chief Cuttino stated how it has been a very interesting learning experience especially working with an excellent team with the Merrillville Police Department. Chief Cuttino stated he is confident that the Merrillville Police Department will continue to move forward.

Councilman White made a motion to approve and accept Chief Cuttino's letter of resignation, seconded by Councilwoman Uzelac.

Motion carried by voice vote.

**ECONOMIC DEVELOPMENT-PETTIT** – Councilman Pettit informed the council that there is an economic development committee meeting on Tuesday September 20, 2022 at 4:00P.M. Councilman Pettit also informed the council that there is one tax abatement petition. Councilman Pettit also stated that every day he drives down Mississippi to 101<sup>st</sup> to go to the Ameriplex, he sees the absolutely unbelievable work crowd holdings is doing.

Director Chilcott informed the council that economic development met with a new group coming to town. Director Chilcott stated they gave the new group specific locations to look at as they drove down the north end of town.

**PARKS & RECREATION- UZELAC**- Councilwoman Uzelac informed the council that all the parks have been mowed on a regular basis and look very good. Councilwoman Uzelac thanked the Public Works Department for mowing the field behind the park on 74<sup>th</sup> and Hendricks. Councilwoman Uzelac also thanked Director Price for having the bike trails cleaned up.

**ABANDONED -BLIGHTED PROPERTIES-HARDAWAY** – Vice-President Hardaway informed the council that he had met with some people from Public Works, Parks and Code Enforcement last Friday to discuss grass type issues. Vice-President Hardaway stated he would sit with Director Bunnell and President Bella sometime next week to figure out what's going on in the 78th and Marshall Area.

**DEAN & BARBARA WHITE COMMUNITY CENTER-MINCHUK & PETTIT** – Councilman Pettit informed the council that there will be a committee meeting September 22, 2022 at 4:30P.M. Councilman Pettit thanked Councilman Minchuk for working on the Weiss family field and associated things with that. Councilman Pettit stated that a quote from Goff Incorporated on phase one was secured. Councilman Pettit made a motion that phase one will be the entrance gates and sidewalks from the south side of the lot parking lot to the field the quote is for \$57,750.00

Councilman Pettit made a motion to approve the phase one in the amount of \$57,750.00 coming out of the bond proceeds for this project, seconded by Councilman White.

Motion carried by voice vote

Director Price informed the council that Rose awards are Thursday September 22, 2022 at the Dean and Barbra White Center. Director Price also stated the Dean & Barbra White Community Center will be hosting an event for Governor Holcomb September 27, 2022.

**Special Projects (F & B Tax, Diversity) – HARDAWAY** – No Report

Councilman White asked to be removed from the Diversity committee due to there not being any conversation.

**DEPARTMENT & COMMISSION REPORTS**



**LAKE COUNTY SOLID WASTE MANAGEMENT-WHITE-** No Report

**NORTHERN INDIANA REGIONAL PLANNING COMMISSION-HARDAWAY**–Vice-President Hardaway informed the council that there will be a meeting Thursday September 15, 2022.

**STORMWATER MANAGEMENT RESOURCES-LAKE-** Director Lake informed the council that there was a pre-construction meeting with Dyer construction about the Marcella road drainage improvement project. Director Lake stated they're going to be mobilizing at the end of the month; they've already ordered all the materials. Director Lake also informed the council that there is engineering undergoing on several projects. Director Lake stated they are working on storm water lift conversion project at the southeast corner of 69<sup>th</sup> PL and Connecticut. The Taney/ Kaiser Ditch lateral project drainage improvement from U.S. 30 to 73<sup>rd</sup> is out for bid. There is still engineering being done at Hickory Ridge Lake Apartments. There was an easement recorded the other day for a project which would be called an urban AG interface project, which involves drainage improvements for grass field subdivision as well as Auburn Hills and for Randolph Street. Storm water received a grant from nerpsey through their community program, so there will be planting of thirty trees at Rosenbalm Park.

**SOUTHSHORE VISITORS AND CONVENTION AUTHORITY**– Town Manager Reardon informed the council that the next meeting is Thursday September 15, 2022. The next Town Council meetings Town Manager Reardon will be bring the September data. Town Manager Reardon also stated that the new President and CEO David Uran are settling in nicely to the position.

**FIRE TERRITORY BOARD- Minchuk-** Councilman Minchuk informed the council that there are currently no meetings scheduled.

**DEPARTMENT REPORTS**

Chief Cuttino informed the council that the Merrillville Police Department has been extremely busy this summer. Chief Cuttino stated the Merrillville Police Department looks forward to the support from the residents.

Director Chilcott informed the council that Economic Development has been extremely busy. Director Chilcott also stated that economic development is very excited for what is going on at Silos. Director Chilcott stated that all new leads are very exciting to bring to the Town of Merrillville. Director Chilcott also informed the council about the community video project that being worked on by CGI Digital starting by the end of September.

**GENERAL ORDERS**

**A. Ordinances**

**First Readings: (Discussion and Roll Call)**

**Ordinance 22-21 (Discussion and Roll Call Vote)**

An Ordinance of The Town of Merrillville, Lake County, Indiana, Amending Ordinances 22-17, 22-09, 21-29 And Pay for Employees of The Town Of Merrillville, Indiana, For The Calendar Year 2022

Councilman Minchuk informed the council that budget time has not come to an end yet, meetings are still ongoing. Councilman Minchuk made a suggestion that Ordinance 22-21 should be tabled until there is a better financial report back in and there could be an overall picture and act on this more town wide.

Councilman Minchuk made a motion to tabled Ordinance 22-21, seconded by Councilman White.

President Bella stated that this topic will be on the next Tuesday executive session Town Council workshop and Madam Clerk-Treasurer is invited to attend.

Madam Clerk-Treasurer stated that she ask for Ordinance 22-21 not be tabled. Madam Clerk-treasurer stated she is not sure what next year's budget has to do with Ordinance 22-21, when she found the money and using the money that was allotted for the increase in her salary to try to bring the Clerk-treasurer salary up to commiserate to the other Clerk-Treasurer's salaries and their surrounding communities. Our salary in the largest town in Indiana for the Clerk-Treasurer is less than every other administrative official expect for the judge and Town Council members. Madam Clerk-Treasurer also informed the council those in terms of running an office of seven sometimes eight or nine people depending on and having the responsibility of paying all the bills and all the payrolls and all the business licenses. We've now got a new community center which has added on a tremendous amount of extra work. Last year during the budget time Vice-President and President Bella was able to speak with other departments about securing some additional funding for what the Clerk-Treasurer office does for their particular offices because they have their own budget Storm Water, Fire and Hazmat. Madam Clerk-Treasurer stated she is not asking



for additional money that's not already in her budget, she is not asking anything from the Town Council from the general fund, this is her not taking the money for her increase instead she is asking to pass it on to her employees because the work that they've done. The Clerk-Treasurer office is doing an exceptionally amount of work, as well as working during the Covid-19 pandemic being an essential office. Clerk-Treasurer employees had to come in for deposits, collect payroll and funds as well as work from home. Madam Clerk-Treasurer stated the office is extremely important so this is not a raise in which she is asking for more money, so if the budget doesn't change from last year to this year she found the money within her own budget in order to compensate her very qualified workers who have done a tremendous job. The Clerk-Treasurer office makes sure the bills are paid on time, the credit rating is still high and everyone gets paid the way they're supposed to be paid. Madam Clerk-Treasurer stated she is sacrificing, she could have put this in her salary because that is what it was originally for but instead she wants to pass it on so good quality people remain working for the Town.

Councilman White asked Madam Clerk-Treasurer about the credit rate of the town. Madam Clerk-Treasurer stated that if the bills are not paid on time and if things are not done correctly like they are supposed to be the credit rating goes down. If the credit rating goes down the town can't get the bond deals that the town does receive and other things like that. Madam Clerk-Treasurer stated that the Clerk-Treasurer office is one of the most important, the office works with the planning and building to move this town forward in terms of bond deals and making sure all finances are correct. Madam Clerk-Treasurer also stated that this is money that was allotted for an increase in her salary; her salary is between \$38,000. Most Clerk-Treasurer's in the areas make around \$89,00-106,000 and her salary is \$60,500.00 and instead of increasing which all she wanted was \$75,000.00 but instead of increasing her salary at all she wants to pass on the money that was already given to her by the council in her budget. Madam Clerk-Treasurer said she not creating anything new this is already part of the Ordinance, it is just moving numbers.

Councilman White asked Madam Clerk-Treasurer if the Town of Merrillville was a double or triple "A" rating. Madam Clerk-Treasurer stated she believes the Town is double "A", President Bella stated you should know, but yes we are double "A". Councilman White Thanked Madam Clerk-Treasurer for doing a good job as well as the Clerk-Treasurer office.

President Bella stated this is something we want to talk about too, because it sounds like it is a workload issue. We don't just ask employees to do more work and we will give you more money. President Bella stated it seems like it's a head count issue and just to have this kind of show up on the agenda, we may need the Clerk-Treasurer's balance of her salary for some other issues this year. Just because it's there doesn't mean it can't come out.

Madam Clerk-Treasurer stated this is money within her budget, she is not asking for any money from the town. As Clerk-Treasurer she can determine what she pays her employees that are in the statue.

President Bella stated this is why Ordinance 22-21 is being tabled to further the discussion about Ordinance 22-21.

Madam Clerk-Treasurer stated that Director Price understands that there's been a lot of work that has been done to get the Dean & Barbra White Community Center running. In Terms of the Clerk-Treasurer office and the time spent working on the community center Director Price found money within his budget for next year to give to the Clerk-Treasurer office.

President Bella asked Director Price if he was giving away money from his budget to other departments.

Councilman Pettit stated that point of order, Robert's Rules of Order there's a motion on the floor to table. Ordinance 22-21 got a motion and a second and the council needs to vote on the table. There's no discussion on table unless it is for the table. This Ordinance will be discussed next Tuesday night.

Motion carried by voice vote.

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

**Ordinance 22-20 (Discussion, Public Comment and Roll Call Vote)**

An Ordinance Establishing a Personnel Policy Manual for The Employees Of The Town Of Merrillville, Lake County, Indiana, Entitled "Personnel Policy Manual For The Town Of Merrillville" And Repealing All Ordinances Or Parts Thereof, In Conflict Therewith..

Vice-President Hardaway asked Madam Clerk-Treasurer if she approved of the changes.

Vice-President Hardaway made a motion to Ordinance 22-20, seconded by Councilman Minchuk.

President Bella informed the council that he spoke with the HR Director and she also felt that the revised Ordinance would be okay to move forward with.

No further questions or comments from the council.

Motion carried by roll call vote 7-0.

***B. Resolutions: (Discussion and Voice Vote)***

**Resolution 22-59 (Discussion and Voice Vote)**

A Resolution of the Town of Merrillville, Lake County, Indiana, Transferring Monies of the 2022 Budget within the Local Roads & Street Budget.

Councilman Pettit made a motion to approve Resolution 22-59, seconded by Vice-President Hardaway. Motion carried by voice vote.

***C. American Rescue Plan***

AP Voucher Register Summary for ARP Purchases for September 13, 2022

Vice-President Hardaway informed the council that the AP Voucher summary is \$10,329.75

Vice-President Hardaway made a motion to approve \$10,329.75, seconded by Councilman Pettit.

No further questions or comments from the council.

Motion carried by voice vote.

***D. BZA Actions & LARGE GATHERING ACTIONS***

**Petitioner:** Santiago Dorado  
**Owner:** 80<sup>th</sup> Place Paddock, LLC & Merrillville 80<sup>th</sup> Place Tel, LLC TIC  
**Request:** Special Exception Approval from section 21-136  
**Purpose:** To Allow a Restaurant  
**Location:** 7970 Broadway  
**Zoning:** C-2, Community Commercial Zoning District  
**Case #:** Z19E9-0822

Planning and Building Director Shine elaborated towards the BZA Action.

Councilman Pettit made a motion to approve the BZA Action, seconded by Vice-President Hardaway.

No further questions or comments from the council.

Motion carried by voice vote.

**Petitioner:** Mike Zhang  
**Owner:** DG Properties Taft LLC  
**Request:** Special Exception Approval from section 21-136  
**Purpose:** To Allow a Restaurant  
**Location:** 7219 Taft Street  
**Zoning:** C-2, Community Commercial Zoning District  
**Case #:** Z18E5-0822

Planning and Building Director Shine elaborated towards the BZA Action.

Councilwoman Uzelac made a motion to approve the BZA Action, seconded by Councilman Minchuk.

Councilman Minchuk thanked the petitioner for coming into his ward especially in an area that needs business.

Motion carried by voice vote.

**Petitioner:** United Sikh Gurdwara of Indiana  
**Owner:** First Finance Bancorp  
**Request:** Variance of Use Approval from section 21-136  
**Purpose:** To Allow a Church  
**Location:** 9100 Merrillville Road  
**Zoning:** C-5, Office & Research Zoning District  
**Case #:** Z17uV5-0822

Planning and Building Director Shine elaborated towards the BZA Action.

Vice- President Hardaway made a motion to approve the BZA Action, seconded by Councilman Pettit.

Councilman Pettit informed the council that the town realigned Merrillville

No further questions or comments from the council.

Motion carried by voice vote.

***OLD BUSINESS***

Councilman Pettit informed the council that back in 2009 the Town of Merrillville found out that a gentleman acquired a park/ drainage easement in Sandpiper subdivision. It is clear on the plat that this is a park and drainage easement, it has gone through a couple iterations. Currently it is owned by a lady in Mississippi. Councilman Pettit apologized to the residents because this should have been taken care of in 2009 with the previous Town attorney, and Planning and building director. Councilman Pettit instructed the Town attorney to send a letter to the lady in Mississippi informing her that because it is identified as a park there is absolutely no hunting. The residents of Sandpiper will receive a copy of letter being sent out. Councilman Pettit asked Attorney Svetanoff to ask the lady to consider a donation of that property that is non-buildable. Councilman Pettit stated he would like the ladies answer in writing, if she were to say no Councilman Pettit instructed Attorney Svetanoff to begin eminent domain. Councilman Pettit stated there would be a refund for the tax sale.

Councilman Pettit so move to instruct the town attorney to send the letter to the property owner, seconded by Councilman White.

No further questions or comments from the council.

Motion carried by voice vote.

***NEW BUSINESS***

*None*

***ANNOUNCEMENTS:***

Redevelopment Commission Meeting September 27, 2022 at 6:00P.M.

Town Council Meeting September 27, 2022 at 6:30 P.M.

***ADJOURNMENT:***

Motion to adjourn by Councilman Pettit, seconded by Councilwoman Uzelac. Meeting

Adjourned.

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***Rick Bella, President***

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***Kelly White Gibson, Clerk-Treasurer***

***Minutes Submitted By Britni Reillo***



**Town of Merrillville**  
**Town Council Meeting Minutes**  
**September 27, 2022**  
**6:30 P.M.**

**CALL TO ORDER:** President 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 from Councilman Minchuk.

**PLEDGE OF ALLEGIANCE:** Led by any veteran in attendance.

**ROLL CALL** – Roll Call was taken by Madam Clerk Treasurer White Gibson.

Present were: Vice-President Hardaway- (Ward 2)

Councilman Minchuk- (Ward 3)

Councilwoman Uzelac- (Ward 4)

Councilman White – (Ward 7)

Councilman Spann- (Ward 1)

Councilman Pettit- (Ward 6)

President Bella- (Ward 5)

All Seven Present (7)

**PETITIONS, COMMUNICATIONS, ACKNOWLEDGEMENTS AND REMONSTRATIONS:**

Commissioner Pete Dragojevic introduced Chief Mark Gregoline of the United States Marshalls. Chief Gregoline informed the council of his background and experience in law enforcement. Chief Gregoline and his wife Ophelia made a donation in the amount 500.00 the Merrillville Police K9 program.

Assistant Chief Nuses thank Chief Gregoline for his donation. Assistant Chief Nuses inform the council that the K9 program is donation based and without donations there would be no K9 program.

**CONSENT AGENDA**

Accts. Payable Register Voucher Approval for September 27, 2022

Approval of Town Council Meeting Minutes of September 13, 2022

President Belle informed the council that the meeting minutes for September 13, 2022 were submitted late, therefore won't be included in the consent agenda.

Councilman Pettit made a motion to approve only the Accts. Payable Register Voucher for September 27, 2022 of the Consent Agenda, seconded by Councilwoman Uzelac.

Motion carried by voice vote.

**STANDING & SPECIAL COMMITTEES REPORTS**

**BUDGET & FINANCE- HARDAWAY** – No Report

**COUNCIL AFFAIRS- PETTIT** – No Report

Councilman White informed the council that cleanup work will be done on Broadway on October 15, 2022. The work will involve picking up paper as part of beautification in this community. Councilman White is asking for volunteers in this endeavor. Volunteers can contact Town Manager Reardon.

**PUBLIC WORKS & UTILITIES- MINCHUK** – Councilman Minchuk informed the council that talks are ongoing with employees and there is a meeting on Tuesday October 4, 2022 to discuss matters in the Public Works Department.

**ELECTIONS, PUBLIC RELATIONS, & TOWN BEAUTIFICATION-PETTIT**- No Report

**ENVIRONMENTAL AFFAIRS- WHITE** – Councilman White informed the council there won't be a meeting Thursday September 29, 2022 because a quorum wouldn't be present.

Councilwoman Uzelac also informed the council that Covid-19 shots for children five years and up will be available soon. Lake County had one death. Porter County had two and LaPorte had two or three.

Councilman White added that the President of United States stated that the pandemic was over. Councilman White doesn't want the people to make the mistake of thinking just because the pandemic is over Covid-19 is over because it's not over.

**PERSONNEL POLICY & EMPLOYEE BENEFITS – HARDAWAY** – No Report

**PUBLIC SAFETY- MINCHUK**- Councilman Minchuk informed the council that he will continue with Public Safety meetings. He hopes to finish up on Tuesday October 4, 2022. He had been dipping in his other committees, but there was a Fire and Territory board meeting last week. Fire and Territory had budgetary and equipment concerns. Datasheets for the last several months were released that showed a very high call volume.

**ECONOMIC DEVELOPMENT-PETTIT** – Councilman Pettit informed the council that Director Chilcott will give the report on the extremely successful event that happen today at lunchtime. He also informed the council there are two items on the agenda that need Town Council approval. The Tax Abatement for the corner of 89<sup>th</sup> and Mississippi. He informed the council there is a full-time tenant in the field house building. It is Midwest Aerospace who has an economic development agreement on the agenda that needs to be considered.

**PARKS & RECREATION- UZELAC**- Councilwoman Uzelac informed the council that she contact Director Price about the garbage cans at Rosenbaum Park. The heavy wind is causing garbage cans to spill over and garbage to fly all over the park including bike trails. She received two complaint calls regarding this matter.

Director Price informed Councilwoman Uzelac that he did receive her message.

Councilwoman Uzelac asked Director Price to check out this situation on Wednesday September 28, 2022 and thank Director Price.

Councilman White informed the council of a breast cancer walk at Prison Center Park on October 9, 2022 from 11:00AM until 2:00PM. He stated that it is very important that we support cancer survivors.

Councilwoman Uzelac informed the council that Avalon had a breast cancer fundraiser last week

**ABANDONED -BLIGHTED PROPERTIES-HARDAWAY** – No Report

**DEAN& BARBARA WHITE COMMUNITY CENTER-MINCHUK & PETTIT** – Councilman Pettit informed the council that there was a committee meeting before the Town Council Meeting with Director Price and his staff. Trista Hudson and Eric Cinder from Cinder and Associates also attended the meeting. There will be an item on the workshop agenda on Tuesday October 4, 2022 related to the budget for the Dean and Barbara White Community Center for the rest of this year and next year for 2023. The fee structure for the center will also be reviewed.

**Special Projects (F & B Tax, Diversity) – HARDAWAY** – Vice President Hardaway informed the council about the Christmas tree lighting coming up at the end of November 2022. He received an email from the Lions Club President asking what he can do to help. Vice President Hardaway will sit down with the President from the Lions Club to discuss the event. He also informed the council about the Shared Ethics Summit that the Ethics Committee puts on every year at the Avalon. He would like all departments' heads to attend by going online and register. He will send out an email to the council. The event this year will be at the Avalon from 8:00AM to 11:30AM.

Councilman White requested that we reach out to other nonprofits regarding the Christmas tree lighting event. President Belle informed Councilman White that the Lion Club was mentioned by Councilman Hardaway because they are the ones who purchased the trees that have been planted at the Community Center. After further discussion, Councilman White will reach out to other non-profits regarding the event.

## **DEPARTMENT & COMMISSION REPORTS**

**LAKE COUNTY SOLID WASTE MANAGEMENT-WHITE**- Councilman White apologized for giving his report earlier in the meeting. Councilman White informed the council that Solid

Waste District meeting for Thursday September 29, 2022 won't occur because it lacks a quorum and this happens quite often.

Councilman White also informed the council that the Leaf Program for Merrillville is about to start.

***NORTHERN INDIANA REGIONAL PLANNING COMMISSION-HARDAWAY***–Vice-President Hardaway informed the council that he gave Town Manager Reardon information about possible grants that may be available to the Council. Town Manager Reardon will review the information and get back to the council at the October 4, 2022 meeting.

***STORMWATER MANAGEMENT RESOURCES-LAKE***- Director Lake informed the council that Dyer Construction has mobilized for Marcela Road drainage project. Pipe is laid out so they will be starting very shortly. The maintenance for Chapel Manor ditch is finished and looks great. Howard Tree Service did the work. Director Lake stated he finalized the new Flood Hazard Area ordinance. This ordinance is for the Town to remain compliance with National Flood Insurance Program (NFIP) standards. Director Lake sent it over to the Town Manager Office to be included on the next Town Council Meeting agenda.

Director Lake received correspondence from IDM who informed him that the grant proposal has been forwarded to their Recycling Market Development Port for funding consideration.

Director Lake also sent out an email with regards to a purchase agreement for 97<sup>th</sup> and Grand Boulevard to relocate the ditch away from the street. The engineering and permits are all done. This is a safety project not a drainage project.

***SOUTHSHORE VISITORS AND CONVENTION AUTHORITY***– Town Manager Reardon informed the council that the organization met as a board and conducted normal business. Town Manager Reardon informed the council that renovation is going on in front of the building and into the parking lot.

Town Manager Reardon will reach out to the council and setup a meeting with President and CEO David Uran to discuss joint opportunities that focus on the market and proposed Convention Center.

Town Manager Reardon talk about hosting the Rose Awards event and gave a shout out to the Parks Department for all their hard work to ensure that the event was a success.

***FIRE TERRITORY BOARD- Minchuk***- No Report

### ***DEPARTMENT REPORTS***

Director Price informed the council of all the hard work that went into hosting the Rose Awards. The awards were a resounding success. Director Price stated he is keeping up with all the parks and looks forward to finishing out 2022 and 2023 strong.

Assistant Chief Nuses informed the council the department is facing some serious hurdles, but he and Chief Cuttino are looking at different ways to handle them by reaching out and speaking with other neighboring agencies for a joint venture to have more police presence within the town.

Director Bunnell informed the council that by October 31, 2022 all campers and boats must be out of driveways in town. On November 1, 2022, citations will be issue to violators. Director Bunnell also stated that mailboxes are being blocked and inquired of Attorney Sventanoff can a nuisance ticket be issued? Attorney Sventanoff stated he would get back to her tomorrow September 28, 2022.

Director Shine informed the council of the highlights of the August Building Permits Report. The total building permits were 174. The total fees collected were 226,992.87. The total cost of improvement was 41,694,512.00 which include thirty-five new homes, two duplexes, Amazon charging station upgrade William Eye Institute, Acquaintance School, and farm silos.

Administrator King informed the council about the paving program for this year. Ward 6 is complete. Ward 2 is 75% complete. There are a couple of straggler streets to complete before the end of this construction season. One is in Ward five 85th Avenue the other one is in Councilman Spans Ward award Ward one 63rd Place. Administrator King stated that he spoke with Miss Julia Adamo. A resident on 63rd Place regarding her concerns about the Broadway project. Administrator King stated there are several other construction projects that are completed or almost completed. Administrator King stated that Public Works branch pickup ends this week. Rumble strips and digital speed limits sign are working to help drivers slow down. President Balle stated the speed signs need to be supported by the presence of additional patrol. Vice

President Hardaway requested that the procuring of fourteen addition speed limit signs using American Rescue Plan funding be included on the next meeting agenda.

Director Chilcott informed the council of a video production team filming around the Town of Merrillville. There will be two more days of filming. The day ended at the Barbara and Dean White Community Center where the Northwest Indiana Forum was holding an event which included guests Governor Holcomb and Congressman Mrvan. The event was well attended. Governor Holcomb and Congressman Mrvan did a nice meet and greet with everybody talked about the region itself and how impactful things are going on within the town of Merrillville and something as small as a video production can make a world of a difference.

## **GENERAL ORDERS**

### ***A. Ordinances***

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

##### **Ordinance 22-21 (Discussion and Roll Call Vote)**

An Ordinance of The Town of Merrillville, Lake County, Indiana, Amending Ordinances 22-17, 22-09, 21-29 And Pay for Employees of The Town Of Merrillville, Indiana, For The Calendar Year 2022

President Bella reminded the council that Ordinance 22-21 was laid on the table at the September 13, 2022 council meeting. A motion that's been laid on the table may be taken up again by adoption of a motion to take from the table.

Councilman White made a motion to approve Ordinance 22-21. President Bella stated that the motion was out of order. Councilman White retracted his motion.

Councilman White made a motion to untable Ordinance 22-21. President Bella asked Councilman White to clarify his motion to remove the tabled Ordinance 22-21 for consideration. Councilman White stated absolutely. Seconded by Councilman Spann.

No further questions or comment from the council.

Motion fails by roll call 3 – Yes, 1 – No, 3 – Abstain

Councilman White asked how the motion failed when abstaining doesn't count. President Bella state the council needs four votes to approve anything. Madame Clerk-Treasury stated that the motion Councilman Minchuk tabled at the September 13, 2022 council meeting was discussed in the workshop. Madame Clerk-Treasurer stated she was given assurance by President Bella and Vice President Hardaway that Ordinance 22-21 would move forward at this meeting. She also stated a tabled item put back on the agenda never had to be untabled just voted on in the past. Madame Clerk-Treasurer again restated the assurance that was given by President Bella and Vice President Hardaway in person and by telephone she can do this since the money is in her budget and she is giving up the money that was met to increase her salary to her staff.

President Bella stated that since the last workshop meeting the funds the council thought was in the Clerk-Treasurer budget as you indicated isn't in the budget. We want to table this, or I should say leave it on the table until the October 4<sup>th</sup> workshop meeting. We can discuss it again and see what action can be taken to be retroactive to whatever date at that time, but according to Financial Advisor Hudson we don't have the funding.

Madame Clerk-Treasurer stated that President Bella is tell her the dually elected Clerk-Treasure who is the person over the finances and makes a determination on the budget that our advisor that you pay 300.00 and something dollar an hour, 14,000 and something a month has told you that my budget doesn't have the amount I told you it has? That is the reason you want to table it.

President Belle stated it's not being tabled but remaining on the table. It's just being delayed again that is all we are doing.

Madame Clerk-Treasurer stated that her employees who are here tonight works very hard and she thank them for coming out tonight to support her. Madame Clerk-Treasurer stated she had to get four new employees at the drop of a hat and they had done excellent work. Yet, they must wait again to get the money because Financial Advisor Hudson disagrees with my accounting about my budget. Madam Clerk-Treasurer requested that Financial Advisor Hudson step up to the mic and explain her findings. She also requested the Bookkeeper for the Clerk-Treasurer Office to also step up to the mic.



Financial Advisor Hudson stated that she explained to President Bella not there wasn't enough money in the Clerk-Treasure budget, but (Financial Advisor Hudson was interrupted by a point of order by Councilman Minchuk).

Councilman Minchuk called point of order and stated there was no discussion on the table. He asked Attorney Svetanoff was he correct. Attorney Svetanoff stated that Councilman Minchuk was correct. Councilman Pettis stated for further clarification under Roberts' Rules of Order a tabled item must be untabled by a motion. Point of Order.

Madam Clerk-Treasurer state there was no discussion. According to Robert's Rules of Order, one a motion is made and seconded it should follow with a discussion.

Councilman White stated that Robert's Rules of Order states that abstentions are zero votes. I've only seen the majority of yes votes not four vetoes. He asked President Bella to look over Robert's Rules of Order because something that pasted may have been thrown off the table.

Financial Advisor Hudson was asked to continue to speak by Madame Clerk-Treasurer. Financial Advisor Hudson stated it was not there wasn't money available, but the reason that was explained in the workshop. At the workshop, the Madam Clerk-Treasurer stated she was delaying or not taking some of her salary. In fact her salary is set for the year. Madame Clerk-Treasure has been receiving her salary. The reason some money is in the budget to make the requested changes is because there wasn't a full slate of employees in the office for about two months. The position was open. The appropriation balance is there , but it's just not for the reason explain in the workshop.

Madam Clerk-Treasure state a small portion of the money came from the vacant position not the majority. Point of Order, I look this up because I'm the attorney for several boards. Abstentions are zero vetoes. Madam Clerk-Treasurer requested that Bookkeeper Santos and Payroll Administrator Johnson speak about the additional funds for the raises.

Bookkeeper Santos mouth was numb from dental work so she deferred to Payroll Administrator Johnson to speak. The funding for the raises consists of what was set aside for the Clerk-Treasure's salary increase and additional funds left in the 112 account that pays the secretaries. There is additional fund from Storm Water, Fire Enhancement, and Fire Territory. The fund within our budget will be spread evenly among the Clerk-Treasurer office staff.

Madam Clerk-Treasurer stated that Financial Advisor Hudson misspoke. Because at the last budget meeting, which now I see I probably need to record you and let you know I'm recording you, it was clear that my salary was to be increased over time. I never had Financial Advisor Hudson do a salary ordinance to change it. The Clerk-Treasure salary is the same as it was last year. The Clerk-Treasurer staff have taken on additional work because of the opening of the Community Center and American Rescue Plan funding. There is money in the Clerk-Treasurer budget. By statue, I can pay my employees what they deserve. The money is there so why can't this be untabled and the employees get paid?

President Bella stated what are you going to do in January 1, 2023? All employees get a 2% raise except for the Police Department. Madam Clerk-Treasures how are you going to handle these increases for next year? Are these increases only for three months?

Madam Clerk-Treasurer state that the Clerk-Treasurer employees won't get a 2 % raise in 2023 because they will get a raise this year. The money is already in the budget. If you intending to take money from my budget, there is going to be a problem. President Bella stated Ordinance 22-21 remains on the table until it can be discussed further at the Tuesday meeting

No further questions or comments from the council.

**Ordinance 22-22 (Discussion and Roll Call Vote)**

An Ordinance for Appropriations and Tax Rates for year ending in 2023

President Bella informed the council of the adopted tax rate of 0.746.

Financial Advisor Hudson informed the council that the budget is published high both in the amount and rates which is done so the council come to settle in on what the budget should be for next year after adjustments are made and come back towards a balance budget. Financial Advisor Hudson also stated that the max levy is 5% higher than last year. The budget will be higher than 8.2 million for the general fund with additional miscellaneous revenue on top. Financial Advisor Hudson is predicting revenue upwards of 10 million. The budget committee will very busy with cuts to balance the budget. The vote is set for October 11, 2022.



Councilman White asked is the .7460 rate a tax on residents.

Financial Advisor Hudson informed the council that she couldn't answer a yes or answer until she explains. She gave a lengthy discussion on how the taxes work. She doesn't expect taxes to be raised on Merrillville residents.

President Bella opened the floor for public comments on budget estimates for 2023.

No question or comments for the public

Vice President Hardaway made a motion to approve Ordinance 22-22, seconded by Councilman Pettit.

No further questions or comments from the council

Motion carried by roll call vote 5-0 2-Abstain

**Ordinance 22-23 (Discussion and Roll Call Vote)**

An Amendment to Ordinance 22-21, The 2022 Salary Ordinance, of the Town of Merrillville, Lake County, Indiana, Amending Pay for The Employees of the Town of Merrillville, Indiana For The Calendar Year 2022

Councilman Pettit made a motion to approve Ordinance 22-23, seconded by Vice President Hardaway

Councilman Pettit asked is this a housekeeping where we're paying the Fire Inspector out of the proper fund? Someone from the council yelled yes.

President Bella asked Madam Clerk-Treasurer to elaborate further. Director Shine gave the explanation.

No further questions or comments from the council.

Motion carried by roll call vote 7-0.

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

None

***B. Resolutions: (Discussion and Voice Vote)***

**Resolution 22-61 (Discussion and Voice Vote)**

Resolution of The Town Council of The Town Of Merrillville, Indiana Approving A Form of Economic Development Agreement Among the Town of Merrillville, The Town Of Merrillville Redevelopment Commission, And Midwest Aerospace Casting, LLC

Councilman Pettit made a motion to approve Resolution 22-61, seconded by Councilwoman Uzelac

No further questions or comments from the council.

Motion carried by voice vote.

**Resolution 22-63 (Discussion and Voice Vote)**

Resolution of the Town of Merrillville, Lake County Indiana, Transferring Appropriation within the 2022 Budget, General Fund.

Councilwoman Uzelac made a motion to approve Resolution 22-63, seconded by Councilman Pettit

No further questions or comments from the council.

Motion carried by voice vote.

**Resolution 22-65 (Discussion and Voice Vote)**

Resolution of the Town of Merrillville, Lake County Indiana, Amending, in part, the Internal Controls of the ARP Fund.

Vice President Hardaway made a motion to approve Ordinance 22-65, seconded by Councilman Pettit

Vice President Hardaway thanked the Clerk-Treasurer office for bringing this matter to the attention of council.

Financial Advisor Hudson informed the council that the draft must be changed to reflect that Department Heads will obtain the affidavit from the vendors who are on the barred list. Madam Clerk-Treasurer explained that it has to been done this way because the department heads have a relationship with their vendors.

No further questions or comments from the council.

Motion carried by voice vote.

**Resolution 22-66 (Discussion and Voice Vote)**

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 Opus Development Company LLC A Delaware Limited Liability Company (Opus Development Company LLC)

Councilman Pettit made a motion to approve Resolution 22-66, seconded by Councilwoman Minchuk

Councilman Pettit elaborated on the Opus Development Company

No further questions or comments from the council.

Motion carried by voice vote.

***C. American Rescue Plan***

AP Voucher Register Summary for ARP Purchases for September 27, 2022

Vice-President Hardaway informed the council that the AP Voucher summary is \$99,758.99

Vice-President Hardaway made a motion to approve \$99,758.99, seconded by Councilman Pettit.

President Bella noted the one of the vendor L. Warren Oil Company had an incorrect category of Hardware and Software. It should be contractual.

No further questions or comments from the council.

Motion carried by voice vote.

***D. BZA Actions & LARGE GATHERING ACTIONS***

NONE

***OLD BUSINESS***

Councilman Pettit informed the council that the owner of the park/ utility drainage easement is willing to sell it for 2,500.00 dollars. Council Pettit instructed Town Manager Reardon and Attorney Svetanoff to execute and find the resources.

Councilman Pettit made a motion to approve, seconded by Vice President Hardaway

No further questions or comments from the council.

Motion carried by voice vote.

***NEW BUSINESS***

***Appointment of Town Council member to the Special Projects Committee***

President Bella appointed Councilman Minchuk to the Special Projects Committee

***ANNOUNCEMENTS:***

Town Council Workshop October 4, 2022 at 4:30 P.M.

Plan Commission Meeting October 4, 2022 at 6:30 P.M.

Town Council Meeting October 11, 2022 at 6:30 P.M

***ADJOURNMENT:***

Motion to adjourn by Vice President Hardaway, seconded by Councilman Pettit. Meeting Adjourned.

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***Rick Bella, President***

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***Kelly White Gibson, Clerk-Treasurer***

***Minutes Submitted By Angela Lewis***

**ORDINANCE 22-21** *(amended after tabled)***AN ORDINANCE OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA,  
AMENDING ORDINANCE 22-17, 22-09 and 21-29 AND PAY FOR EMPLOYEES OF THE TOWN  
OF MERRILLVILLE, INDIANA, FOR THE CALENDAR YEAR 2022****BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, INDIANA:**

**SECTION 1:** That from and after the twenty-fifth day of September, 2022, the salary and pay schedule for elected, and appointed officers and employees of the Town of Merrillville, Indiana, be fixed as follows, with the amounts and quantities listed being the maximum allowed for each position:

Department(s) Amended: Clerk-Treasurer's Office, Planning & Building Department

Elected Officials	Hiring Limit	Compensation		
		Type	Rate	Annual
Town Council President	1	Monthly	\$ 1,433.33	\$ 17,199.96
Town Council Members	3	Monthly	\$ 1,333.33	\$ 15,999.96
Town Council Members + Plan Commission	3	Monthly	\$ 1,383.33	\$ 16,599.96
Clerk-Treasurer	1	Bi-weekly	\$ 2,326.94	\$ 60,500.44
Town Judge	1	Bi-weekly	\$ 2,269.24	\$ 59,000.24
<b>Town Administration</b>				
Town Manager/Director of Municipal Operations	1	Bi-weekly	\$ 3,173.07	\$ 82,499.82
Administrative Manager, Council/Town Manager	1	Bi-weekly	\$ 1,826.93	\$ 47,500.18
Human Resources Director	1	Bi-weekly	\$ 2,500.00	\$ 65,000.00
Administrative Secretary	1	Bi-weekly	\$ 1,500.00	\$ 39,000.00
Economic Development Director (RDC)	1	Bi-weekly	\$ 2,500.00	\$ 65,000.00
Administrative Secretary (RDC)	1	Bi-weekly	\$ 1,500.00	\$ 39,000.00
Information Technology Director (partial PNR)	1	Bi-weekly	\$ 2,692.30	\$ 69,999.80
Town Hall Building Maintenance	1	Bi-weekly	\$ 1,200.00	\$ 31,200.00
<b>Town Court</b>				
Judge Pro Temp (Ref.)	1	Bi-weekly	\$ 698.46	\$ 18,159.96
Part Time Judge Pro Temp (Ref.)	-	Bi-weekly	\$ 557.70	-
Administrative Assistant, Court	1	Bi-weekly	\$ 2,138.85	\$ 55,610.10
Civil Court Administrator	1	Bi-weekly	\$ 1,750.00	\$ 45,500.00
Secretary Class I, Court	1	Bi-weekly	\$ 1,509.62	\$ 39,250.12
Secretary Class II, Court	-	Bi-weekly	\$ 1,375.00	-
Secretary Class III, Court	2	Bi-weekly	\$ 1,192.31	\$ 31,000.06
Part Time Secretaries, Court	\$ 21,590	Hourly	\$ 15.79	
Public Defender I	1	Bi-weekly	\$ 663.46	\$ 17,249.96
Public Defender II	1	Bi-weekly	\$ 625.01	\$ 16,250.26
Full Time Bailiff	-	Bi-weekly	\$ 1,365.39	-
Part Time Bailiffs	\$ 11,700	Hourly	\$ 14.48	
Probation Officer (Court Probation)	1	Bi-weekly	\$ 598.46	\$ 15,559.96
Part Time Staff, Court		Hourly	\$ 13.04	
<b>Clerk-Treasurer</b>				
Administrative Bookkeeper, Clerk-Treasurer	1	Bi-weekly	\$ 2,228.92	\$ 57,951.92
Office Manager, Clerk-Treasurer	1	Bi-weekly	\$ 1,921.19	\$ 49,950.94
Payroll Administrator, Clerk-Treasurer	1	Bi-weekly	\$ 1,921.19	\$ 49,950.94
Admin. Secretary, Class I, Clerk-Treasurer	3	Bi-weekly	\$ 1,701.93	\$ 44,250.18
Admin. Secretary, Class II, Clerk-Treasurer	-	Bi-weekly	\$ 1,500.00	\$ 39,000.00
Admin. Secretary, Class III, Clerk-Treasurer	-	Bi-weekly	\$ 1,423.08	\$ 37,000.08
Admin. Secretary, Class II, Clerk-Treasurer (F&H)	1	Bi-weekly	\$ 1,500.00	\$ 39,000.00
Part Time Secretary	\$ 7,500	Hourly	\$ 16.60	-
<b>Police Department</b>				
Police Commissioner	5	Monthly	\$ 100.00	\$ 1,200.00
Chief of Police	1	Bi-weekly	\$ 3,057.70	\$ 79,500.10
Assistant Police Chief	1	Bi-weekly	\$ 2,865.39	\$ 74,500.04
Operations Commander	1	Bi-weekly	\$ 2,769.24	\$ 72,000.14
Police Captain	-	Bi-weekly	\$ 2,711.55	\$ 70,500.20
Police Department Commander	3	Bi-weekly	\$ 2,711.55	\$ 70,500.20
Police Lieutenant	7	Bi-weekly	\$ 2,653.85	\$ 69,000.00
Shift Commander	2	Bi-weekly	\$ 2,653.85	\$ 69,000.00
Police Sergeant	3	Bi-weekly	\$ 2,596.16	\$ 67,500.06



**Police Department (cont.)**

Police Corporal	11	Bi-weekly	\$ 2,538.47	\$ 66,000.12
Detective	6	Bi-weekly	\$ 2,538.47	\$ 66,000.12
Patrolman, Special First Class (after 34 years)		Bi-weekly	\$ 2,826.92	
Master Patrolman	26	Bi-weekly	\$ 2,480.78	\$ 64,500.18
Patrolman, First Class (after 24 months)		Bi-weekly	\$ 2,480.78	\$ 64,500.18
Patrolman, Second Class (13-24 months)		Bi-weekly	\$ 2,403.85	\$ 62,500.00
Patrolman, Probationary (1-12 months)		Bi-weekly	\$ 2,326.93	\$ 60,500.08
Administrative Assistant, Police	1	Bi-weekly	\$ 1,852.80	\$ 48,172.80
Senior Secretary, Class I Police	1	Hourly	\$ 20.46	\$ 35,129.82 <sup>(1)</sup>
Senior Secretary, Class II Police	1	Hourly	\$ 19.00	\$ 32,623.00 <sup>(1)</sup>
Secretary Class I	-	Hourly	\$ 18.48	-
Secretary Class II	-	Hourly	\$ 17.90	-
Secretary Class III (Probation)	1	Hourly	\$ 16.98	\$ 35,318.40 <sup>(2)</sup>
Secretary, Part Time	-	Hourly	\$ 16.60	-
Law Enforcement Technician	1	Hourly	\$ 20.46	\$ 42,556.80
Information Technology Technician	-	Bi-weekly	\$ 2,115.38	\$ 54,999.88
Special Service Officer	1	Bi-weekly	\$ 1,586.54	\$ 41,250.04
Animal Control Officer, Part Time	-	Hourly	\$ 15.00	\$ 18,720.00 <sup>(3)</sup>

<sup>(1)</sup> Annual Salary listed is based on 64 hr/pay period schedule, with additional for Holiday pay. <sup>(2)</sup> Based on 80 hr/pay.

<sup>(3)</sup> Annual Salary listed is based on 48 hr/pay period schedule.

**Planning & Building, Engineer, Code Enforcement**

Board of Zoning Appeals Member	3	Monthly	\$ 100.00	\$ 1,200.00
Plan Commission Member	3	Monthly	\$ 200.00	\$ 2,400.00
Building & Planning Director	1	Bi-weekly	\$ 2,884.62	\$ 75,000.12
Planning & Building Assistant	1	Bi-weekly	\$ 1,692.30	\$ 43,999.80
Secretary, Senior, Planning & Building	1	Bi-weekly	\$ 1,523.08	\$ 39,600.08
Secretary, Planning and Building	1	Bi-weekly	\$ 1,461.54	\$ 38,000.04
Part Time Secretary, Planning & Building	\$ 6,000	Hourly	\$ 20.00	-

**Code Enforcement**

Director of Code Enforcement	1	Bi-weekly	\$ 1,961.54	\$ 51,000.04
Code Enforcement Officer	1	Bi-weekly	\$ 1,496.16	\$ 38,900.16
Code Enforcement Officer	1	Bi-weekly	\$ 1,307.69	\$ 33,999.94

**Public Works**

Public Works Director/Engineering Administrator	1	Bi-weekly	\$ 2,961.53	\$ 76,999.78
Street Superintendent	1	Hourly	\$ 27.30	\$ 56,784.00 **
Public Works Administrative Secretary	1	Bi-weekly	\$ 1,586.54	\$ 41,250.04
Part-time Secretary	-	Hourly	\$ 16.60	- **
Foreman	1	Hourly	\$ 26.30	\$ 54,704.00 **
Senior Operator	4	Hourly	\$ 23.62	\$ 49,129.60 **
Mechanic/Shop Foreman	1	Hourly	\$ 24.78	\$ 51,542.40 **
Mechanic	1	Hourly	\$ 23.62	\$ 49,129.60 **
Operator I	4	Hourly	\$ 22.88	\$ 47,590.40 **
Operator II	6	Hourly	\$ 23.24	\$ 48,339.20 **
Labor Class I	1	Hourly	\$ 21.64	\$ 45,011.20 **
Labor Class II	6	Hourly	\$ 22.38	\$ 46,550.40 **
Summer Help Class I	\$ 60,000	Hourly	\$ 14.60	-
Summer Help Class II		Hourly	\$ 15.10	-
Part Time, Regular	\$ 70,000	Hourly	\$ 21.64	-

\*\* Annual Salary listed is based on 80 hour/pay period schedule.

**Parks Department**

Parks Director (partial PNR)	1	Bi-weekly	\$ 2,884.61	\$ 74,999.86
Assistant Director (partial PNR)	1	Bi-weekly	\$ 1,906.15	\$ 49,559.90
Recreation Coordinator / Office Manager (PNR)	2	Bi-weekly	\$ 1,538.46	\$ 39,999.96
Recreation Supervisor FT (PNR)	2	Bi-weekly	\$ 1,360.00	\$ 35,360.00
Recreation Supervisor PT (PNR)	\$ 135,000	Hourly	\$ 15.00	-
Building Manager (PNR)	-	Bi-weekly	\$ 1,538.46	\$ 39,999.96
Front Desk Supervisor (PNR)	1	Bi-weekly	\$ 1,538.46	\$ 39,999.96
Front Desk Attendant, Level I (PNR)	\$ 80,000	Hourly	\$ 13.00	-
Front Desk Attendant, Level II (PNR)		Hourly	\$ 9.00	-
Event Center Manager (PNR)	1	Bi-weekly	\$ 1,538.46	\$ 39,999.96
Event Center Coordinator (PNR)	\$ 40,000	Hourly	\$ 12.00	-

**Parks Department (cont.)**

Maintenance Supervisor (PNR)	1	Bi-weekly	\$ 1,730.77	\$ 45,000.02
Custodian (PNR)	1	Bi-weekly	\$ 1,200.00	\$ 31,200.00
Part Time Custodian (PNR)	\$ 16,000	Hourly	\$ 13.00	
Maintenance Crew	\$ 40,000	Hourly	\$ 14.60	-
Laborer (PNR)	\$ 17,160	Hourly	\$ 11.00	-
Activity Leader, Level I (PNR)	\$ 30,000	Hourly	\$ 15.00	-
Activity Leader, Level II (PNR)		Hourly	\$ 9.00	-

**Fire Protection Territory**

Fire Chief	1	Bi-weekly	\$ 3,225.46	\$ 83,861.96
Deputy Fire Chief	1	Bi-weekly	\$ 3,002.53	\$ 78,065.78
Fire Captain	3	Bi-weekly	\$ 2,556.64	\$ 66,472.64
Lieutenant	3	Bi-weekly	\$ 2,434.00	\$ 63,284.00
Firefighter/EMT(special)		Bi-weekly	\$ 2,941.96	\$ 76,490.96
Firefighter/EMT	\$ 360,600	Bi-weekly	\$ 2,311.37	\$ 60,095.62
Firefighter - Probationary		Bi-weekly	\$ 2,155.30	\$ 56,037.80
Fire Department Administrative Assistant		Hourly	\$ 22.28	\$ 46,342.40
Volunteer Firefighter (on scene)	\$ 280,000	Per Call	\$ 19.09	
Volunteer Firefighter (on standby)		Per Call	\$ 14.85	
Volunteer Firefighter (in training)		Per Training	\$ 21.22	
Volunteer Officer (on scene)		Per Call	\$ 21.22	-
Part Time Firefighter		Hourly	\$ 12.73	
Part Time Firefighter/EMT		Hourly	\$ 15.91	

**Stormwater**

Stormwater Management Board Member	3	Monthly	\$ 100.00	\$ 1,200.00
Stormwater Director	1	Bi-weekly	\$ 3,442.31	\$ 89,500.00
Stormwater Administrative Secretary	1	Bi-weekly	\$ 1,855.77	\$ 48,250.00
Stormwater Superintendent	1	Bi-weekly	\$ 1,637.38	\$ 42,572.00 **
Stormwater Senior Operator	1	Hourly	\$ 26.68	\$ 55,500.00
Stormwater Crew Member/Part Time II	\$ 50,000	Hourly	\$ 20.00	
Stormwater Crew Member/Part Time II		Hourly	\$ 20.00	-

\*\* Annual Salary listed is based on 80 hour/pay period schedule.

\*\*\* Note: Monthly = 12 payments per year at the end of each month

Bi-Weekly = 26 pays per year (some years might have 27 pays depending on the calendar of a particular year)

**CIVILIAN EMPLOYEE, POLICE OFFICER & FIREFIGHTER LONGEVITY, FULL-TIME:**

After Years of Service	Longevity	After Years of Service	Longevity
5	\$500	18	\$1,800
6	\$600	19	\$1,900
7	\$700	20	\$2,000
8	\$800	21	\$2,100
9	\$900	22	\$2,200
10	\$1,000	23	\$2,300
11	\$1,100	24	\$2,400
12	\$1,200	25	\$2,500
13	\$1,300	26	\$2,600
14	\$1,400	27	\$2,700
15	\$1,500	28	\$2,800
16	\$1,600	29	\$2,900
17	\$1,700	30	\$3,000

All elected officials of the Town shall receive longevity. They will receive \$100.00 per year for every year that they have served on an annual basis.

**SECTION 2:**

The rates shown as wages and salaries for the positions as listed are the maximum rates.

**SECTION 3:**

Full time employees shall be paid a rate of one and one half times the base hourly pay for the hours worked in excess of forty hours (40) per week, excluding the police department. Employees, excluding the Police Department ,who are called to work other than their regular hours, shall be paid “Call in Pay” of a minimum of two (2) hours. The work period for all employees of the Town of Merrillville, excluding the Police Department shall be based on a calendar week commencing January 1, 2014.

#### **SECTION 4:**

An individual hired for the Merrillville Police Department 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 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 5:**

The Chief of Police will establish approved categories classified as Specialists. Officers on the approved Specialist list will receive an additional \$500.00 annually. Specialists serving on more than one approved category will receive no more than \$500.00 annually.

#### **SECTION 6:**

(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 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:

- (1) The average regular rate received by such employee during the last three (3) years of the employees employment, or
- (2) The final regular rate received by such employee, whichever is higher.

(F) An employee under this section who has accrued compensatory time off who has requested the use of such compensatory time, shall be permitted by the Town to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operation of the Town.

(G) An employee under this section who agrees to be employed on a special detail by a separate or independent employer, such hours the individual was employed by such separate and independent employer, shall be excluded by the Town in the calculation of compensation, if the Town:

- (1) Required that the employee be hired by a separate and independent employer to perform the special detail,
- (2) Facilitates the employment of such employees by a separate and independent employer, or
- (3) Otherwise affects the condition of employment of such employees by a separate and independent employer.

(H) If an employee under this section on an occasional or sporadic basis and solely at his or her option, has part time employment for the Town which is in a different capacity from any capacity in which the employee is regularly employed with the Town, the hours such employee was employed in performing the different employment shall be excluded by the Town in a calculation of the hours for which the employee is entitled to overtime compensation.

#### **SECTION 7:**

(A) An employee whose employment ends before his original date of employment by the Town will receive longevity pay pro-rata beginning January 1 of that calendar year through his final day of employment.

(B) An employee whose employment ends on or after his original date of employment by the Town and prior to December 31 of the same calendar year will receive full longevity pay.

#### **SECTION 8:**

For all employees of the Town of Merrillville hired prior to November 23, 2010, longevity will be calculated based on previous years of full time service working for the Town of Merrillville, whether continuous or not. For all employees hired after November 23, 2010, longevity will be calculated based on uninterrupted years of prior full time service working for the Town of Merrillville.

**SECTION 9:**

- (A) Police Officers may accumulate sick leave from year to year up to a maximum of 360 hours. Sick leave is accumulated at six (6) hours per month of service.
- (B) Civilian employees may accumulate sick leave from year to year up to a maximum of 240 hours. Sick leave is accumulated at four (4) hours per month of service.
- (C) Accumulated sick leave time taken is lost time and shall be regained only by regular attendance through continuous service upon the employees return to work.
- (D) Upon termination of employment with the Town, employees will be paid for unused accumulated sick leave.
- (E) Upon termination of employment with the Town, employees will be paid for unused accumulated vacation time.
- (F) Upon termination of employment with the Town, employees will be paid for unused accumulated personal time.

**SECTION 10:**

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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
Rick Bella, Council President  
Ward 5

\_\_\_\_\_  
Margaret Uzelac, Councilwoman  
Ward 4

\_\_\_\_\_  
Don Spann, Councilman  
Ward 1

\_\_\_\_\_  
Shawn Michael 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



**FLOOD DAMAGE PREVENTION ORDINANCE  
THE TOWN OF MERRILLVILLE, INDIANA**

**Ordinance No. 22-24  
(Replacing Ordinance 15-28)**



**FLOOD DAMAGE PREVENTION ORDINANCE**

- ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS
- Section A. Statutory Authorization
  - Section B. Findings of Fact
  - Section C. Statement of Purpose
  - Section D. Methods of Reducing Flood Loss
- ARTICLE 2. Definitions
- ARTICLE 3. General Provisions
- Section A. Lands to Which This Ordinance Applies
  - Section B. Basis for Establishing the Areas of Special Flood Hazard
  - Section C. Establishment of Floodplain Development Permit
  - Section D. Compliance

Section E.	Abrogation and Greater Restrictions
Section F.	Discrepancy between Mapped Floodplain and Actual Ground Elevations
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Section H.	Warning and Disclaimer of Liability
Section I.	Penalties for Violation
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Section C.	Duties and Responsibilities of the Administrator
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	2. Standards for Identified Fringe
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	7. Above Ground Gas or Liquid Storage Tanks
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Section E.	Standards for Critical Facilities
ARTICLE 6.	LEGAL STATUS PROVISIONS
Section A.	Severability
Section B.	Effective Date

## **FLOOD DAMAGE PREVENTION ORDINANCE**

### **Article 1. Statutory Authorization, Findings of Fact, Purpose, and Methods**

#### **Section A. Statutory Authorization**

The Indiana Legislature has in IC 36-1-4-11 granted the power to local government units to control land use within their jurisdictions. Therefore, the Town Council of the Town of Merrillville does hereby adopt the following floodplain management regulations.

#### **Section B. Findings of Fact**

The flood hazard areas of the Town of Merrillville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

#### **Section C. Statement of Purpose**

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight area;
- (7) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- (8) Minimize the impact of development on adjacent properties within and near flood prone areas;
- (9) Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- (10) Minimize the impact of development on the natural, beneficial values of the floodplain;
- (11) Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- (12) Meet community participation requirements of the National Flood Insurance Program.

#### **Section D. Methods of Reducing Flood Loss**

In order to accomplish its purposes, these regulations include methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers, which will unnaturally divert floodwaters, or which may increase flood hazards in other areas.

#### **Article 2. Definitions**

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them meaning they have in common usage and to give these regulations the most reasonable application.

**Accessory Structure** means a structure with a floor area of 400 square feet or less that is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure; an accessory structure specifically excludes structures used for human habitation.

- (1) Accessory structures are considered walled and roofed where the structure includes at least two outside rigid walls and a fully secured roof.
- (2) Examples of accessory structures include but are not necessarily limited to two-car detached garages (or smaller), carports, storage and tool sheds, and small boathouses.
- (3) The following may have uses that are incidental or accessory to the principal structure on a parcel but are generally not considered to be accessory structures by the NFIP:
  - a. Structures in which any portion is used for human habitation, whether as a permanent residence or as temporary or seasonal living quarters, such as a detached garage or carriage house that includes an apartment or guest quarters, or a detached guest house on the same parcel as a principal residence;
  - b. Structures used by the public, such as a place of employment or entertainment; and,
  - c. Development that does not meet the NFIP definition of a structure for floodplain management purposes. Examples includes, but are not necessarily limited to, a gazebo, pavilion, picnic shelter, or carport that is open on all sides (roofed but not walled).

**Addition** (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**Alteration of a watercourse** means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other modification which may alter, impede, retard or change the direction and/or velocity of the flow of water during conditions of the base flood.

**Appeal** means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance, a request for a variance, or a challenge of a board decision.

**Area of special flood hazard** is the land within a community subject to a one (1) percent or greater chance of being flooded in any given year.

**Base flood** means the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% annual chance flood or one hundred (100) year flood.

**Base Flood Elevation (BFE)** means the water surface elevation of the base flood in relation to a specified datum, usually the North American Vertical Datum of 1988.

**Basement** means that portion of a structure having its floor sub-grade (below ground level) on all sides.

**Best Available Flood Layer (BAFL)** means floodplain studies and any corresponding floodplain maps prepared and/or approved by the Indiana Department of Natural Resources which provide base flood elevation information, floodplain limits, and/or floodway delineations for flood hazards identified by approximate studies on the currently effective FIRM (Zone A) and/or for waterways where the flood hazard is not identified on available floodplain mapping.

**Building** – See "Structure."

**Community** means a political entity that has the authority to adopt and enforce floodplain ordinances for the areas within its jurisdiction.

**Critical facility** means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

**Development** means, for floodplain management purposes, any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
- (3) installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- (5) mining, dredging, filling, grading, excavation, or drilling operations;
- (6) construction and/or reconstruction of boat lifts, docks, piers and seawalls;
- (7) construction and/or reconstruction of, bridges or culverts;
- (8) storage of materials; or
- (9) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing structures and facilities such as painting; re-roofing; resurfacing roads; or, gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent structures.

**Elevation Certificate** means a FEMA form that is routinely reviewed and approved by the White House Office of Management and Budget under the Paperwork Reduction Act, that is encouraged to be used to collect certified elevation information.

**Enclosed area** (enclosure) is an area of a structure enclosed by walls on all sides.

**Enclosure below the lowest floor.** See "Lowest Floor" and "Enclosed Area."

**Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum,

the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the community's first floodplain ordinance.

**Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FEMA** means the Federal Emergency Management Agency.

**Fill** for floodplain management purposes, means any material deposited or placed which has the effect of raising the level of the ground surface above the natural grade elevation. Fill material includes but is not limited to consolidated material such as concrete and brick and unconsolidated material such as soil, sand, gravel, and stone.

**Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (3) Mudslides (i.e., mudflows) which are proximately caused by flooding and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

Flood or flooding also includes the collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or current of water exceeding anticipated cyclical levels that result in a flood as defined above.

**Flood hazard area** means areas subject to the one percent annual chance flood. (See "Special Flood Hazard Area")

**Flood Insurance Rate Map (FIRM)** means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**Flood Insurance Study (FIS)** means the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM and the water surface elevation of the base flood.

**Flood prone area** means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Floodplain")

**Flood Protection Grade (FPG)** is the BFE plus two (2) feet at any given location in the SFHA. (See "Freeboard")

**Floodplain or flood prone area** means any land area susceptible to being inundated by water from any source. (See "Flood")

**Floodplain management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain management regulations** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power which control development in flood-prone areas. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing (dry floodproofing)** is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

**Floodproofing certificate** is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG.

**Floodway** is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulative increasing the water surface elevation more than a designated height.

**Freeboard** means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

**Fringe or Flood Fringe** is the portion of the floodplain lying outside the floodway.

**Functionally dependent use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Hardship** (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Town of Merrillville Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**Highest adjacent grade** means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

**Historic structure** means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by (a) an approved state program as determined by the Secretary of Interior, or (b) directly by the Secretary of Interior in states without approved programs.

**Hydrologic and hydraulic engineering analysis** means analyses performed by a professional engineer licensed by the State of Indiana, in accordance with standard engineering practices that are accepted by the Indiana Department of Natural Resources and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

**International Code Council-Evaluation Service (ICC-ES) Report** means a document that presents the findings, conclusions, and recommendations from a particular evaluation. ICC-ES reports provide information about what code requirements or acceptance criteria were used to evaluate a product, and how the product should be identified, installed.

**Letter of Final Determination (LFD)** means a letter issued by FEMA during the mapping update process which establishes final elevations and provides the new flood map and flood study to the community. The LFD initiates the six-month adoption period. The community must adopt or amend its floodplain management regulations during this six-month period unless the community has previously incorporated an automatic adoption clause.

**Letter of Map Change (LOMC)** is a general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They are broken down into the following categories:

- (1) **Conditional Letter of Map Revision (CLOMR)** means FEMA's comment on a proposed project that would, upon construction, result in modification of the SFHA through the placement of fill outside the existing regulatory floodway.
- (2) **Conditional Letter of Map Revision Based on Fill (CLOMR-F)** means a letter from FEMA stating that a proposed structure that will be elevated by fill would not be inundated by the base flood.
- (3) **Letter of Map Amendment (LOMA)** means an amendment by letter to the currently effective FEMA map that establishes that a building or of land is not located in a SFHA through the submittal of property specific elevation data. A LOMA is only issued by FEMA.
- (4) **Letter of Map Amendment Out as Shown (LOMA-OAS)** means an official determination by FEMA that states the property or building is correctly shown outside the SFHA as shown on an effective NFIP map. Therefore, the mandatory flood insurance requirement does not apply. An out-as-shown determination does not require elevations.
- (5) **Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
- (6) **Letter of Map Revision Based on Fill (LOMR-F)** means FEMA's modification of the SFHA shown on the FIRM based on the placement of fill outside the existing regulatory floodway.

**Lowest adjacent grade** means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

**Lowest floor** means, for floodplain management purposes, the lowest elevation described among the following:

- (1) The lowest floor of a building.
- (2) The basement floor.
- (3) The garage floor if the garage is connected to the building.
- (4) The first floor of a structure elevated on pilings or pillars.
- (5) The floor level of any enclosure, other than a basement, below an elevated structure where the walls of the enclosure provide any resistance to the flow of floodwaters. Designs for meeting the flood opening requirement must either be certified by a registered professional engineer or architect or meet or exceed the following criteria:
  - a. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of floodwaters.
  - b. At least two (2) openings are designed and maintained for the entry and exit of floodwater; and these openings provide a total net area of at least one (1) square inch for every one (1) square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher. Doorways and windows do not qualify as openings.
- (6) The first floor of a building elevated on pilings or columns in a coastal high hazard area (as that term is defined in 44 CFR 59.1), as long as it meets the requirements of 44 CFR 60.3.

**Manufactured home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

**Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Mitigation** means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures, and to minimize the cost of disaster response and recovery.

**Natural grade** for floodplain management purposes means the elevation of the undisturbed natural surface of the ground. Fill placed prior to the date of the initial identification of the flood hazard on a FEMA map is also considered natural grade.

**New construction** for floodplain management purposes means any structure for which the "start of construction" commenced on or after the effective date of a floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**New manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the community's first floodplain ordinance.

**North American Vertical Datum of 1988 (NAVD 88)** as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

**Obstruction** includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**One-percent annual chance flood** is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. See "Regulatory Flood".

**Physical Map Revision (PMR)** is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

**Prefabricated Building** is a building that is manufactured and constructed using prefabrication. It consists of factory-made components or units that are transported and assembled on-site to form the complete building.

**Principally above ground** means that at least 51 percent of the actual cash value of the structure, less land value, is above ground.

**Recreational vehicle** means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck;
- (4) designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use.

**Regulatory flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3, Section B of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

**Repetitive loss** means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25% of the market value of the structure before the damage occurred.

**Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Solid waste disposal facility** means any facility involved in the storage or disposal of non-liquid, non-soluble materials ranging from municipal garbage to industrial wastes that contain complex and sometimes hazardous substances. Solid waste also includes sewage sludge, agricultural refuse, demolition wastes, mining wastes, and liquids and gases stored in containers.

**Special Flood Hazard Area (SFHA)**, synonymous with "areas of special flood hazard" and floodplain, means those lands within the jurisdiction of the town subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, as Zones A, AE, A99, or VE. The SFHA includes areas that are flood prone and designated from other federal, state or local sources of data including but not limited to best available flood layer maps provided by or approved by the Indiana Department of Natural Resources, historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

**Start of construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground. The term includes a manufactured home, as well as a prefabricated building. It also includes recreational vehicles installed on a site for more than 180 consecutive days.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "repetitive loss" or "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements.

**Variance** is a grant of relief from the requirements of this ordinance consistent with the variance conditions herein.

**Violation** means the failure of a structure or other development to be fully compliant with this ordinance.



**Walled and roofed** means a building that has two or more exterior rigid walls and a fully secured roof and is affixed to a permanent site.

**Watercourse** means a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

### **Article 3. General Provisions**

#### **Section A. Lands to Which This Ordinance Applies**

This ordinance shall apply to all areas of special flood hazard (SFHAs) within the jurisdiction of the Town of Merrillville, Indiana as identified in Article 3, Section B, including any additional areas of special flood hazard annexed by the Town of Merrillville, Indiana.

#### **Section B. Basis for Establishing the Areas of Special Flood Hazard**

- (1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs within the jurisdiction of the Town of Merrillville, delineated as an “AE Zone” on the Lake County, Indiana and Incorporated Areas Flood Insurance Rate Map dated January 18, 2012 shall be determined from the one-percent annual chance flood profiles in the Flood Insurance Study of Lake County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Maps (FIRM) dated January 18, 2012 as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. Should the floodway limits not be delineated on the Flood Insurance Rate Map for a studied SFHA designated as an “AE Zone”, the limits of the floodway will be according to the best available flood layer as provided by the Indiana Department of Natural Resources.
- (2) The regulatory flood elevation, floodway, and fringe limits for each of the SFHAs within the jurisdiction of the Town of Merrillville, delineated as an “A Zone” on the Lake County, Indiana and Incorporated Areas Flood Insurance Rate Map, dated January 18, 2012, as well as any subsequent updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best available flood layer provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile. Whenever a party disagrees with the best available flood layer data, the party needs to replace existing data with better data that meets current engineering standards. To be considered, this data must be submitted to the Indiana Department of Natural Resources for review and subsequently approved.
- (3) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community’s known flood prone areas shall be according to the best available flood layer as provided by the Indiana Department of Natural Resources, provided the upstream drainage area from the subject site is greater than one square mile.
- (4) Upon issuance of a Letter of Final Determination (LFD), any more restrictive data in the new (not yet effective) mapping/study shall be utilized for permitting and construction (development) purposes, replacing all previously effective less restrictive flood hazard data provided by FEMA.

#### **Section C. Establishment of Floodplain Development Permit**

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

#### **Section D. Compliance**

- (1) No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations.
- (2) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the most conservative (highest) base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- (3) No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

#### **Section E. Abrogation and Greater Restrictions**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

## Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations

- (1) In cases where there is a discrepancy between the mapped floodplain (SFHA) with base flood elevations provided (riverine or lacustrine Zone AE) on the FIRM and the actual ground elevations, the elevation provided on the profiles or table of still water elevations shall govern.
- (2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
- (3) If the natural grade elevation of the site in question is at or above the base flood elevation and a LOMA or LOMR-FW is obtained, the floodplain regulations will not be applied provided the LOMA or LOMR-FW is not subsequently superseded or invalidated.

## Section G. Interpretation

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

## Section H. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the Town of Merrillville, the Indiana Department of Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance, or any administrative decision made lawfully thereunder.

## Section I. Penalties for Violation

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development Permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the Town of Merrillville. All violations shall be punishable by a fine not exceeding \$2500 per day.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Town of Merrillville Town Council shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.
- (3) Nothing herein shall prevent the town from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

## Article 4. Administration.

### Section A. Designation of Administrator

The Town Council of the Town of Merrillville hereby appoints the **Executive** Director of the Merrillville Stormwater Utility to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

### Section B. Floodplain Development Permit and Certification Requirements

An application for a floodplain development permit shall be made to the Floodplain Administrator for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Such applications shall include, but not be limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed

structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) Application Stage.

- a. A description of the proposed development;
- b. Location of the proposed development sufficient to accurately locate property and structure(s) in relation to existing roads and streams;
- c. A legal description of the property site;
- d. For the reconstruction, rehabilitation, or improvement of an existing structure, or an addition to an existing building, a detailed quote and description of the total work to be completed including but not limited to interior work, exterior work, and labor as well as a certified valuation of the existing (pre-improved or pre-damaged) structure;
- e. A site development plan showing existing and proposed development locations and existing and proposed land grades;
- f. Verification that connection to either a public sewer system or to an approved on-site septic system is available and approved by the respective regulatory agency for proposed structures with a restroom, kitchen or other facilities requiring disposal of wastewater;
- g. Plans showing elevation of the top of the planned lowest floor (including basement) of all proposed structures in Zones A, AE. Elevation should be in NAVD 88;
- h. Plans showing elevation (in NAVD 88) to which any non-residential structure will be floodproofed;
- i. Plans showing location and specifications for flood openings for any proposed structure with enclosed areas below the flood protection grade;
- j. Plans showing materials to be used below the flood protection grade for any proposed structure are flood resistant;
- k. Plans showing how any proposed structure will be anchored to resist flotation or collapse;
- l. Plans showing how any electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed and/or located. Elevation should be in NAVD 88;
- m. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. A hydrologic and hydraulic engineering analysis is required, and any watercourse changes submitted to DNR for approval. Once DNR approval is obtained, a FEMA Conditional Letter of Map Revision must be obtained prior to construction. (See Article 4, Section C (8) and Article 4, Section E for additional information.)
- n. Any additional information, as requested by the Floodplain Administrator, which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

(2) Construction Stage.

- a. Upon establishment of the lowest floor of an elevated structure or structure constructed on fill, it shall be the duty of the applicant to submit to the Floodplain Administrator an elevation certificate for the building under construction. The Floodplain Administrator shall review the elevation certificate. Any deficiencies detected during the review shall be corrected by the applicant before work is allowed to continue. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(3) Finished Construction.

- a. Upon completion of construction of an elevated structure or structure constructed on fill, an elevation certificate which depicts the "as-built" lowest floor elevation and other applicable elevation data is required to be submitted by the applicant to the Floodplain Administrator. The elevation certificate shall be prepared by or under the direct supervision of a registered land surveyor and certified by the same.

- b. Upon completion of construction of a floodproofing measure, a floodproofing certificate is required to be submitted by the applicant to the Floodplain Administrator. The floodproofing certificate shall be prepared by or under the direct supervision of a registered professional engineer or architect and certified by same.
- c. Upon completion of construction of an elevated structure constructed on fill, a fill report is required to be submitted to the Floodplain Administrator to verify the required standards were met, including compaction.

### **Section C. Duties and Responsibilities of the Floodplain Administrator**

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but are not limited to:

- (1) Enforce the provisions of this ordinance.
- (2) Evaluate application for permits to develop in special flood hazard areas to assure that the permit requirements of this ordinance have been satisfied.
- (3) Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- (4) Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met or refuse to issue the same in the event of noncompliance.
- (5) Advise permittee that additional Federal, State and/or local permits may be required. If specific Federal, State and/or local permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.
- (6) Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.
- (7) For applications to improve structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator shall:
  - a. Verify and document the market value of the pre-damaged or pre-improved structure;
  - b. Compare the cost to perform the improvement; or the cost to repair a damaged building to its pre-damaged condition; or, the combined costs of improvements and repair, if applicable, to the market value of the pre-damaged or pre-improved structure. The cost of all work must be included in the project costs, including work that might otherwise be considered routine maintenance. Items/activities that must be included in the cost shall be in keeping with guidance published by FEMA to ensure compliance with the NFIP and to avoid any conflict with future flood insurance claims of policyholders within the community;
  - c. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement" for proposed work to repair damage caused by flood, the determination requires evaluation of previous permits issued to repair flood-related damage as specified in the definition of substantial damage; and
  - d. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the applicable general and specific standards in Article 5 of this ordinance are required.
- (8) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.
- (9) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Article 5, Section A (1), Section A (3) (a) and Section A (4) of this ordinance. Maintain a record of such authorization (either copy of actual permit/authorization or floodplain analysis/regulatory assessment).
- (10) Verify the upstream drainage area of any proposed development site near any watercourse not identified on a FEMA map to determine if Article 4, Section C (9) is applicable.
- (11) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

- (12) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B.
- (13) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed in accordance with Article 4, Section B.
- (14) Make on-site inspections of projects in accordance with Article 4, Section D.
- (15) Coordinate with insurance adjusters prior to permitting any proposed work to bring any flood-damaged structure covered by a standard flood insurance policy into compliance (either a substantially damaged structure or a repetitive loss structure) to ensure eligibility for ICC funds.
- (16) Ensure that an approved connection to a public sewer system or an approved on-site septic system is planned for any structures (residential or non-residential) to be equipped with a restroom, kitchen or other facilities requiring disposal of wastewater.
- (17) Provide information, testimony, or other evidence as needed during variance hearings.
- (18) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Article 4, Section D.
- (19) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps, Letters of Map Change (LOMC), copies of DNR permits, letters of authorization, and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance in accordance with Section Article 4, Section D.
- (20) Coordinate map maintenance activities and associated FEMA follow-up in accordance with Article 4, Section E.
- (21) Utilize and enforce all Letters of Map Change (LOMC) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (22) Request any additional information which may be necessary to determine the disposition of a proposed development or structure with respect to the requirements of this ordinance.

#### **Section D. Administrative Procedures**

- (1) **Inspections of Work in Progress.** As the work pursuant to a permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
- (2) **Stop Work Orders.**
  - a. Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.
  - b. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
- (3) **Revocation of Permits.**
  - a. The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
  - b. The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.
- (4) **Floodplain Management Records.**
  - a. Regardless of any limitation on the period required for retention of public records, records of actions associated with the administration of this ordinance shall be kept on file and maintained under the direction of the Floodplain Administrator in perpetuity. These records include permit applications, plans, certifications, Flood Insurance Rate Maps; Letter of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations required by this ordinance; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood



carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance.

- b. These records shall be available for public inspection at the Merrillville Stormwater Utility Building located at 7404 Broadway, Merrillville, IN 46410.

- (5) Periodic Inspection. Once a project is completed, periodic inspections may be conducted by the Floodplain Administrator to ensure compliance. The Floodplain Administrator shall have a right, upon presentation of proper credential, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

## **Section E. Map Maintenance Activities**

To meet NFIP minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that the Town of Merrillville flood maps, studies and other data identified in Article 3, Section B accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

### **(1) Requirement to Submit New Technical Data**

- a. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
  - i. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
  - ii. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
  - iii. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and Subdivision or large-scale development proposals requiring the establishment of base flood elevations.
- b. It is the responsibility of the applicant to have required technical data for a Conditional Letter of Map Revision or Letter of Map Revision and submitted to FEMA. The Indiana Department of Natural Resources will review the submittals as part of a partnership with FEMA. The submittal should be mailed to the Indiana Department of Natural Resources at the address provided on the FEMA form (MT-2) or submitted through the online Letter of Map Change website. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- c. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for proposed floodway encroachments that increase the base flood elevation.
- d. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to this section.

### **(2) Right to Submit New Technical Data**

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Town Council President of the Town of Merrillville and may be submitted to FEMA at any time.

### **(3) Annexation / Detachment**

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the Town of Merrillville have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the Lake County, Indiana and Incorporated Areas Flood Insurance Rate Map accurately represent the Town of Merrillville boundaries, include within such notification a copy of a map of the Town of Merrillville suitable for reproduction, clearly showing the new corporate limits or the new area for which the Town of Merrillville has assumed or relinquished floodplain management regulatory authority.

## **Section F. Variance Procedures**

- (1) The Board of Zoning Appeals (the board) as established by the Merrillville Town Council shall hear and decide appeals and requests for variances from requirements of this ordinance.

- (2) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Lake County Circuit or Superior Court.
- (3) In considering such applications, the board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
  - a. the danger to life and property due to flooding or erosion damage;
  - b. the danger that materials may be swept onto other lands to the injury of others;
  - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. the importance of the services provided by the proposed facility to the community;
  - e. the necessity to the facility of a waterfront location, where applicable;
  - f. the compatibility of the proposed use with existing and anticipated development;
  - g. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - h. the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i. the expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,
  - j. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (4) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (5) Variances from the provisions of this ordinance shall only be granted when the board can make positive findings of fact based on evidence submitted at the hearing for the following:
  - a. A showing of good and sufficient cause.
  - b. A determination that failure to grant the variance would result in exceptional hardship as defined in Article 2.
  - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (6) No variance for a residential use within a floodway subject to Article 5, Section A (1), Section A (3) (a) or Section A (4) of this ordinance may be granted.
- (7) Any variance granted in a floodway subject to Article 5, Section A (1), Section A (3) (a) or Section A (4) will require a permit from the Indiana Department of Natural Resources. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (8) Variances to the Provisions for Flood Hazard Reduction of Article 5 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
- (9) Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.
- (10) Variances may be issued for new construction, substantial improvements, and other development necessary for the conduct of a functionally dependent use.
- (11) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (12) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (13) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Flood Protection Grade and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.



- (14) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request.

## **Article 5. Provisions for Flood Hazard Reduction**

### **Section A. Floodplain Status Standards**

#### **(1) Floodways (Riverine)**

Located within SFHAs, established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. Under the provisions of the Flood Control Act (IC 14-28-1) a permit for construction in a floodway from the Indiana Department of Natural Resources is required prior to the issuance of a local building permit for any excavation, deposit, construction, or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving undertaken before the actual start of construction of the structure. General licenses and exemptions to the requirements of the Flood Control Act (IC 14-28-1 and 312 IAC 10) may apply to qualified additions/improvements to existing lawful residential structures, rural bridges, logjam removals, wetland restoration, utility line crossings, outfall projects, creek rock removal, and prospecting.

- a. If the site is in a regulatory floodway as established in Article 3, Section B, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for approval for construction in a floodway, provided the activity does not qualify for a general license or exemption (IC 14-28-1 or 312 IAC 10).
- b. No action shall be taken by the Floodplain Administrator until approval has been granted by the Indiana Department of Natural Resources for construction in the floodway, or evidence provided by an applicant that the development meets specified criteria to qualify for a general license or exemption to the requirement of the Flood Control Act. The Floodplain Development Permit shall meet the provisions contained in this article.
- c. The Floodplain Development Permit cannot be less restrictive than an approval issued for construction in a floodway issued by the Indiana Department of Natural Resources, or the specified criteria used to qualify for a general license or exemption to the Flood Control Act for a specific site/project. However, a community's more restrictive regulations (if any) shall take precedence.
- d. In floodway areas identified on the FIRM, development shall cause no increase in flood levels during the occurrence of the base flood discharge without first obtaining a Conditional Letter of Map Revision and meeting requirements of Article 4, Section E (1). A Conditional Letter of Map Revision cannot be issued for development that would cause an increase in flood levels affecting a structure and such development should not be permitted.
- e. In floodway areas identified by the Indiana Department of Natural Resources through detailed or approximate studies but not yet identified on the effective FIRM as floodway areas, the total cumulative effect of the proposed development, when combined with all other existing and anticipated development, shall not adversely affect the efficiency of, or unduly restrict the capacity of the floodway. This adverse effect is defined as an increase in the elevation of the regulatory flood of at least fifteen-hundredths (0.15) of a foot as determined by comparing the regulatory flood elevation under the project condition to that under the natural or pre-floodway condition as proven with hydraulic analyses.
- f. For all projects involving channel modifications or fill (including levees) the town shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data per mapping standard regulations found at 44 CFR § 65.12.

#### **(2) Fringe (Riverine)**

If the site is in the fringe (either identified on the FIRM or identified by the Indiana Department of Natural Resources through detailed or approximate studies and not identified on a FIRM), the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in this article have been met.

#### **(3) SFHAs without Established Base Flood Elevation and/or Floodways/Fringes (Riverine)**

- a. Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.

No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general

license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this section have been met.

- b. Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in this article have been met.

#### **(4) SFHAs not Identified on a Map**

- a. If a proposed development site is near a waterway with no SFHA identified on a map, the Floodplain Administrator shall verify the drainage area upstream of the site. If the drainage area upstream of the site is verified as being greater than one square mile, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources for review and comment.
- b. No action shall be taken by the Floodplain Administrator until written approval from the Indiana Department of Natural Resources (approval for construction in a floodway, letter of authorization, or evidence of general license qualification) or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.
- c. Once the Floodplain Administrator has received the proper written approval, evidence of general license qualification, or floodplain analysis/regulatory assessment approving the proposed development from the Indiana Department of Natural Resources, a Floodplain Development Permit may be issued, provided the conditions of the Floodplain Development Permit are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in this article have been met.
- d. In unmapped flood prone areas less than a square mile where the Floodplain Administrator is aware of a known flooding area, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for the development site.

### **Section B. General Standards**

In all areas of special flood hazard, the following provisions are required:

- (1) All new construction, reconstruction or repairs made to a repetitive loss structure, and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
- (3) New construction and substantial improvements must incorporate methods and practices that minimize flood damage;
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG for residential structures. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG for non-residential structures. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG;
- (5) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (8) Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of “new construction” as contained in this ordinance;
- (9) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres;
- (10) Where an existing or proposed structure or other development is affected by multiple flood zones, by multiple base flood elevations, or both, the development activity must comply with the provisions of this ordinance applicable to the most restrictive flood zone and the highest base flood elevation affecting any part of the existing or proposed structure; or for other developments, affecting any part of the area of the development.
- (11) Fill projects that do not involve a structure must be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3’ horizontal to 1’ vertical.
- (12) Non-conversion agreements shall be required for all new or substantially improved elevated structures with an enclosure beneath the elevated floor, accessory structures, and open-sided shelters.
- (13) Construction of new solid waste disposal facilities, hazard waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in areas of special flood hazard;

Compensatory storage requirements for fill in the floodplain are included in the latest version of the Town of Merrillville Storm Water Management Ordinance.

### Section C. Specific Standards

In all areas of special flood hazard where base flood elevation data or flood depths have been provided, as set forth in Article 3, Section B, the following provisions are required:

- (1) **Building Protection Requirement.** In addition to the general standards described in Article 5, Section B, structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
  - a. Construction or placement of a residential structure;
  - b. Construction or placement of a non-residential structure;
  - c. Addition or improvement made to an existing structure where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land). An addition and/or improvement project that is continuous in scope or time is considered as one project for permitting purposes;
  - d. Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to its before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage occurred (the costs of any proposed additions or improvements beyond restoring the damaged structure to its before damaged condition must be included in the cost);
  - e. Installing a travel trailer or recreational vehicle on a site for more than 180 days;
  - f. Installing a manufactured home on a new site or a new manufactured home on an existing site.
  - g. Reconstruction or repairs made to a repetitive loss structure; and
  - h. Addition or improvement made to any existing structure with a previous repair, addition or improvement constructed since the community’s first floodplain ordinance.
- (2) **Residential Construction (excluding manufactured homes).**
  - a. New construction or substantial improvement of any residential structures shall meet provisions described in Article 5, Section A and applicable general standards described in Article 5, Section B.
  - b. In **Zone A and Zone AE**, new construction or substantial improvement of any residential structure shall have the lowest floor; including basement, at or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section C (2) (c). Should fill be used to elevate a structure, the standards of Article 5, Section C (2) (d) must be met.
  - c. **Fully enclosed areas** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:

- i. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
  - A. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);
  - B. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;
  - C. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
  - D. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG;
  - E. Doors and windows do not qualify as openings;
  - F. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
  - G. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
- ii. The floor of such enclosed area must be at or above grade on at least one side.
- iii. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- d. A residential structure may be constructed on **fill** in accordance with the following
  - i. Fill shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;
  - ii. Fill shall extend 10 feet beyond the foundation of the structure before sloping below the BFE;
  - iii. Fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical;
  - iv. Fill shall not adversely affect the flow of surface drainage from or onto neighboring properties;
  - v. Fill shall be composed of clean granular or earthen material.
- e. A residential structure may be constructed using a **stem wall foundation** (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill) must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

### (3) Non-Residential Construction.

- a. New construction or substantial improvement of any non-residential structures (excludes accessory structures) shall meet provisions described in Article 5, Section A and applicable general standards described in Article 5, Section B.
- b. In **Zone A and Zone AE**, new construction, or substantial improvement of any commercial, industrial, or non-residential structure (excludes accessory structures) shall either have the lowest floor, including basement and, elevated to or above the FPG or be floodproofed to or above the FPG. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section C (3) (c). Should fill be used to elevate a structure, the standards of Article 5, Section C (3) (d) must be met.

- c. **Fully enclosed areas** formed by foundation and other exterior walls below the flood protection grade shall meet the following requirement:
  - i. Designed to preclude finished living space and designed to allow for the automatic entry and exit of floodwaters to equalize hydrostatic flood forces on exterior walls. Flood openings must be designed and installed in compliance with criteria set out in FEMA Technical Bulletin 1. Engineered flood openings must be designed and certified by a registered design professional (requires supporting engineering certification or make/model specific ICC-ES Report), or meet the following criteria for non-engineered flood openings:
    - A. Provide a minimum of two openings on different sides of an enclosure. If more than one enclosed area is present, each must have openings on exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area);
    - B. The bottom of all openings shall be no more than one foot above the higher of the final interior grade (or floor) and the finished exterior grade immediately under each opening;
    - C. If the floor of the enclosure is below the BFE, the openings must be located wholly below the BFE.
    - D. If the floor of the enclosure is at or above the BFE, but below the FPG, the openings must be located wholly below the FPG;
    - E. Doors and windows do not qualify as openings;
    - F. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
    - G. Openings are to be not less than 3 inches in any direction in the plane of the wall. This requirement applies to the hole in the wall, excluding any device that may be inserted such as typical foundation air vent device.
  - ii. The floor of such enclosed area must be at or above grade on at least one side.
  - iii. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- d. A nonresidential structure may be **constructed on fill** in accordance with the following:
  - i. Shall be placed in layers no greater than 1 foot deep before compacting to 95% of the maximum density obtainable with either the Standard or Modified Proctor Test method. The results of the test showing compliance shall be retained in the permit file;
  - ii. Shall extend 10 feet beyond the foundation of the structure before sloping below the BFE;
  - iii. Shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than 3' horizontal to 1' vertical;
  - iv. Shall not adversely affect the flow of surface drainage from or onto neighboring properties;
  - v. Shall be composed of clean granular or earthen material.
- e. A nonresidential structure may be **floodproofed** in accordance with the following:
  - i. A Registered Professional Engineer or Architect shall certify that the structure has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the Floodplain Administrator.
  - ii. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
- f. A nonresidential structure may be constructed using a **stem wall foundation** (also called chain wall, raised-slab-on-grade, and slab-on-stem-wall-with-fill). Any backfilled stem wall foundation must be backfilled with compacted structural fill, concrete, or gravel that supports the floor slab. No flood openings are required for this type of construction.

**(4) Manufactured Homes and Recreational Vehicles.**

Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following requirements:

- a. These requirements apply to all manufactured homes to be placed on a site in the SFHA:
  - i. The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
  - ii. Fully enclosed areas formed by foundation and other exterior walls below the FPG shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section C (3) (c).
  - iii. Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.
- b. Recreational vehicles placed on a site in the SFHA shall either:
  - i. Be on site for less than 180 days and be fully licensed and ready for use on a public highway (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or
  - ii. Meet the requirements for “manufactured homes” as stated earlier in this section.

**(5) Accessory Structures**

Within SFHAs, new construction or placement of an accessory structure must meet the following standards:

- a. Shall have a floor area of 400 square feet or less;
- b. Use shall be limited to parking of vehicles and limited storage;
- c. Shall not be used for human habitation;
- d. Shall be constructed of flood resistant materials;
- e. Shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- f. Shall be firmly anchored to prevent flotation;
- g. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the FPG;
- h. Shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls as required for elevated structures in Article 5, Section C (3) (c) and,
- i. Shall not have subsequent additions or improvements that would preclude the structure from its continued designation as an accessory structure.

**(6) Free-standing Pavilions, Gazebos, Decks, Carports, and Similar Development.**

Within SFHAs, new construction or placement of pavilions, gazebos, decks, carports, and similar development must meet the following standards:

- a. Shall have open sides (having not more than one rigid wall);
- b. Shall be anchored to prevent flotation or lateral movement;
- c. Shall be constructed of flood resistant materials below the FPG;
- d. Any electrical, heating, plumbing and other service facilities shall be located at/above the FPG;
- e. Shall not have subsequent additions or improvements that would preclude the development from its continued designation as a pavilion, gazebo, carport, or similar open-sided development.

**(7) Above Ground Gas or Liquid Storage Tanks.**

Within SFHAs designated as Zones A, AE, on the community’s FIRM, all newly placed aboveground gas or liquid storage tanks shall meet the requirements for a non-residential structure as required in Article 5, Section C.(3).

**Section E. Standards for Subdivision and Other New Developments**

- (1) All subdivision proposals and all other proposed new development shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals and all other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals and all other proposed new development shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) In all areas of special flood hazard where base flood elevation data area not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and all other proposed new development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty (50) lots or five (5) acres, whichever is less.
- (5) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.
- (6) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).
- (7) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

**Section F. Standards for Critical Facilities**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

**Article 6. Legal Status Provisions**

**Section A. Severability.**

If any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

**Section B. Effective Date.**

This ordinance shall be in full force and effect upon adoption by the Town Council of the Town of Merrillville, Lake County, Indiana on the [Click here and insert day of month] day of[Click here and insert month],2022.

**TOWN OF MERRILLVILLE TOWN COUNCIL**

\_\_\_\_\_  
**Rick Bella, President**

**Attest:**

\_\_\_\_\_  
**Kelly White Gibson, Clerk-Treasurer**



**TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA**  
**ORDINANCE NO. 22-19**

**AN ORDINANCE AMENDING TOWN ORDINANCE 94-05 ENTITLED "AN ORDINANCE OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, FOR THE ESTABLISHMENT OF A MERRILLVILLE TOWN COURT," AS IT PERTAINS TO THE CLOSURE OF THE MERRILLVILLE TOWN COURT AND THE ORDERLY TRANSITION OF CASES AND THE REPEALING ALL TOWN CODE SECTIONS AND ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH.**

**WHEREAS**, the Town of Merrillville, Lake County, Indiana, in the coming years is facing increased economic challenges as a result of the removal of Tax Cap exemptions, and must eliminate redundancy and increase efficiency as stated within the Kernan-Shepard Report (2007); and

**WHEREAS**, the Town Council of the Town of Merrillville, Lake County, Indiana, adopted Ordinance 94-05, which established "The Town Court of Merrillville," and provided that it shall continue in existence until abolished by the Town Council; and

**WHEREAS**, Indiana Code § 33-35-1-1 states that, during 2022 and every fourth year after that, a Town may by ordinance abolish a Town Court; and

**WHEREAS**, pursuant to that statute, the Town Council of the Town of Merrillville, Lake County, Indiana, desires to abolish "The Town Court of Merrillville" and provide for the orderly and equitable disposition of pending cases; and

**WHEREAS**, the Town Council of the Town of Merrillville, Lake County, Indiana, desires to gradually eliminate the cases of "The Town Court of Merrillville" to allow for the absorption of those cases by the Lake County Superior Court system as established by this Ordinance, while safeguarding the interests of the public;

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

**SECTION ONE:** That, pursuant to Indiana Code § 33-35-1-1, the Town Council of the Town of Merrillville, Lake County, Indiana, has the ability and authority to abolish "The Town Court of Merrillville," which it elects to exercise by and through the passage of this Ordinance; and

**SECTION TWO:** That, as a result of the adoption of this Ordinance by the Town Council of the Town of Merrillville, Lake County, Indiana, the following shall occur:

- a. "The Town Court of Merrillville" shall be understood to be operating in a transitional status as of the effective date of this Ordinance, which is intended to lead to the ultimate conclusion of winding down Court affairs and proceeding as diligently as reasonably possible on a path to transfer the caseload of "The Town Court of Merrillville" to the Lake Superior Court system in compliance with the provisions of Indiana Administrative Rule 10;
- b. All criminal cases (CM) originating in the Town of Merrillville have been filed in the Lake Superior Court system since January 28, 2021, and no criminal cases are to be filed in "The Town Court of Merrillville" after that date;
- c. All infraction cases (IF) originating in the Town of Merrillville have been filed in the Lake Superior Court system since January 28, 2021, and no infraction cases are to be filed in "The Town Court of Merrillville" after that date;
- d. All ordinance violation cases (OV) shall be filed in the Lake Superior Court system beginning on the date upon which the Office of the Lake County Clerk, in conjunction with the Indiana Office of Court Services, provides notice that all appropriate systems and structures are in place to ensure consistent and proper processing of ordinance violations through one or more divisions of the Lake Superior Court, and no ordinance violation cases are to be filed in "The Town Court of Merrillville" after that date;
- e. The Town Clerk-Treasurer of the Town of Merrillville, the Clerk of the Courts for Lake County, and the Indiana Office of Court Services are hereby advised of the intention of the Town Council to abolish "The Town Court of Merrillville," and are further requested to formulate and engage in a plan for orderly transition of cases from "The Town Court of Merrillville" to the Lake Superior Court system, while maintaining compliance with Indiana Administrative

Rule 10 and all other regulations and directives set forth by the Indiana Supreme Court, the Indiana Secretary of State, the Indiana Division of State Court Administration, the Indiana Office of Judicial Administration, the Indiana Office of Court Services, and/or any and all other appropriate executive and/or administrative agencies with oversight responsibility; and

- f. That the Town Clerk-Treasurer of the Town of Merrillville, the Office of the Clerk of Courts for Lake County, and/or the Indiana Office of Court Services are further requested to provide notice to The Town Council of the Town of Merrillville and “The Town Court of Merrillville” at such time is appropriate for the transfer of cases to the Lake Superior Court system and the ultimate winding up of affairs of “The Town Court of Merrillville.”

**SECTION THREE:** That, upon the occurrence of all of the events and conditions set forth in Section Two of this Ordinance, the determination of the final date for closure of the “The Town Court of Merrillville” will be subject to approval of the Indiana Office of Court Services, the Chief Judge of the Lake Superior Court, and the Hon. Judge Bruce D. Parent as the presiding judicial officer in Cause No. 45D11-2012-MI-000836.

**SECTION FOUR:** That the adoption of this Ordinance by the Town Council of the Town of Merrillville, Lake County, Indiana, shall become effective after: (1) a formal reading; (2) formal discussion; (3) public comment; (4) a roll call vote; and (5) upon its passage by this Council. Notice of its adoption shall be immediately provided as follows:

1. Lake County Democratic Party;
2. Office of the Lake County Prosecutor;
3. Office of the Lake County Clerk;
4. Office of the Lake County Court Administration;
5. Indiana Secretary of State;
6. Division of State Court Administration of the Office of Judicial Administration;

7. Indiana Office of Court Services;
8. Judge of the Lake Circuit Court; and
9. Judge of the Lake Superior Court, Room 7.

**SECTION FIVE:** That, during the transition process, the Town Court Judge shall be provided, at the expense of the Town, all supplies and personnel necessary to ensure an orderly transition process and proper maintenance of all active Town Court files, which is understood to include full staffing of the Court at its current staffing levels, and shall also receive his salary, along with the salary of all staff, throughout the duration of the transition process.

**SECTION SIX:** That if any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

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

**SECTION EIGHT:** That this Ordinance shall take effect, and be in full force and effect from and after its passage and adoption by the Town Council.

**\*\*\*\*\*REMAINDER OF PAGE LEFT BLANK – SIGNATURE PAGE TO FOLLOW\*\*\*\*\***

ALL OF WHICH IS PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022, BY  
THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA.

TOWN OF MERRILLVILLE  
LAKE COUNTY, INDIANA,  
TOWN COUNCIL

\_\_\_\_\_  
PRESIDENT, RICK BELLA

\_\_\_\_\_  
VICE-PRESIDENT, RICHARD HARDAWAY

\_\_\_\_\_  
MEMBER, DON SPANN

\_\_\_\_\_  
MEMBER, JEFF MINCHUK

\_\_\_\_\_  
MEMBER, MARGARET UZELAC

\_\_\_\_\_  
MEMBER, SHAWN MICHAEL PRUITT

\_\_\_\_\_  
MEMBER, LEONARD WHITE

ATTEST:

\_\_\_\_\_  
CLERK-TREASURER,  
KELLY WHITE-GIBSON

ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)  
Approved by the State Board of Accounts, 2015  
Prescribed by the Department of Local Government Finance

Budget Form No. 4  
Generated 10/7/2022 10:33:19 AM

Ordinance / Resolution Number: 22-22

Be it ordained/resolved by the **Town of Merrillville Town Council** that for the expenses of **MERRILLVILLE CIVIL TOWN** for the year ending December 31, **2023** the sums herein specified are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of **MERRILLVILLE CIVIL TOWN**, the property tax levies and property tax rates as herein specified are included herein. Budget Form 4-B for all funds must be completed and submitted in the manner prescribed by the Department of Local Government Finance.

This ordinance/resolution shall be in full force and effect from and after its passage and approval by the **Town of Merrillville Town Council**.

Name of Adopting Entity / Fiscal Body	Type of Adopting Entity / Fiscal Body	Date of Adoption
Town of Merrillville Town Council	Town Council	10/11/2022

Funds				
Fund Code	Fund Name	Adopted Budget	Adopted Tax Levy	Adopted Tax Rate
0005	CASINO/RIVERBOAT	\$215,000	\$0	0.0000
0101	GENERAL	\$11,243,851	\$7,747,832	0.4192
0181	DEBT PAYMENT	\$499,868	\$538,929	0.0292
0185	BOND #5	\$519,850	\$535,146	0.0290
0205	COUNTY WHEEL TAX	\$830,000	\$0	0.0000
0283	LEASE RENTAL PAYMENT	\$1,695,000	\$1,042,969	0.0564
0342	POLICE PENSION	\$648,036	\$27,100	0.0015
0706	LOCAL ROAD & STREET	\$924,533	\$0	0.0000
0708	MOTOR VEHICLE HIGHWAY	\$1,532,427	\$0	0.0000
1110	FIRE EQUIPMENT	\$19,400	\$0	0.0000
1151	CONTINUING EDUCATION	\$199,392	\$0	0.0000
1310	PARK NONREVERTING - CAPITAL	\$2,319,125	\$0	0.0000
2379	CUMULATIVE CAPITAL IMP (CIG TAX)	\$75,000	\$0	0.0000
2391	CUMULATIVE CAPITAL DEVELOPMENT	\$1,055,700	\$1,088,108	0.0500
8604	SPECIAL FIRE PROTECTION TERRITORY GENERAL	\$2,772,682	\$2,422,962	0.1297
8692	SPECIAL FIRE PROTECTION TERRITORY EQUIPMENT REPLACE	\$600,000	\$681,245	0.0310
		\$25,149,864	\$14,084,291	0.7460

Home-Ruled Funds (Not Reviewed by DLGF)		
Fund Code	Fund Name	Adopted Budget
9500	COURT PROBATION	\$0
9501	BROADWAY TIF	\$720,000
9502	TOWN DONATION	\$45,300
9503	NOXIOUS WEEDS	\$0

## ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

State Form 55865 (7-15)  
 Approved by the State Board of Accounts, 2015  
 Prescribed by the Department of Local Government Finance

Budget Form No. 4  
 Generated 10/7/2022 10:33:19 AM

9504	PUBLIC DEFENDER FEES	\$0
9505	RECORD PERPETUATION	\$0
9506	VETERANS MEMORIAL	\$0
9507	Stormwater Grants	\$70,000
9508	POLICE EQUIPMENT	\$352,040
9509	FIRE & HAZMAT	\$112,565
9510	TOURISM	\$12,000
9511	PROPERTY SEIZURE	\$35,500
9512	POLICE DONATION	\$10,390
9513	Unsafe/Blighted Property	\$7,600
9514	PARK DONATION	\$5,000
9515	RECYCLING GRANT	\$200,195
9516	STORM WATER	\$1,212,900
9517	COMMUNITY CENTER GIFT FUND	\$750,000
9518	COMPUTER TRAINING CENTER	\$4,777
9519	MISS. ST. TIF DS	\$1,217,000
9520	RENTAL REGISTRATION	\$5,050
9521	STORMWATER CONSTRUCTION	\$1,330,000
9522	MERR. RD. TIF DS	\$174,950
9523	PARK IMPACT	\$60,600
9524	LOIT Public Safety	\$902,145
9525	2012 BDWY PROJECT BOND DS	\$91,647
9526	LOIT CEDIT	\$660,000
9527	Community Crossing Grant	\$1,000,000
9528	Local User Fee	\$4,851
9529	Motor Vehicle Highway Restricted	\$0
9530	2021 GO BOND A&B PROCEEDS	\$715,716
9531	2022 RDC Bond A & B Proceeds	\$2,954,981
9541	MERR. RD. TIF PROJECT	\$615,000
9543	MISS ST. PROJECT	\$1,350,000
9547	AMERIPLEX TIF PROJECT	\$875,000
9599	(ARP) AMERICAN RESCUE PLAN	\$5,866,218
		<b>\$21,361,425</b>



ORDINANCE OR RESOLUTION FOR APPROPRIATIONS AND TAX RATES

Name		Signature
Rick Bella, President	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Richard Hardaway, Vice President	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Don Spann	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Jeff Minchuck	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Marge Uzelac	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Shawn Pettit	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	
Leonard White	Aye <input type="checkbox"/> Nay <input type="checkbox"/> Abstain <input type="checkbox"/>	

ATTEST

Name	Title	Signature
Kelly White-Gibson	Clerk-Treasurer	

MAYOR ACTION (For City use only)

Name		Signature	Date
	Approve <input type="checkbox"/> Veto <input type="checkbox"/>		

In accordance with IC 6-1.1-17-16(k), we state our intent to issue debt after December 1 and before January 1

Yes ☐ No ☒

In accordance with IC 6-1.1-17-16(k), we state our intent to file a shortfall appeal after December 1 and before December 31

Yes ☐ No ☒

**RESOLUTION # 22-68  
TOWN OF MERRILLVILLE, INDIANA**

**A RESOLUTION OF THE TOWN OF MERRILLVILLE, LAKE  
COUNTY, INDIANA, TRANSFERRING MONIES OF THE 2022  
BUDGET WITHIN THE CCI FUND**

**WHEREAS, in the appropriation of funds for the year 2022, there is a need to transfer certain monies within the CCI Fund, therefore**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, that the following transfer of funds be approved:**

	<u>Decrease</u>	<u>Increase</u>
4401010453 CCI/Other Equipment	\$4,500.0	
4401010394 CCI/Contractual		\$4,500.00
<hr/> Total:		<hr/> \$4,500.00

**DULY ADOPTED AND RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, this \_\_\_\_ day of \_\_\_\_\_, 2022.**

\_\_\_\_\_  
Rick Bella, Town Council President

ATTEST:

\_\_\_\_\_  
Kelly White Gibson, Clerk-Treasurer

**RESOLUTION NO. 22-69**

**RESOLUTION CONFIRMING THE DESIGNATION OF AN ECONOMIC  
REVITALIZATION AREA AND APPROVING THE DEDUCTION FROM ASSESSED  
VALUE OF NEW REAL PROPERTY IMPROVEMENTS**

**(OPUS DEVELOPMENT COMPANY LLC)**

WHEREAS, the Town Council of Merrillville, Indiana (the "Town") has been requested by Opus Development Company LLC, a Delaware Limited Liability Company (the "Applicant") to find pursuant to IC 6-1.1-12.1-2 that an area (the "Area") is an Economic Revitalization Area, which Area will contain the Project (as hereinafter defined); and

WHEREAS, the Town Council of the Town (the "Council") has prepared a simplified description of the Area or maps and plats that identify the Area, attached as Exhibit A; and

WHEREAS, the Area is located within the jurisdiction of the Town for the purposes set forth in IC 6-1.1-12.1-2; and

WHEREAS, the Applicant intends to construct a redevelopment project consisting of the construction of an approximately 289,000 square foot state of the art speculative industrial warehouse/office building (the "Project") on property located at 8700-8900 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 Council has reviewed the Statement of Benefits; and

WHEREAS, pursuant to IC 6-1.1-12.1-2, on September 27, 2022, the Council adopted a Resolution (the "Declaratory Resolution"), which designated the Area as an "economic revitalization area" pursuant the Act and approved real property tax deductions under IC 6-1.1-12.1-3 for redevelopment or rehabilitation in the Area for ten (10) years; and

WHEREAS, in compliance with IC 6-1.1-12.1-2.5, the Council published notice (the "Notice") describing the adoption and substance of the Declaratory Resolution and stating that, on October 11, 2022, the Council would hold a public hearing (the "Public Hearing") at which it will receive and hear all remonstrances and objections from interested persons, with respect to the Declaratory Resolution; and

WHEREAS, in compliance with IC 6-1.1-12.1-2.5, the Council filed, with each taxing unit that has authority to levy property taxes in the Area, a copy of the Notice and the Statement of Benefits; and

WHEREAS, in compliance with IC 6-1.1-12.1-2.5, on October 11, 2022, the Council held the Public Hearing at which it received, heard and considered evidence concerning the Declaratory Resolution and any remonstrances or objections with respect to the Declaratory Resolution; and

WHEREAS, pursuant to IC 6-1.1-12.1-2.5, the Council desires to take final action confirming the Declaratory Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, INDIANA THAT:

Section 1. The Council hereby finds that (i) the Area is within the Town and (ii) the Area has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values and prevented a normal development of property and use of property.

Section 2. The Area is hereby declared to be an "economic revitalization area" pursuant to IC 6-1.1-12.1. The period for real property tax deductions under IC 6-1.1-12.1-3 for redevelopment or rehabilitation in the Area shall be ten (10) years.

Section 3. Based on the information in the Statement of Benefits describing the Project, the Council makes the following findings:

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

(b) That the estimate of the number of individuals who will be employed or whose employment will be retained as a result of the proposed redevelopment or rehabilitation of the Real Property can reasonably be expected to result from the proposed redevelopment or rehabilitation of the Real Property.

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

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

(e) That the totality of benefits from the proposed redevelopment or rehabilitation of the Real Property is sufficient to justify a ten-year real property tax deduction period.

Section 4. Based on the information in the Statement of Benefits and the foregoing findings, the Council, pursuant to IC 6-1.1-12.1, hereby approves and allows the Applicant real property tax deductions for ten (10) years as set forth in Section 5 for the redevelopment located in the Area.

Section 5. With respect to the Real Property, the percentage of deductions for each of said ten (10) years shall be as follows:

YEAR OF DEDUCTION	% ABATED
1	100%
2	95%
3	80%
4	65%
5	50%
6	40%
7	30%
8	20%
9	10%
10	5%

Section 6. The Council hereby confirms the Declaratory Resolution, and the actions set forth in this Resolution are final, except for the limited rights of appeal provided under IC 6-1.1-12.1-2.5, and subject to the Applicant's compliance with Section 5 of the Declaratory Resolution relating to the payment of annual fees.

Section 7. The term of the Area shall be unlimited, and shall apply to both real and personal property for any property in the Area 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.

Section 8. The Clerk-Treasurer is hereby authorized to make all filings necessary or desirable and to take all other necessary actions to carry out the purposes and intent of this Resolution and the deductions approved hereunder.

Section 9. This Resolution shall be deemed to supersede all actions previously taken by the Town prior to September 27, 2022, relating to designation of the area as an "Economic Revitalization Area" and the granting of tax abatements in such area.

Section 10. This Resolution shall be in full force and effect from and after its adoption.

**ALL OF WHICH IS PASSED AND ADOPTED THIS 11th DAY OF OCTOBER, 2022, BY  
THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY,  
INDIANA.**

**TOWN OF MERRILLVILLE, LAKE  
COUNTY, INDIANA, TOWN COUNCIL**

\_\_\_\_\_  
Rick Bella, President

\_\_\_\_\_  
Donald Spann, Member

\_\_\_\_\_  
Richard Hardaway, Member

\_\_\_\_\_  
Jeffrey Minchuk, Member

\_\_\_\_\_  
Margaret Uzelak, Member

\_\_\_\_\_  
Shawn Pettit, Member

\_\_\_\_\_  
Leonard White, Member

ATTEST:

\_\_\_\_\_  
Kelly White Gibson, Clerk-Treasurer

## DEDUCTION FEE AGREEMENT

This Deduction Fee Agreement (the "Agreement"), is entered into as of the 11<sup>th</sup> day of October, 2022, by and among the Town of Merrillville, Indiana (the "Town"), the Merrillville Redevelopment Commission (the "Commission"), and Opus Development Company LLC, a Delaware Limited Liability Company (the "Applicant").

WHEREAS, the Applicant is pursuing a redevelopment project consisting of the construction of an approximately 289,000 square foot state of the art speculative industrial warehouse/office building (the "Project") on property located at 8700-8900 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 Applicant 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 (the "Tax Abatement"); and

WHEREAS, the Council adopted a Resolution on September 27, 2022 (the "Preliminary Resolution") preliminarily approving the Tax Abatement, but provided therein that the effectiveness of the Preliminary Resolution be conditioned on the receipt by the President of the Town Council of written consent of the Applicant that the Preliminary Resolution be deemed to incorporate the provisions of Indiana Code 6-1.1-12-14, imposing on the Applicant an annual payment of a deduction fee (the "Deduction Fee") in an amount not to exceed the lesser of fifteen percent (15%) of the amount of property taxes that would have been paid by the Applicant during any given year if the deduction applied for had not been made, all as provided at I.C. 6-1.1-12.1-14, or (b) one hundred thousand dollars (\$100,000.00);

NOW, THEREFORE, the Town, the Commission, and the Applicant agree as follows.

1. The Applicant hereby consents and agrees that the Preliminary Resolution be deemed to incorporate the provisions of Indiana Code 6-1.1-12-14, imposing on the Applicant an annual payment of a deduction fee (the "Deduction Fee") in an amount not to exceed the lesser of fifteen percent (15%) of the amount of property taxes that would have been paid by the Applicant during any given year if the deduction applied for had not been made, all as provided at I.C. 6-1.1-12.1-14, or (b) one hundred thousand dollars (\$100,000.00).
2. On or before February 1 of each year through a period ending on the February 1 following the end of the period in which the Tax Abatement remains in effect, the Applicant hereby agrees to pay to the Lake County Treasurer, who shall promptly

transfer such payment to the Commission, a Deduction Fee (determined by the Lake County Auditor in accordance with I.C. 6-1.1-12.1-14) equal to the lesser of fifteen percent (15%) of the amount of property taxes that would have been paid by the Applicant during the prior calendar year if the deduction applied for had not been made, all as provided at I.C. 6-1.1-12.1-14 or (b) one hundred thousand dollars (\$100,000.00).

3. The Applicant hereby confirms and agrees that timely payment of the Deduction Fee to the Commission shall be a condition to the continuing effectiveness of the Town's grant of tax abatement to the Applicant.
4. This Agreement shall be binding on the Applicant and any of its successors and assigns or its transferees of the Real Property.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

**"APPLICANT"**

Opus Development Company LLC  
a Delaware Limited Liability Company

By: \_\_\_\_\_

Printed: \_\_\_\_\_

Title: \_\_\_\_\_

**"TOWN"**

Town of Merrillville, Indiana

By: \_\_\_\_\_

Printed: Rick Bella, Town Council President

**"COMMISSION"**

Merrillville Redevelopment Commission

By: \_\_\_\_\_

Printed: Shawn Pettit, President

**CONSENTED TO:**

\_\_\_\_\_  
Lake County Auditor

\_\_\_\_\_  
Lake County Treasurer



# ACCOUNTS PAYABLE VOUCHER REGISTER SUMMARY

## TOWN OF MERRILLVILLE

GOVERNMENTAL UNIT

AGENCY

APV Register Batch - ARP OCTOBER 11, 2022

NOTES:(1) Use both sides of the form if needed. Signatures of governing board should appear only on the final page of each meeting in which accounts payable vouchers are allowed.  
(2) The Memorandum is for entering action on accounts payable vouchers if disallowed in whole or in part, if continue to a later meeting of governing board, or for other pertinent information.

Page 1 of 1 Pages

General Form No. 364 (1997) APVREGISTER\_SUM.FRX

Check Date	Vendor	Name of Claimant	Office Department	Amount of Voucher	Amount Allowed	Warrant	Check/Memorandum (See Note (2) Above)
/ /	1821	ROBINSON ENGINEERING	ARP/CONTRACTUAL	4768.50			SW SOUTHMOOR SUBDIV DRNG
/ /	355	CENDER/DALTON	ARP/CONTRACTUAL	472.50			ARP BUDGETING SERVICES
/ /	637	DENNIS J DOBROLECKI	ARP/BLDG MAINT	650.00			GREETER 9/19/22-10/1/22
/ /	1171	DLZ	ARP/CONTRACTUAL	2225.00			SW PROF SERVICES 8-13-22 THRU
/ /	1173	JE ROOFING &	ARP/SMALL BUSINESS	5000.00			ARP GRANT- SARAH CANTRELL
/ /	1107	KENNETH WOODSIDE	ARP/BLDG MAINT	918.75			GREETERS 09/19/2022-10/01/2022
/ /	1169	PAINT GODS	ARP/SMALL BUSINESS	1814.00			ARP GRANT- SHRITHA MCGRONE
/ /	345	RAY TRISTAIN	ARP/BLDG MAINT	650.00			GREETERS 09/19/22-10-1-22
/ /	1821	ROBINSON ENGINEERING	ARP/CONTRACTUAL	1026.50			SW INDPND ST & 75TH DRNG IMPVMTS
/ /	1170	STORM KING	ARP/SMALL BUSINESS	2675.00			ARP GRANT - RACHEL JORDAN
/ /	1172	SUPERIOR ENERGY	ARP/SMALL BUSINESS	1260.00			AR[ GRAMT- FRED THOMPSON
10/04/2022	407	CDW GOVERNMENT	ARP/OTHER EQUIPMENT	982.26	982.26	58889	GETAC VEHICLE DOCK
10/04/2022	407	CDW GOVERNMENT	ARP/HDWE-SOFTWARE	1588.75	1588.75	58890	LAPTOP FOR CODE
		<b>Checks: 0 - 58890</b>		24031.26	2571.01		

**FROM:** SHEILA SHINE  
**RE:** SPECIAL EXCEPTION APPROVAL  
**PETITIONER:** KARMA CIGAR BAR  
**OWNER:** 850 WEST 81<sup>ST</sup> AVENUE  
**PURPOSE:** TO ALLOW LED ELECTRIC SIGN  
**LOCATION:** 850 WEST 81<sup>ST</sup> AVENUE  
**ZONING:** C-3, HIGHWAY COMMERCIAL ZONING DISTRICT  
**DATE OF BOARD OF ZONING APPEALS:** SEPTEMBER 28, 2022  
**DEADLINE FOR TOWN COUNCIL ACTION:** DECEMBER 27, 2022  
**ACTION TAKEN BY THE BOARD:** APPROVED  
**VOTE:** (5) APPROVED  
**CONDITIONS:** PETITIONER WILL ADVERTISE TOWN EVENTS.

VARIANCE OF USE: CASE # 216uV4-0822

NOTICE OF BOARD OF ZONING APPEALS DECISION ON PETITION  
OF Karma Cigar Bar

The Town of Merrillville Board of Zoning Appeals, after conducting a public hearing in accord with I.C. 36-7-4-920, 5-3-1-2, and 5-3-1-4, hereby rules that the law is (with/not with) the Petitioner. In support of such conclusion, the Board of Zoning Appeals makes the following findings of fact:

1. The Petitioner (did/did not) establish that the proposed variance will not be injurious to the public health, safety, morals, and general welfare of the community because:

COMMENT:

2. The Petitioner (did/did not) establish that the proposed variance will not have a substantially adverse effect on the use and value of the property adjacent to the property included in the proposed variance because:

COMMENT:

3. The Petitioner (did/did not) establish that the need for the proposed variance arises from some condition peculiar to the property involved in that:

COMMENT:

4. The Petitioner (did/did not) establish that the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the proposed variance is sought because:

COMMENT:

5. The proposed variance (will/will not) substantially interfere with the comprehensive Master Plan adopted because:

COMMENT:

Accordingly, the Board of Zoning Appeals hereby approves/denies Petition for variance of use, Case # 216uV-0822 from the terms of the zoning ordinance this 28<sup>th</sup> day of September 19 2022. The Board of Zoning Appeals, pursuant to I.C. 36-7-4-918.4, imposes the following conditions as part of its approval:

1. Petitioner will advertise town events.
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

CHAIRMAN

SECRETARY

Andrew Sylvestrovsky

Robert D. Guy  
William C. Guy

**TOWN OF MERRILLVILLE  
PLANNING DEPARTMENT  
7820 BROADWAY  
STAFF REPORT  
BOARD OF ZONING APPEALS**

**CASE NO: Z16uV4-0822    BZA MEETING DATE: SEPTEMBER 28, 2022**

**PREPARED BY:                    SHEILA SHINE**

**APPLICANT:                    KARMA CIGAR BAR**

**PETITIONER:                    KARMA CIGAR BAR**

**OWNERS:                        DHIRIEN SHAH**

**REQUEST:                        VARIANCE OF USE APPROVAL FROM SECTION 21-189(8)**

**LOT SIZE:                        0.792 ACRES**

**EXISTING ZONING:                C-3, HIGHWAY COMMERCIAL**

**LOCATION:                        850 W 81<sup>ST</sup> AVE**

**SURROUNDING USES:**

**NORTH -**

**SOUTH -                        RETAIL**

**EAST -                         RESIDENTIAL**

**WEST -                         RESIDENTIAL**

**SURROUNDING ZONING:**

**NORTH -                        C-3, HIGHWAY COMMERCIAL**

**SOUTH -                        C-3, HIGHWAY COMMERCIAL**

**EAST -                         C-3, HIGHWAY COMMERCIAL**

**WEST -                         C-3, HIGHWAY COMMERCIAL**

**COMMENTS: PETITIONER IS SEEKING VARIANCE OF USE APPROVAL FROM SECTION 189(8) TO ALLOW KARMA CIGAR BAR TO HAVE A LED SIGN ON A 0.792 ACRE LOT. THE DIGITAL LED SIGN WILL REPLACE THE BOTTOM 3 x 10 WITH A 5 X 10 LED SIGN. THE TOTAL SIGNAGE WILL BE 168.3 SQUARE FEET. IT WILL BE USED TO MARKET COMPANY EVENTS AND PRODUCTS FOR SALE AS WELL AS THE TIME AND TEMPERATURE. THE SIGN WILL ENHANCE AND BEUATIFY THE PROPERTY. IT WILL NOT HINDER THE ANY SIGHT LINES OR CAUSE ANY UNNECESSARY HARDSHIP TO SURROUNDING BUSINESSES. PETITIONER WILL ADVERTISE TOWN EVENTS.**

**MERRILLVILLE BOARD OF ZONING APPEALS  
APPLICATION FOR VARIANCE OF USE**

REV. Nov 2002

FEE: \$200.00

DATE: 8-3-22RECEIPT # 90664f

\*\*\*FILING FEE WILL NOT BE REFUNDED IF PETITION IS WITHDRAWN OR DENIED

**NOTE TO APPLICANT: Please read the following State Law Carefully**

36-7-4-918.4 - VARIANCES OF USE FROM THE TERMS OF ZONING ORDINANCE - ADVISORY-METRO: A Board of Zoning Appeals shall approve or deny variances of use from the term of the zoning ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved under this section only upon a determination in writing that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- (3) The need for the variance arises from some condition peculiar to the property involved;
- (4) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- (5) The approval does not interfere substantially with the comprehensive plan adopted under the 500 series of this chapter (IC36-7-4-918.4 as added by P.L. 357-1983, Sec. 13.)

APPLICATION FILED AND PLANS RECEIVED: Date \_\_\_\_\_

ADDRESS OF PROPERTY OR GENERAL LOCATION: 850 W 81<sup>ST</sup> AVE MERRILLVILLE INTAX KEY # \_\_\_\_\_ CURRENT ZONING: C3 AREA OF GROUND: \_\_\_\_\_PROPOSED USED OF PROPERTY: Replace existing sign to electric digital signPRESENT USE OF PROPERTY: outdated sign

USES OF ADJACENT PROPERTIES			
NORTH	N/A	EAST	N/A
SOUTH	N/A	WEST	N/A

PLEASE PRINT			
PETITIONER: <u>KARMA CIGAR BAR</u>		OWNER: <u>DHIRJEN SHAH</u>	
ADDRESS: <u>850 W 81<sup>ST</sup> AVE</u>		ADDRESS: <u>1050 DOR PATH LN</u>	
CITY <u>MERRILLVILLE</u> STATE <u>IN</u> ZIP <u>46410</u>		CITY <u>CROWN POINT</u> STATE <u>IN</u> ZIP <u>46307</u>	
PHONE: (219) <u>756 0698</u>		PHONE: (219) <u>669 0021</u>	

Being duly sworn upon (my/our) \_\_\_\_\_ oath, do hereby declare that the facts and figures set forth in the above petition are true to (my/our) \_\_\_\_\_ information and belief, and that I am/or/we are submitting such facts and figures to the Merrillville Board of Zoning Appeals for the purpose of this request for the above described real estate.

PETITIONER (S) SIGNATURES

Dhirjen Shah

OWNERS (S) SIGNATURES

Dhirjen Shah

STATE OF INDIANA)

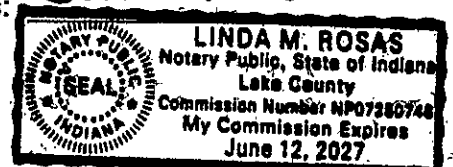
) SS

COUNTY OF LAKE )

Before me, a notary public in and for said county and state, personally appeared the above petitioner (s) and owner (s) and acknowledged the execution of the above and foregoing instrument to be \_\_\_\_\_ voluntary act and deed for the uses and purposes therein mentioned.

DATED THIS 17 DAY OF August, 2022.Linda M Rosas

Notary Public

My Commission Expires: June 12, 2027

VARIANCE OF USE - CASE # Z16uV4-0822TOWN OF MERRILLVILLE, INDIANA  
BOARD OF ZONING APPEALS  
DATE: 9-28-22

Pursuant to Article II, Section 21-41 of the Rules and Regulations of Practice and Procedure of the Town of Merrillville Board of Zoning Appeals, Petitioner, KARMA CIGAR BAR submits the following findings of fact which address the effect that Petitioner's proposed variance of use from the terms of the zoning ordinance will have on the property commonly known as KARMA CIGAR BAR and to the surrounding area:

1. Petitioner owns the property commonly known as KARMA CIGAR BAR Which is classified as \_\_\_\_\_ pursuant to the zoning ordinance.
2. Petitioner has requested a variance of use from the zoning ordinance for the following reasons:  
Digital LED Sign to Replace existing sign.
3. Petitioner submits that:
  - a. The proposed variance of use will not be injurious to the public health, safety, morals, and general welfare of the community because:  
It Replaces existing sign and does not interfere with adjacent property or roads. It will not interfere health, safety, morals or general welfare.
  - b. The proposed variance of use will not have a substantially adverse effect on the use and value of the properties adjacent to the property included in the proposed variance because:  
Used to Marketing and visual use of our property  
No Negative effect.
  - c. The need for the proposed variance arises from some condition peculiar to the property involved in that:  
solely used for Beautification and enhancement of marketing strategy.
  - d. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the proposed variance is sought because:  
I won't be able to advertise.
  - e. The proposed variance of use will not substantially interfere with the comprehensive master plan because:  
Sign Will not interfere with Comprehensive plan

The Board of Zoning Appeals shall approve or deny the above findings prior to approval or denial of the Petition. The Board of Zoning Appeals can modify Petitioner's findings if facts presented at the public hearing show false information in the findings and/or new information pertinent to the Petition. Findings of fact which are modified shall then be resubmitted on the approved forms within FIVE (5) days of the modification.

## Sec. 21-189. - General sign provisions.

The following regulations shall apply to all signs erected or located in any use district: No person shall erect, alter, or relocate a sign, other than a temporary sign, within the Town of Merrillville, before obtaining a building permit from the community development director. All signs shall conform to all applicable codes and ordinances of the Town of Merrillville and, where required, shall be approved by the community development director or designated assistant, and a building permit issued.

- (1) A permit fee, as set forth in section 6-21 of the Merrillville Municipal Code shall be paid by all applicants to cover the cost of issuing permits and the enforcement of this chapter.
- (2) All permanent freestanding signs designed with fifty (50) square feet of copy face or larger must be certified by an Indiana registered engineer showing structural base data and wind load resistance on working drawing in applying for a permit.
- (3) Signs in non-residential districts or special exception use signs in residential districts may be internally illuminated or if externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or any residential district or property. Size of special exception use signs shall not be larger than sixty-four (64) square feet and not higher than eight (8) feet.
- (4) No sign shall be placed in, upon or over any public street right-of-way, alley, or other publicly owned land, except as otherwise expressly permitted by this chapter, i.e., traffic signage.
- (5) No public light pole, utility pole or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
- (6) No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a public nuisance.
- (7) No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts except slow-speed (six (6) or less revolutions per minute) revolving signs, provided that the mechanism required to operate the sign is effectively concealed from view.
- \* (8) Signs which contain, include or are illuminated by any flashing, or intermittent or moving light or lights are prohibited, except those giving public service information such as time and temperature or weather.
- (9) No sign shall be erected above the roofline of a building, nor project more than eighteen (18) inches from the wall.
- (10) All freestanding signs must be set back at least ten (10) feet from street right-of-way lines (closest edge of the sign) and ten (10) feet from any front, side or rear property

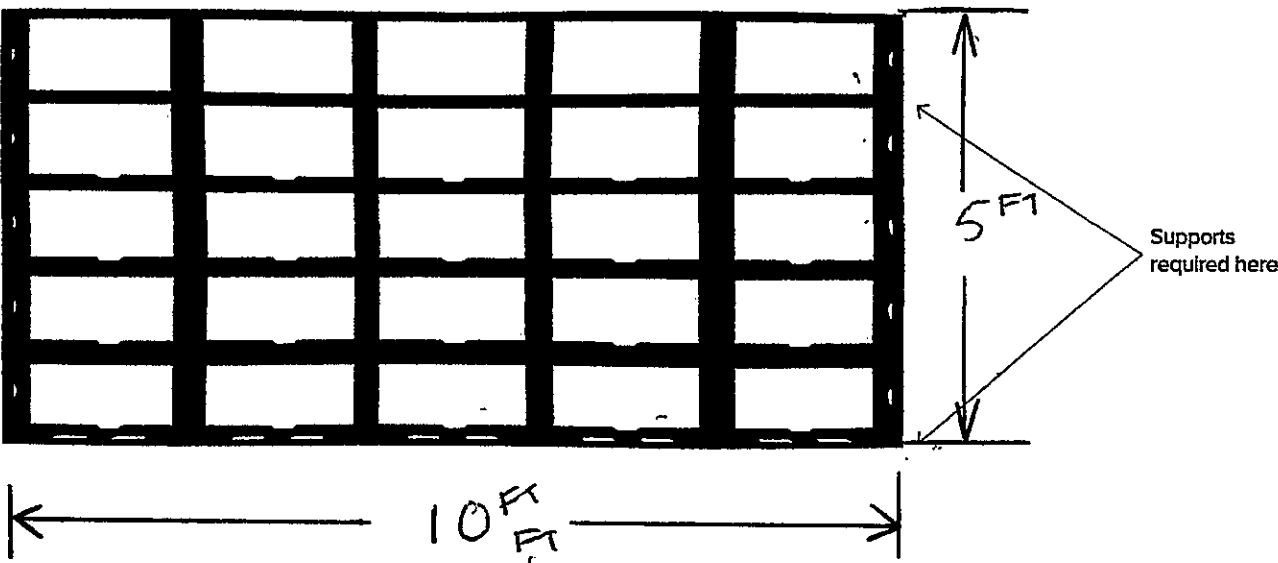




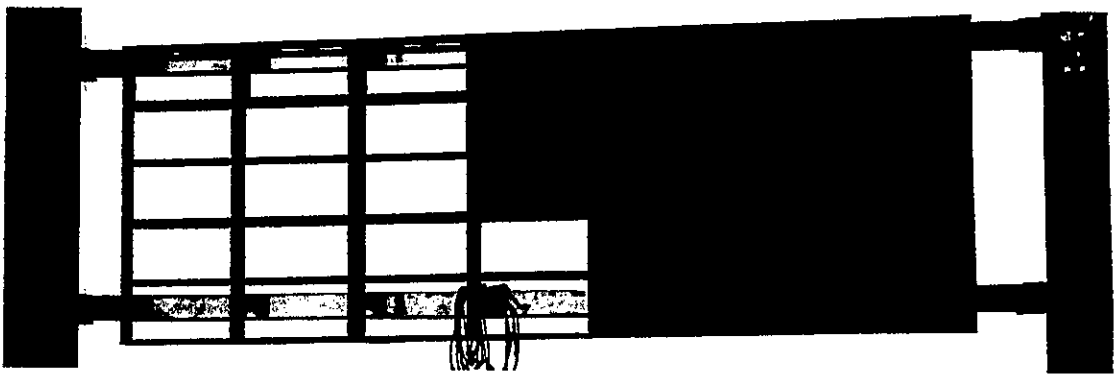
## Frame mounting

Cirrus LED signs should never be transported with the panels already in place - any damage that is incurred due to transport will not be covered under warranty. This includes damage to edge diodes, damage from strapping or lifting signs into place for mounting/ installation purposes.

One row of support mounting brackets(not supplied) must be attached for every four rows of frames. Do not exceed four rows of frames without attaching an additional mounting bracket.



Mounting brackets should be attached for the entire horizontal length of the frames to prevent bowing or lateral stress.



**FROM:** SHEILA SHINE

**RE:** SPECIAL EXCEPTION APPROVAL

**PETITIONER:** AMHAD ZAGHLOUL

**OWNER:** NJETM, LLC

**PURPOSE:** TO ALLOW AN USED CAR DEALERSHIP

**LOCATION:** 3112 W 81<sup>ST</sup> SAVE

**ZONING:** C-3, HIGHWAY COMMERCIAL ZONING DISTRICT

**DATE OF BOARD OF ZONING APPEALS:** SEPTEMBER 28, 2022

**DEADLINE FOR TOWN COUNCIL ACTION:** DECEMBER 27, 2022

**ACTION TAKEN BY THE BOARD:** APPROVED

**VOTE:** (5) APPROVED (0) ABSTAINED

CONDITIONS: FOR THIS PETITIONER ONLY, AT THIS LOCATION ONLY  
AND FOR THIS USE ONLY. PETITIONER IS AWARE OF CAMERA  
ORDINANCE

**TOWN OF MERRILLVILLE  
PLANNING DEPARTMENT  
7820 BROADWAY  
STAFF REPORT  
BOARD OF ZONING APPEALS**

**CASE NO: V23E9-0922      BZA MEETING DATE: SEPTEMBER 28, 2022**

**PREPARED BY:                      SHEILA SHINE**

**APPLICANT:                        AHMED ZAGHLOUL**

**PETITIONER:                      AHMED ZAGHLOUL**

**OWNERS:                          NJETM, LLC**

**REQUEST:                         SPECIAL EXCEPTION APPROVAL**

**LOT SIZE:                         0.319 ACRES**

**EXISTING ZONING:                C-3, HIGHWAY COMMERCIAL**

**LOCATION:                         3112 W 81<sup>ST</sup> AVE**

**SURROUNDING USES:**

**NORTH -                            RESIDENTIAL**

**SOUTH -                            US 30 HIGHWAY**

**EAST -                              VACANT RESIDENTIAL**

**WEST -                             VACANT**

**SURROUNDING ZONING:**

**NORTH -                            R-2, SINGLE FAMILY RESIDENTIAL**

**SOUTH -                            C-3, HIGHWAY COMMERCIAL**

**EAST -                              C-3, HIGHWAY COMMERCIAL**

**WEST -                             R-2, TWO-FAMILY RESIDENTIAL**

**COMMENTS: PETITIONER IS SEEKING SPECIAL EXCEPTION APPROVAL FROM SECTION 21-136 TO ALLOW AN USED CAR DEALERSHIP IN A C-3, HIGHWAY COMMERCIAL ZONE ON 0.319 ACRES. PETITIONER STATES THAT THIS LOT WAS PREVIOUSLY FUNCTIONED AS A CAR DEALERSHIP AND THEY WOULD ENSURE A SAFE, WELL-MAINTAINED ENVIRONMENT AT ALL TIMES. PETITIONER ALSO STATES THAT THE PROPERTY ALREADY HAS ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE AND/OR OTHER UTILITIES NEEDED AND THEY WILL CONTINUE USE IN THE SAME MANNER.**

**PETITIONER PLANS TO EMPLOY FIVE (5) STAFF MEMBERS (INCLUDING HIMSELF) AND DISPLAY A TOTAL OF THIRTY (30) CARS. HOURS OF OPERATION WOULD BE MONDAY TO FRIDAY 10:00 AM TO 7:00 PM, SATURDAYS 10:00 AM TO 6:00 PM, AND CLOSED ON SUNDAYS. PETITIONER HAS INCLUDED A SITE PLAN. PETITIONER IS AWARE OF CAMERA ORDINANCE.**

SPECIAL EXCEPTION CASE# 223E9-0922

NOTICE OF BOARD OF ZONING APPEAL'S DECISION ON PETITION  
OF Amhad Zaghoul

The Town of Merrillville Board of Zoning Appeals, after conducting a public hearing in accord with I.C. 36-7-4-920, 5-3-1-2, and 5-3-1-4, hereby rules that the law is (with/not with) the Petitioner. In support of such conclusion, the Board of Zoning Appeals makes the following findings of fact.

1. The Petitioner (did/did not) establish that the special exception will not be detrimental to or endanger the public health, safety, morals, and general welfare of the community and/or in accordance with the comprehensive plan.

COMMENT:

2. The Petitioner (did/did not) establish that the special exception will not be injurious to use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish and impair property values within the neighborhood.

COMMENT:

3. The Petitioner (did/did not) establish that the special exception will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district.

COMMENT:

4. The Petitioner (did/did not) establish that the special exception will provide adequate utilities, access roads, drainage, and/or other necessary facilities.

COMMENT:

5. The Petitioner (did/did not) establish that adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in public streets.

COMMENT:

6. The Petitioner (did/did not) establish that the special exception will conform to the applicable regulations of the district in which it is located and there is a public necessity for the proposed special exception.

COMMENT:

Accordingly, the Board of Zoning Appeals hereby approves/denies Petition for Special Exception Case # 223E9-0922 this 28<sup>th</sup> day of September, 2022. The Board of Zoning Appeals, pursuant to I.C. 36-7-4-918.2, imposes the following conditions as part of its approval:

1. For this petition only, at this location only, for this use only  
2. Petitioner is aware of camera ordinance  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_

Chairman

Secretary

Andrian Sylvestre

Robert G. Guey

MERRILLVILLE PLAN COMMISSION & BOARD OF ZONING APPEALS  
7820 Broadway, Merrillville, Indiana 46410

APPLICATION FOR A SPECIAL EXCEPTION

FEE: \$250.00 DATE PAID: 250<sup>00</sup> RECEIPT # 91012

Proposed Use: Used Car Dealership

Address or General Location:

3112 West 81st Ave.

Merrillville, IN 46410

(Attach Complete Legal Description)

Current Zoning:

Area of Ground: 100 x 139 FT

Tax Key #: 45-12-19-218-042.000-030

Present Use: Used Car Dealership

USES OF ADJACENT PROPERTY TO REQUESTED SPECIAL EXCEPTION:

North Home

East Home

South Car Dealership

West Unused Land

SUBMIT WITH THIS APPLICATION SEVERAL PHOTOGRAPHS OF YOUR PROPERTY AND THE PROPERTY SURROUNDING IT. ALSO, SUBMIT A PLAT SHOWING THE PROPERTY AND INDICATING THE PRESENT USAGE AS WELL AS USAGE OF ADJACENT PROPERTY.

TYPE or PRINT	
PETITIONER	OWNER
NAME: Ahmad Zaghoui	NAME: NJETM LLC
ADDRESS: 10442 Amber LN Orland Park, IL 60467	ADDRESS: 710 Kevin Lane Crown Point IN 46307
PHONE: (708) 949-1329	PHONE: (219) 736-1229

Being first duly sworn upon (my - our) oath, do hereby declare that the facts and figures set forth in the above petition are true to (my - our) information and belief, and that (I am - we are) submitting such facts and figures to the Merrillville Plan Commission and Board of Zoning Appeals for the purpose of this request for the above described real estate.

SIGNATURES:

PETITIONER(S)

Ahmad Zaghoui

OWNER(S)

Signature of Owner

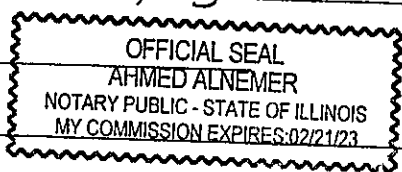
STATE OF INDIANA, COUNTY OF LAKE) SS

Before me, a Notary Public in and for said County and State, personally appeared the above named petitioner(s) and owner(s) and acknowledged the execution of the above and foregoing instrument to be a voluntary act and need for the use and purposes therein mentioned.

Dated this 29<sup>th</sup> day of August, 2022.

Notary Public

My commission expires:



CONTACT: Ahmad Zaghoui

PHONE # (708) 949-1329

\*\*\*FILING FEE WILL NOT BE REFUNDED IF PETITION IS WITHDRAWN OR DENIED

SPECIAL EXCEPTION CASE # Z23E-0922

TOWN OF MERRILLVILLE, INDIANA  
BOARD OF ZONING APPEALS  
DATE: 9-28-22

Pursuant to Article III, Section 6 of the Rules and Regulations of Practice and Procedure of the Town of Merrillville Board of Zoning Appeals, Petitioner, Amjad Zaghoul submits the following findings of fact which address the effects that Petitioner's proposed special exception for the property commonly known as 3112 West 81st Ave will have on such property and to the surround area:

1. Petitioner owns the property commonly known as \_\_\_\_\_ which is classified as \_\_\_\_\_ pursuant to the terms of the zoning ordinance.

2. Petitioner has request a special exception for the following purpose:  
Used Car Dealership

3. Petitioner submits that:

a. The establishment, maintenance, or operation of the proposed special exception use will not be detrimental to or endanger the public health, safety, morals and general welfare and is in accordance with the comprehensive plan because:

This establishment is going to follow all laws and ensure its in a safe environment for customers at all times.

b. The proposed special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminished and impair property values within the neighborhood because:

The establishment will be maintained and well kept at all times.

c. The establishment of the proposed special exception will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district because:

The establishment was a Car Dealership before and we are looking to keep the same type of business.

d. Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided in the following manner:

Already on Property we will maintain and make sure everything is in working condition

e. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets in the following manner:

Already on Property we will maintain and make sure everything is in working condition

f. The proposed special exception shall in all other respects conform to the applicable regulations of the district in which it is located and there is a public necessity for the proposed special exception in that:

The Property is currently being used as a Car Dealership. There will not be any major changes to the structure of the building or surrounding land.

\*\*\*\*\*  
The Board of Zoning Appeals shall approve or deny the above findings prior to approval or denial of the Petition. The Board of Zoning Appeals can modify Petitioner's findings if facts presented at the public hearing show false information in the findings and/or new information pertinent to the Petition. Findings of fact which are modified shall then be resubmitted on the approved forms within five (5) days of the modification.



Use	Districts												
	A-1	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	C-4E	C-5	M-1	M-2
Retail sales stores and shops as follows: Apparel, antiques, art supplies, bakery, bicycle, books, camera and photographic, carpet, china and glassware, coins and philatelic, computers, convenience items, drug and pharmaceutical, electronic equipment, fireworks sales within a permanent building, floral, home appliances, household furniture, garden supply, gifts, hardware, hobby, interior decorating, jewelry, locksmith, millinery, musical instruments, newsdealer, office supply, paint and wallpaper, pawn shops, printing/copier shops, sporting goods, stationery, or uses similar to those listed above as determined by the planning and building administrator.	X	X	X	X	X	X	P	P	P	X	X	X	X
Schools, commercial or trade	S	X	X	X	S	S	X	S	S	X	X	S	S
Schools, public or private with or without boarding	P	S	S	S	S	S	X	S	S	X	X	S	X
Stables for quartering or renting of horses, provided all buildings used for housing animals must be at least three hundred (300) feet from all property lines.	S	X	X	X	X	X	X	X	X	X	X	X	S
Telecommunications tower fifty (50) to one hundred ninety-nine (199) feet high (see section 21-18)	S	X	X	X	X	X	X	X	S	S	X	P	S
Tavern*	X	X	X	X	X	X	S	P	P	P	X	X	X
With live entertainment or food service	X	X	X	X	X	X	S	S	S	S	X	X	X
Temporary uses, structures and buildings* (see section 21-16)	A	A	A	A	A	A	A	A	A	A	A	A	A
Transportation facility, public including terminals, parking areas and service buildings	X	X	X	X	X	X	X	X	S	X	X	P	X
Used car lot not with new dealership	X	X	X	X	X	X	X	S	S	X	X	X	X
Warehouse*	X	X	X	X	X	X	X	X	X	X	X	P	X
NOTE: PUD permitted uses must be approved as part of a final PUD plan.													

(Ord. No. 02-03, § 1, 2-12-02)

Sec. 21-137. Area, bulk, height and placement regulations for all districts.

Except as otherwise provided herein, regulations governing area, bulk, height and placement are as shown in the schedule of permitted uses contained in this section.

# Hardesty Surveying Company

910 RICHARD ROAD, SUITE 1A  
P. O. BOX 128  
DYER, INDIANA 46311

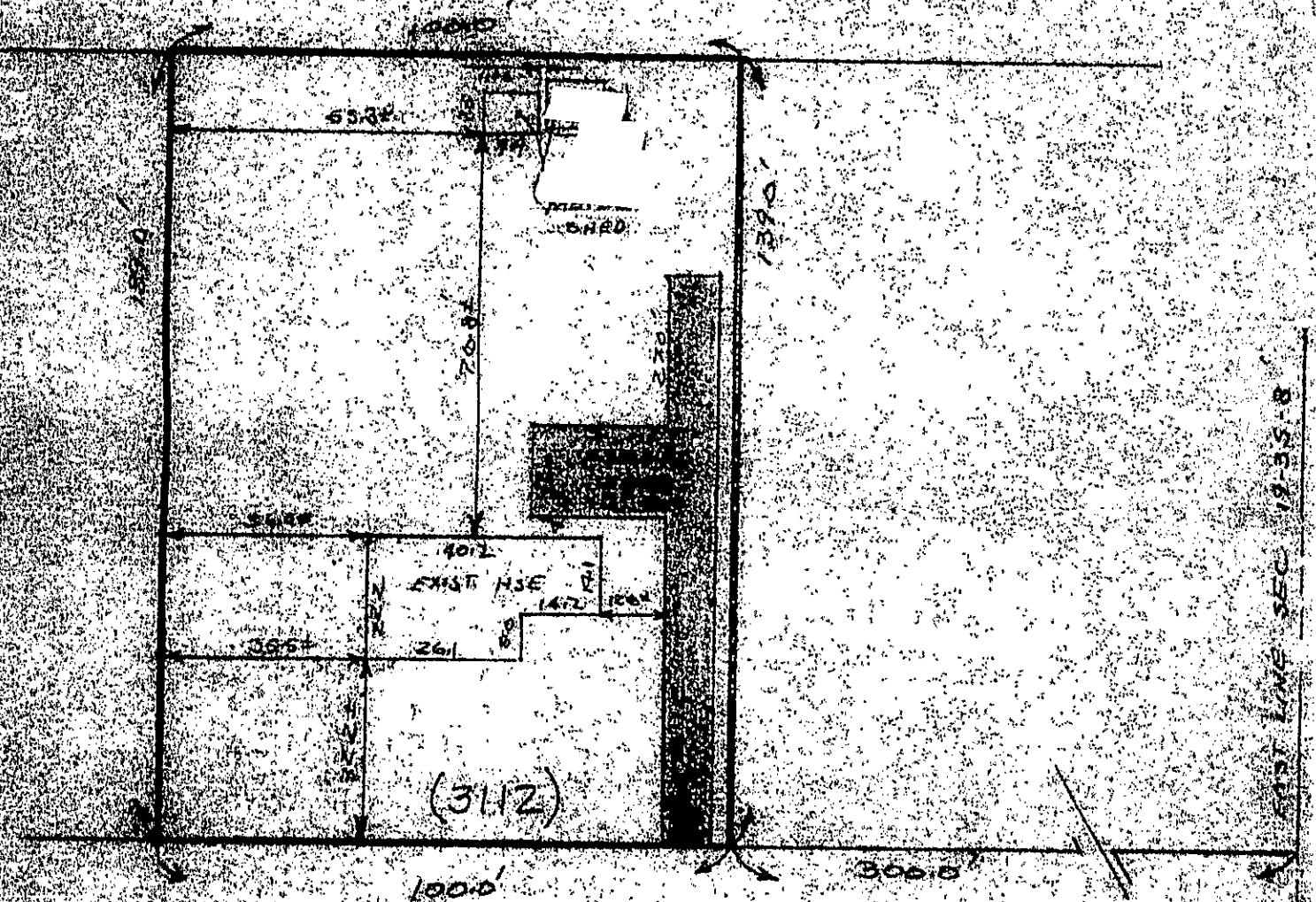
TELEPHONE (317) 382-6212

## SURVEYOR LOCATION REPORT

THIS REPORT IS A FIELD REPORT AND IS NOT A FINAL REPORT. IT IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THE LOCATION OF A POINT OR POINTS. IT IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THE LOCATION OF A POINT OR POINTS.

PROPERTY ADDRESS: 3112 W. 81st Avenue  
Merrillville, IN 46404

A part of the SE 1/4 of the NE 1/4 of Section 19, Township 35 North, Range 8 W of the 4th P.M., more particularly described as follows:  
Beginning at a point on the N right of way line of U.S. Highway #30, 300 feet of the E line of said Section 19, and running thence N parallel to said E line of Section 19, a distance of 139 feet; thence W parallel to the N right of way line of U.S. Highway #30 a distance of 100 feet; thence S parallel to the E line of said Section 19, to the N right of way line of said Highway #30; thence E along said right of way line to the place of beginning.



W 81st (LINCOLN) U.S. #30 (Hwy) AVE



ALL DIMENSIONS SHOWN ON THIS MAP ARE IN FEET, UNLESS OTHERWISE NOTED.



SCALE: 1" = 100' (30 FEET)  
DATE: 7/1/74  
REVISED: 7/1/74  
SURVEYORS: JIM & JUDY  
SURVEYORS' FILE NO.: 10000

INDIANA REGISTERED LAND SURVEYOR

## Additional info for 3112 W 81st Ave

Petitioner: Ahmad Zaghloul

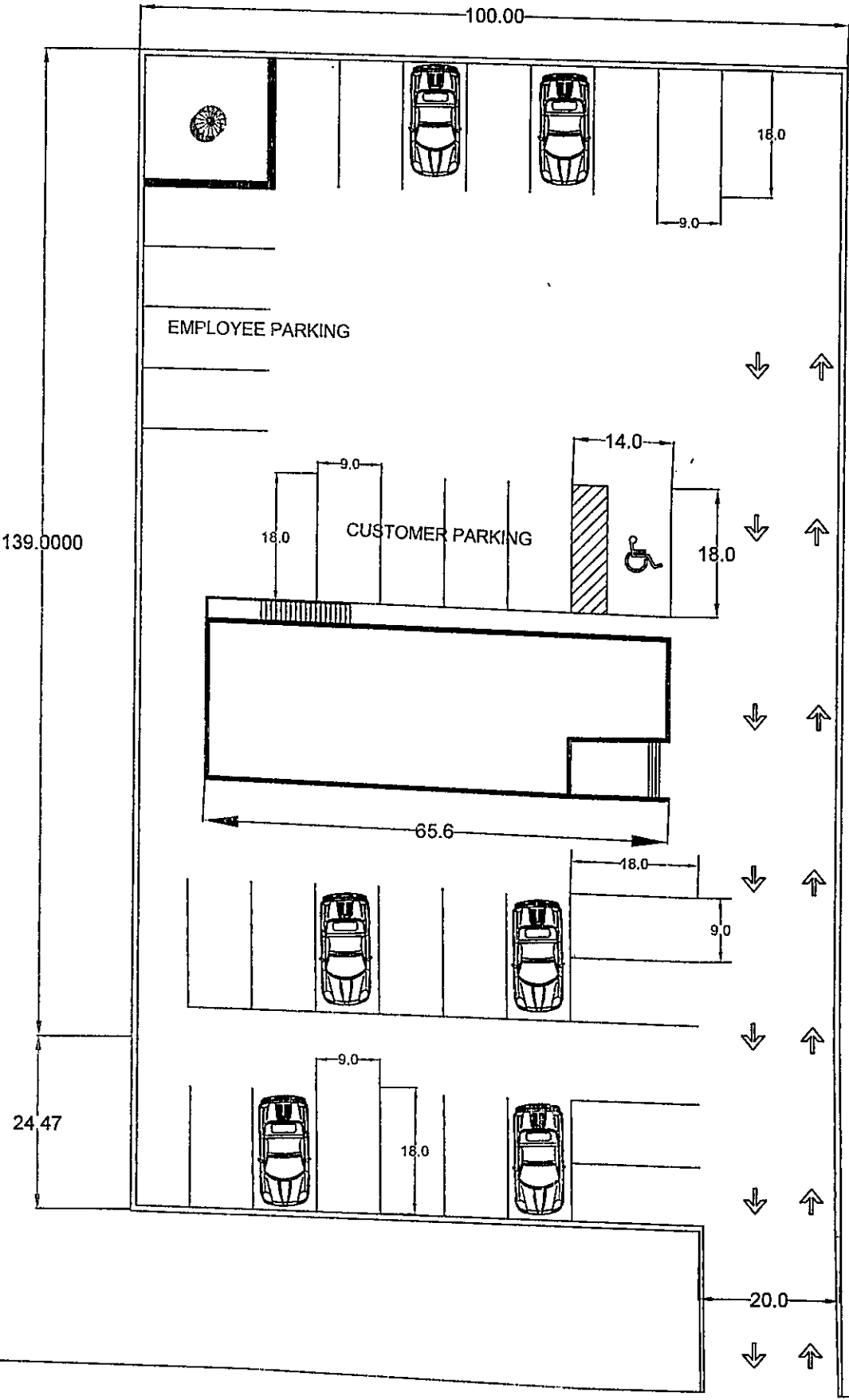
Number of Employees: 4

Hours of Operation: Monday through Friday 10am-7pm  
Saturday 10am-6pm

Number of Cars: 30 Total

PROPERTY ADDRESS

3112 W 81ST AVE  
MERRILLVILLE, IN  
46410





**SPECIAL EXCEPTION  
USED CAR LOT DEALERSHIP SEC. 21-136**

0.319 ACRES  
C-3 – HIGHWAY COMM.  
FORMERLY PRIMEWAY AUTO FINANCE  
3112 W 81ST AVE, MERRILLVILLE,

PETITIONER IS EXISTING USED CAR DEALER IN TOWN  
SUCCESSFULLY OPERATING AT CURRENT LOCATION  
FOR LAST 4 YEARS.



Photos (25)



EXISTING SITE  
FACING US 30



EXISTING SITE  
FACING EAST  
REAR OF PROPERTY



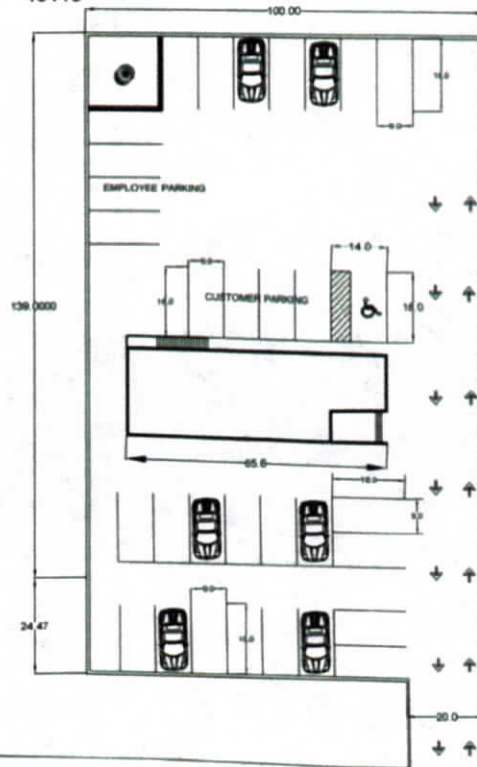


# PROPOSED SIGNAGE



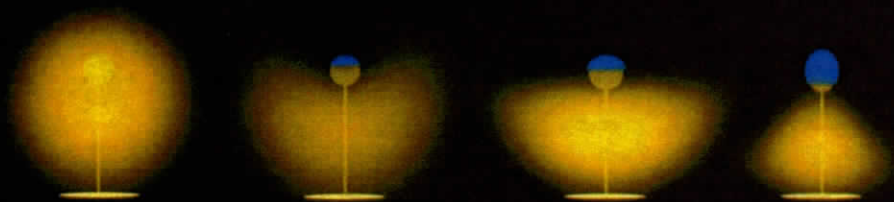
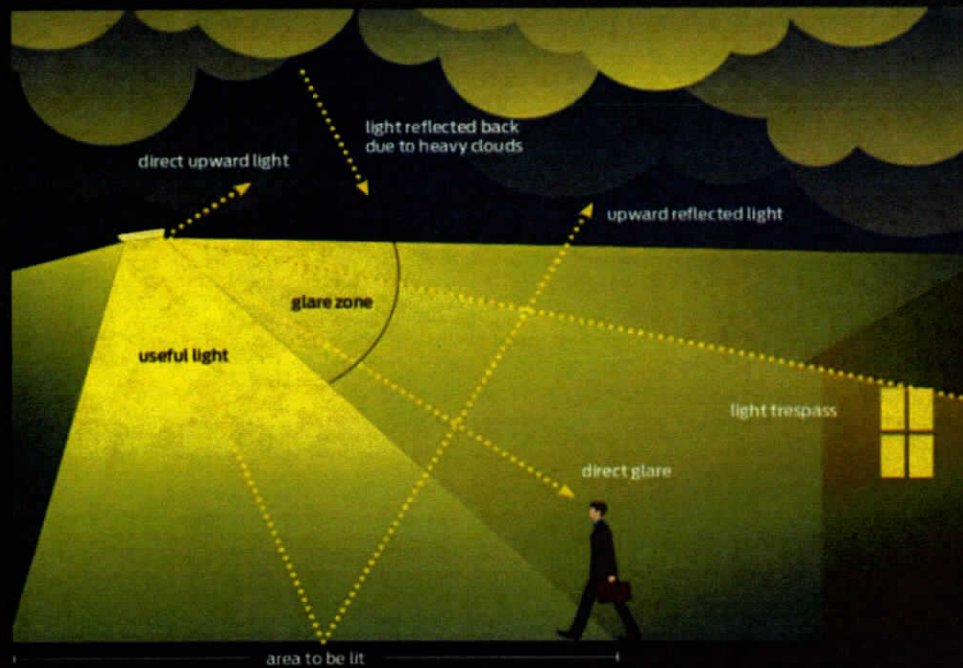
PROPERTY ADDRESS

3112 W 81ST AVE  
MERRILLVILLE, IN  
46410



# PROPOSED SITE PLAN





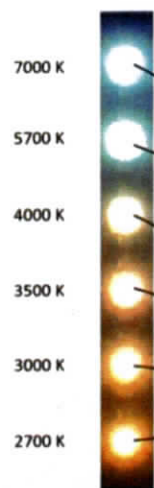
NON-CUTOFF      SEMI-CUTOFF      CUTOFF      FULL CUTOFF

Worst

Best



### LED Example



7000 K

5700 K

4000 K

3500 K

3000 K

2700 K

### Kelvin Color Temperature Scale



10.000 K

9.000 K

8.000 K

7.000 K

6.000 K

5.000 K

4.000 K

3.000 K

2.000 K

1.000 K

Cool White

Neutral White

Warm White



**FROM:** SHEILA SHINE  
**RE:** SPECIAL EXCEPTION APPROVAL  
**PETITIONER:** CHRISTINA BUCKNER  
**OWNER:** CHRISTINA BUCKNER  
**PURPOSE:** TO ALLOW A DAYCARE CENTER  
**LOCATION:** 7440 BROADWAY  
**ZONING:** C-3, HIGHWAY COMMERCIAL ZONING DISTRICT  
**DATE OF BOARD OF ZONING APPEALS:** SEPTEMBER 28, 2022  
**DEADLINE FOR TOWN COUNCIL ACTION:** DECEMBER 27, 2022  
**ACTION TAKEN BY THE BOARD:** APPROVED  
**VOTE:** (5) APPROVED (0) ABSTAINED  
**CONDITIONS:**

NOTICE OF BOARD OF ZONING APPEAL'S DECISION ON PETITION  
OF Christina Buckner

The Town of Merrillville Board of Zoning Appeals, after conducting a public hearing in accord with I.C. 36-7-4-920, 5-3-1-2, and 5-3-1-4, hereby rules that the law is (with/not with) the Petitioner. In support of such conclusion, the Board of Zoning Appeals makes the following findings of fact.

1. The Petitioner (did/did not) establish that the special exception will not be detrimental to or endanger the public health, safety, morals, and general welfare of the community and/or in accordance with the comprehensive plan.

COMMENT:

2. The Petitioner (did/did not) establish that the special exception will not be injurious to use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor substantially diminish and impair property values within the neighborhood.

COMMENT:

3. The Petitioner (did/did not) establish that the special exception will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district.

COMMENT:

4. The Petitioner (did/did not) establish that the special exception will provide adequate utilities, access roads, drainage, and/or other necessary facilities.

COMMENT:

5. The Petitioner (did/did not) establish that adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in public streets.

COMMENT:

6. The Petitioner (did/did not) establish that the special exception will conform to the applicable regulations of the district in which it is located and there is a public necessity for the proposed special exception.

COMMENT:

Accordingly, the Board of Zoning Appeals hereby approves/denies Petition for Special Exception Case # 224E10-0922 this 29<sup>th</sup> day of September, 2022. The Board of Zoning Appeals, pursuant to I.C. 36-7-4-918.2, imposes the following conditions as part of its approval:

1. For this petitioner Only, at this location Only and for this use only.

2.  
3.  
4.  
5.

[Signature]  
Chairman

[Signature]  
Secretary

[Signature]  
Andrew Sylvestrowicz

[Signature]

**TOWN OF MERRILLVILLE  
PLANNING DEPARTMENT  
7820 BROADWAY  
STAFF REPORT  
BOARD OF ZONING APPEALS**

**CASE NO: Z24E10-0922    BZA MEETING DATE: SEPTEMBER 28, 2022**

**PREPARED BY:                    SHEILA SHINE**

**APPLICANT:                     CHRISTINA BUCKNER**

**PETITIONER:                  CHRISTINA BUCKNER**

**OWNERS:                        CHRISTINA BUCKNER**

**REQUEST:                      SPECIAL EXCEPTION APPROVAL FROM SECTION 21-136**

**LOT SIZE:                      2.558 ACRES**

**EXISTING ZONING:            C-3, HIGHWAY COMMERCIAL**

**LOCATION:                      7440 BROADWAY**

**SURROUNDING USES:**

**NORTH -                        AMERICAN LEGION HALL**

**SOUTH -                        RESIDENTIAL**

**EAST -                         RESIDENTIAL**

**WEST -                         DAYCARE CENTER**

**SURROUNDING ZONING:**

**NORTH -                        R-2, SINGLE FAMILY RESIDENTIAL**

**SOUTH -                        C-3, HIGHWAY COMMERCIAL**

**EAST -                         R-2, SINGLE FAMILY RESIDENTIAL**

**WEST -                         R-2, SINGLE FAMILY RESIDENTIAL**

**COMMENTS: PETITIONER IS SEEKING SPECIAL EXCEPTION APPROVAL FROM SECTION 21-136 TO ALLOW A DAYCARE CENTER IN A C-3, HIGHWAY COMMERCIAL ZONE ON 2.558 ACRES. PETITIONER STATES THAT THE PRIMARY PURPOSE OF THE DAYCARE CENTER IS TO PROVIDE A SAFE AND SECURE ENVIRONMENT WITH QUALIFIED TEACHERS, SO PARENTS HAVE PEACE OF MIND. PETITIONER STATES THEY WILL ADHERE TO STATE OF INDIANA GUIDELINES. PETITIONER STATES THAT THE FACILITY HAS OPERATED AS A DAYCARE CENTER FOR THE LAST 18 YEARS AND PETITIONER WILL CONTINUE LIKEWISE. NO ADDITION CHANGES NEED TO BE MADE IN OR AROUND THE FACILITY, AS IT HAS ADEQUATE UTILITIES, ACCESS ROADS, DRAINAGE, AND FACILITIES. THE CURRENT INGRESS AND EGRESS ALLOW FOR APPROPRIATE TRAFFIC PROGRESS AND SHOULD NOT CHANGE.**



**THE DAYCARE WILL OPERATE FROM 7:00 AM TO 6:00 MONDAY THROUGH SATURDAY. IT WILL EMPLOY 13 STAFF MEMBERS AND CAN HOLD 98 CHILDREN BETWEEN THE CENTER AND THE HOME. THE CENTER WILL SERVE INFANTS TO SCHOOL AGED CHILDREN. PETITIONER HAS PURCHASED THE DAYCARE. THE FIRE INSPECTOR AND THE STATE WILL INSPECT THE FACILITY FOLLOWING APPROVAL OF THIS PETITIONER.**

**FOR THIS PETITIONER ONLY, AT THIS LOCATION ONLY AND FOR THIS USE ONLY.**

MERRILLVILLE PLAN COMMISSION & BOARD OF ZONING APPEALS  
7820 Broadway, Merrillville, Indiana 46410

APPLICATION FOR A SPECIAL EXCEPTION

FEE: \$250.00 DATE PAID: 9-1-22 RECEIPT # 91062

Proposed Use: ANONEI PARK ACADEMY

Address or General Location: 7440 Broadway

Merrillville, IN 46410  
(Attach Complete Legal Description)

Current Zoning: C2

Area of Ground: 2.558

Tax Key #:

Present Use: Daycare Center

USES OF ADJACENT PROPERTY TO REQUESTED SPECIAL EXCEPTION:

North American Legion Hall

East Residential Homes

South Residential Homes

West Wooden Area

SUBMIT WITH THIS APPLICATION SEVERAL PHOTOGRAPHS OF YOUR PROPERTY AND THE PROPERTY SURROUNDING IT. ALSO, SUBMIT A PLAT SHOWING THE PROPERTY AND INDICATING THE PRESENT USAGE AS WELL AS USAGE OF ADJACENT PROPERTY.

TYPE or PRINT	
PETITIONER	OWNER
NAME: CHRISTINA BUCKNER	NAME: CHRISTINA BUCKNER
ADDRESS: 38 E. GRANDVIEW DR SOUTH HOLLAND, IL 60473	ADDRESS: 38 E. Grandview Dr South Holland IL 60473
PHONE: (708) 203-0001	PHONE: (708) 203-0001

Being first duly sworn upon (my - our) oath, do hereby declare that the facts and figures set forth in the above petition are true to (my - our) information and belief, and that (I am - we are) submitting such facts and figures to the Merrillville Plan Commission and Board of Zoning Appeals for the purpose of this request for the above described real estate.

SIGNATURES:

PETITIONER(S)

C. Buck

OWNER(S)

C. Buck

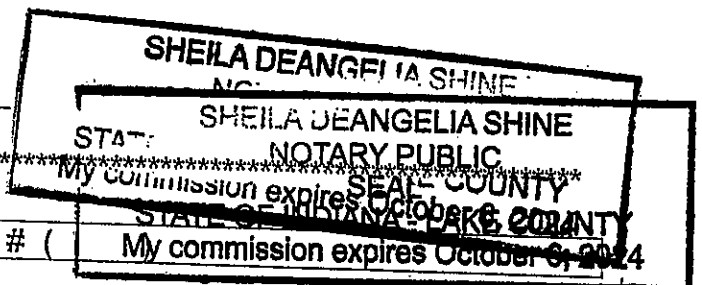
STATE OF INDIANA, COUNTY OF LAKE) SS

Before me, a Notary Public in and for said County and State, personally appeared the above named petitioner(s) and owner(s) and acknowledged the execution of the above and foregoing instrument to be a voluntary act and need for the use and purposes therein mentioned.

Dated this 1st day of August, 2022.

Sheila DeAngelica Shine  
Notary Public

My commission expires: 10-6-2024



CONTACT:

PHONE # (

\*\*\*FILING FEE WILL NOT BE REFUNDED IF PETITION IS WITHDRAWN OR DENIED

SPECIAL EXCEPTION CASE # 224E10-0922

TOWN OF MERRILLVILLE, INDIANA  
BOARD OF ZONING APPEALS  
DATE: 9-22-22

Pursuant to Article III, Section 6 of the Rules and Regulations of Practice and Procedure of the Town of Merrillville Board of Zoning Appeals, Petitioner, CHRISTINA BUCKNER submits the following findings of fact which address the effects that Petitioner's proposed special exception for the property commonly known as ANONEI PARK ACADEMY will have on such property and to the surround area:

1. Petitioner owns the property commonly known as ANONEI PARK ACADEMY which is classified as C2 pursuant to the terms of the zoning ordinance.
2. Petitioner has request a special exception for the following purpose:  
The primary purpose of the Daycare Ctr. is to provide a safe and secure environment with qualified teachers, so that parents have a peace of mind while working. Also, this is a way to help our community by teaching the children and maintain safety.
3. Petitioner submits that:
  - a. The establishment, maintenance, or operation of the proposed special exception use will not be detrimental to or endanger the public health, safety, morals and general welfare and is in accordance with the comprehensive plan because:  
The Daycare center objectives is to provide a nurturing, fun environment for the children. We will adhere to the State of Indiana guidelines. The business will
  - b. The proposed special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminished and impair property values within the neighborhood because:  
The purpose is not violate private property or diminish/impair property in this neighborhood. This license center will be ran with the intent and sole purpose for a Daycare center. This center will chance the value of the property in the community. This community will remain safe and intact.
  - c. The establishment of the proposed special exception will not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district because:  
Village Park Childcare Center has been in existence for 18 years and will be used for the same purpose as ANONEI PARK ACADEMY.
  - d. Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided in the following manner:  
No additional changes need to be made on or by the outside of the Daycare Center.
  - e. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets in the following manner:  
The style/design of this particular property will not change; therefore parents and employees entering and exiting the center, will not cause traffic or congestion issues.
  - f. The proposed special exception shall in all other respects conform to the applicable regulations of the district in which it is located and there is a public necessity for the proposed special exception in that:  
To provide children the safe and secure environment as they learn. Also, helping them grow emotionally, cognitively, socially and physically through education and fitness.

\*\*\*\*\*  
The Board of Zoning Appeals shall approve or deny the above findings prior to approval or denial of the petition. The Board of Zoning Appeals can modify Petitioner's findings if facts presented at the public hearing show false information in the findings and/or new information pertinent to the Petition. Findings of fact which are modified shall then be resubmitted on the approved forms within five (5) days of the modification.

Exhibit A

Legal Description

PARCEL A:

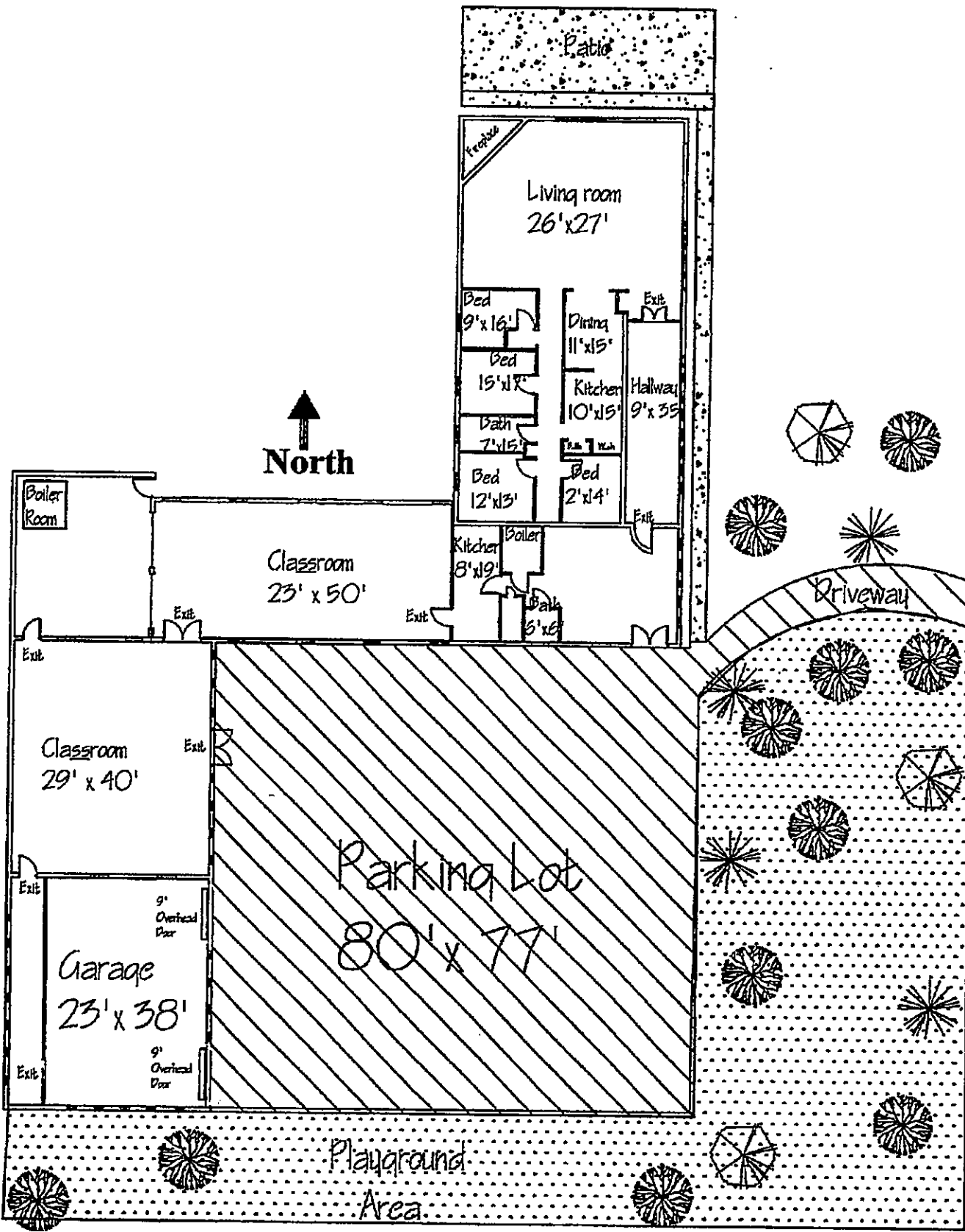
PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST LINE OF SAID SECTION WHICH IS 1508.65 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE RUNNING NORTH ON THE EAST LINE OF SAID SECTION A DISTANCE OF 141.53 FEET, TO A POINT WHICH IS 990.3 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN; THENCE RUNNING WEST ON A LINE WHICH IS 990.3 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SOUTHEAST 1/4 A DISTANCE OF 471.91 FEET; THENCE RUNNING SOUTH ON A LINE OF SAID SOUTHEAST 1/4 A DISTANCE OF 201.91 FEET; THENCE NORTH AND PARALLEL TO THE EAST LINE OF SAID SOUTHEAST 1/4 A DISTANCE OF 130 FEET; THENCE EAST AND PARALLEL TO THE NORTH LINE OF SAID SOUTHEAST 1/4 A DISTANCE OF 270 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, INDIANA;

EXCEPTING THEREFROM THAT PART CONVEYED TO THE STATE OF INDIANA BY WARRANTY DEED DATED MAY 5, 1981 AND RECORDED JULY 9, 1981 AS DOCUMENT NO. 635802.

PARCEL B:

PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST LINE OF SAID SECTION WHICH IS 1278.65 FEET NORTH OF THE SOUTHEAST CORNER THEREOF AND RUNNING THENCE WEST 471.91 FEET; THENCE NORTH 100 FEET; THENCE EAST 471.91 FEET TO THE EAST LINE OF SAID SECTION; THENCE SOUTH 100 FEET TO THE PLACE OF BEGINNING, EXCEPTING THE EAST 285.00 FEET THEREOF, IN LAKE COUNTY, INDIANA.

Use	Districts														
	A-1	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	C-4E	C-5	M-1	M-2	F	PUD
Outdoor: Swimming pools, skateboard and dirtbike tracks, paint ball fields, skeet shooting ranges, drive-in theaters or uses similar to those listed above as determined by the planning and building administrator.	X	X	X	X	X	X	X	X	S	X	X	X	X	X	P
Animal hospital*	X	X	X	X	X	X	X	X	S	X	X	P	X	X	P
Art galleries, museums	X	X	X	X	X	X	X	P	P	X	X	X	X	X	P
* Automobile service as follows: New automobile and/or truck dealership sales and service.	X	X	X	X	X	X	X	S	P	X	X	P	X	X	S
Automobile, truck, and/or trailer rental services, automobile repair, automobile parts sales, car wash (automatic and self), gasoline service station with or without repair, painting and customizing, RV and camper sales and service, tire and auto service center, auto convenience mart or uses similar to those listed above as determined by the planning and building administrator.	X	X	X	X	X	X	X	S	S	X	X	P	X	X	S
Automobile service as follows: Auto, truck, boat, recreational vehicle sales with an open sales lot or uses similar to those listed above as determined by the planning and building administrator.	X	X	X	X	X	X	X	X	S	X	X	P	X	X	P
Automobile wrecking yard*	X	X	X	X	X	X	X	X	X	X	X	S	X	X	X
Bed and breakfast*	S	S	S	S	S	S	X	X	X	X	X	X	X	X	P
Boarding house* for three (3) or more persons	X	X	X	X	S	S	X	X	X	X	X	X	X	X	X
Campground*	S	X	X	X	X	X	X	X	X	X	X	X	X	S	P
* Car wash*	X	X	X	X	X	X	X	S	S	X	X	S	X	X	P
Cemeteries*/crematory	S	S	S	S	S	S	X	X	X	X	X	X	X	X	P
Child care ministry* (operated by a religious use)	A	A	A	A	A	A	A	A	A	X	A	X	X	X	A
Child care institution*	S	S	S	S	S	S	S	S	S	X	S	X	X	X	P
Child care home* (Class I, six (6) to twelve (12) children or Class II, twelve (12) to sixteen (16) children)	P	P	P	P	S	S	S	S	S	X	S	X	X	X	P
* Child care center* (seventeen (17) or more children)/adult care center	S	S	S	S	S	S	S	S	S	X	S	X	X	X	P
Clinic*	X	X	X	X	X	S	S	P	P	X	P	X	X	X	P
Club*/hall or lodge	S	X	X	X	S	S	X	S	P	X	X	X	X	X	P





# Anonei Park Academy

7440 Broadway

Merrillville, Indiana 46410



**Business Hours:**  
**(7:00a.m-6:00p.m)**

**Capacity**

The center holds a total of 95 children

**Center-83 children**

**Home-12 children**

**Entrance to the Center  
Hallway**

**Parents & Employees**

The entrance to the center is a hallway where all parents, employees and guests will walk down until they all get to the first classroom door and this is where the drop off-pick up their children

**Classroom 1: PreK**

Beginning at ages 4 years up to 5 years who are preparing for Elementary.

**Door on the right-side**

**Classroom 2: School Age**

This classroom is designed for our school age children, ages 6–12-year-old.

**Door on the left side**

For our learners beginning at 2.5 years old and up to 4 years old who are mostly potty trained and ready for a more structured class setting.

**Classroom 3: 2-year-old**

Our third classroom is for the learners who have a good start but are still in diapers.

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**Classroom 4: PreK**

For our biggest learners. Beginning at ages 3 years up to 7 who are preparing for Elementary.

**Classroom 5: Infants**

The last classroom is for our smallest learners ages 3-12 months.

**Play Time**

Have a full-size playground filled with exciting FUN

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<b>Teachers Last name</b>	<b>First Name</b>	<b>Credentials</b>
Buckner	Christina	Owner-CDA
Mix	Star	Asst. Director Bachelor's Degree
Hamlet	Atoya	Asst. Director  Lead Teacher-CDA
Quezada	Bethbirai	Lead Teacher-CDA
Price	Jaliyah	Lead Teacher-CDA
Mc Intee	Danielle	Lead Teacher-CDA
Brown	Tiffany	Teacher Asst.
Jones	Tomika	Teacher Asst.
Wardlaw	Jaylah	Teacher Asst.
Harol	Emma	Teacher Asst.
Hughes	Brandy	Teacher Asst.
Kohut	Vera	Helper

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# **Security**

**Stanley Security System-(911)**

**We have a Fire Alarm Annunciator**

**(Fire -Lite Alarms by Honeywell)**

**Keys to Panel and Annunciator must be placed in Annunciator to turn on to Hit  
DRILL button.**

**Do the drill then hit the SILENCE button to RESET and LOCK with a PASS CODE**

**Merrillville Fire Department**

**Robert Pillman-Fire Inspector**

**(219)769-0004**

**Cell (219)742-0107**

**Fax (219)769-1341**

**Menu**

Fresh food prepared daily for Breakfast, Lunch and Snacks

**Curriculum**

The Curriculum & Lesson Plans are based on the children's appropriate ages along with outside play/fitness and circle time.

**COVID-19**

Safety Procedures and Guidance for Child Care Center  
Operating During Overall Guidance COVID-19

**Overall Guidance**

- ➔ Wash hands frequently (e.g; before and after meals, after coming inside, after sneezing, blowing your nose, or coughing) with soap and water for at least 20 seconds.
- ➔ Avoid touching your face
- ➔ Cover coughs and sneezes with a tissue and throw the tissue away immediately.
- ➔ Provide easy access to soap and warm water for handwashing for all children and staff
- ➔ Except for diapering or when eating, preparing, or serving food, hand sanitizing products with 60% alcohol may be used as an alternative method to handwashing. Hand sanitizer must be stored out of reach of the children when not in use.
- ➔ To minimize contact during drop-off/pick-up, allow parents to remain outside the building for sign-in and-out of their children.

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**Considerations for Ratio, Group Size and Capacity**

- Spaces for children should be structured in a way that allows facilities to implement specific social distancing guidelines.
- Limit the total number of children in the facility as much as possible so social distancing guidance and guidance in this document can be followed (e.g; staggering groups at lunch and outdoors).
- Ratio and group sizes must be adjusted to the requirements for Emergency Child Care.

**Screening for Symptoms and When someone is sick**

- Conduct daily health checks  
Ask staff, children and families:  
If they have had close contact with anyone diagnose with COVID-19  
if anyone in their household has symptoms of respiratory illness (fever, cough, or shortness of breath).
- Evaluate temperature and check for coughs of anyone entering the building. Individuals with a fever over 99.1 and above should not be allowed stay. Temperature may be taken with the forehead thermometer and sanitized after each reading.
- If a child or staff member develops a cough, fever, or shortness of breath, send them home as soon as possible.

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They should stay home until they are symptom free (no cough or fever and no fever controlling meds) for at least 72 hours.

- While waiting for a child to be picked up, caregivers should stay with the child in a room isolated from others. If the child has symptoms of COVID-19 (fever, cough, or shortness of breath), the caregiver should remain as far away as safely possible from the child (preferably six feet).
- If anyone who has entered the facility is diagnosed with COVID-19, consult with the local public health entity regarding cleaning and closure.

### **Exclusion Policies**

- Anyone who has had close contact as being within six feet of someone for 10 minutes or more with someone diagnosed with COVID-19 should remain home for 5 days after their last contact with the COVID-19 patient.
- If someone in their household has symptoms of respiratory illness, consider asking them to remain home until at least 72 hours after symptom resolution (absence of fever without the use of fever reducing medication and improvement in respiratory symptoms).
- Recommend exclusion for children or staff who are considered high risk, including older adults or people who have serious chronic medical conditions.

### **Classroom Practices**

- Only staff necessary to maintain ratio compliance should be inside of classroom

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- Focus on outdoor activities when possible, with no more than one group of children in one outside area at a time
- Ensure activities are small group or individual, rather than whole group, whenever possible
- Cancel or postpone field trips or outing to areas with large crowds

### **Food and Nutrition**

- Stagger meal times
- Provide bagged or individual lunches
- Provide pre-prepared, individually wrapped snacks

### **Cleaning Practicing**

- Consider removing materials from the classroom that are harder to clean e.g; soft toys)
- Follow regular cleaning protocols and use an EPA registered disinfectant that is active against the coronavirus
- Clean and disinfect frequently touched surfaces throughout the day and at night
- Clean and sanitize all toys at the end of the day
- Clean any machine washable items on the hottest setting
- Keep a designated bin for separating toys that have been in children's mouths. When a child is done with a mouthed toy, place it in a bin that is inaccessible to other children and wash hands. Clean and sanitize prior to returning to the children's area.

**Preparation**

- Stay informed about the COVID-19 outbreak
- Follow guidance from your local public health entity. If you have questions for local public health, start by calling 311. Know the signs and symptoms of COVID-19 in children and adults. Keep up to date via Merrillville Health Authority and your local public health entity
- Plan ahead in case the facility needs to close:
- Determine how the facility will communicate with staff and parents
- Determine who will inform your licensing specialist (if applicable) and your local Child Care Resource and Referral Entity if we close
- If a patient with COVID-19 was in the building, the facility may need to close briefly (2-5 days) for cleaning and disinfection.
- The facility may need to close if child care cannot safely be provided due to a high number of staff being out of work.

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# Anonei Park Academy

## DISASTER AND EMERGENCY PLAN

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**Disaster & Emergency/Evacuation Plan**

**1. Purpose**

This emergency plan has been developed by Anonei Park Academy in protecting the health and safety of the children in its care should a disaster or emergency, be it natural or deliberate, affect the facility, operation or its community. The safety of the children and staff is the primary goal of Anonei Park Academy.

**2. Assignment of Responsibilities**

All staff are responsible for implementing the disaster and emergency plan and ensuring the safety of the children.

**3. Location of Daily Children’s Attendance, Emergency Contacts and Emergency Supplies**

Children’s daily attendance records are kept on the clip board by the front door. The children’s attendance records are updated as they arrive and leave throughout the day.

Children’s Emergency Contact Information is kept in the draw by computers and in the first aid kit located by front door and patio door.

In a widespread disaster, we need to be prepared to care

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for the children in the facility until assistance arrives.  
Emergency supplies are stored in the kitchen. These supplies are updated every six months.

**4. Children in Care**

All children in care are between the ages of 6 wks-12yrs of age.

**5. Emergency Assessment**

Below is a list of possible disasters or emergencies that may affect the area.

**Types of emergencies and/or Hazardous situations**

- Earthquakes
- Fire/Smoke/Bomb
- Gas Leak
- Hazardous Material Exposure
- Ice and Snow Storms
- Medical Emergencies
- Missing Child (Kidnapping)
- Potentially Violent Situation
- Power Failure
- Thunderstorm
- Tornado-Watch/Warning
- Water Line Disturbance
- Other

**6. Types of Emergency Response**

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**Medical Emergencies**

Assess the situation and contact 911, if necessary. Notify the parent’s immediately. Document the date and circumstance regarding the medical emergency in the child record.

**7. Evacuation**

Evacuate the facility to go to another location nearby or far away to remain safe. Evacuation maps are posted by all doorways. The map outlines where the staff and children will go in the event of an evacuation emergency. Fire and smoke will be announced by the alarm system, isolation of fire and smoke would include con

**8. Staff Training & Monthly or Quarterly Drills**

All staff and children will participate in fire and disaster drills at this facility. Fire drills will be conducted monthly and disaster drills every three months. All drills must be documented. In addition to these drills, fire alarms and extinguisher training will be completed.

**9. Access to Disaster and Emergency Preparedness Plan**

A copy of the Disaster and Emergency Preparedness Plan will be available, at all times, in the office and each room used for child care.

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**10. Before a Tornado**

When a tornado warning is designated to the area, a text a notification goes out to the parents, letting them know that the emergency plan will go into effect.

Staff will pre the designated safe room (bathroom) for shelter from the impending tornado.

**11. During a Tornado**

Staff will calmly guide children to the safe room and instruct them to stay low with hard cover books open over their heads.

**12. After A Tornado**

Staff will check radio for local official updates and instruction.

Staff will check area around the daycare for debris and down power lines. If location is determined unsafe, staff will relocate children to another affiliate location.

Staff will update parents via text about children's safety and location.

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**FROM:** SHEILA SHINE  
**RE:** VARIANCE OF USE APPROVAL  
**PETITIONER:** REASONABLE SELF STORAGE/LOUIS W AGULERA  
**OWNER:** 1<sup>ST</sup> NATIONAL BANK OF ILLINOIS  
**PURPOSE:** TO ALLOW A STORAGE FACILITY  
**LOCATION:** 9125 GEORGIA ST  
**ZONING:** C-3, HIGHWAY COMMERCIAL ZONING DISTRICT  
**DATE OF BOARD OF ZONING APPEALS:** SEPTEMBER 28, 2022  
**DEADLINE FOR TOWN COUNCIL ACTION:** DECEMBER 27, 2022  
**ACTION TAKEN BY THE BOARD:** APPROVED  
**VOTE:** (5) APPROVED (0) ABSENT  
**CONDITIONS:** OUTSIDE STORAGE LIMITED TO 150' FROM THE EAST WALL. PETITIONER IS AWARE OF THE CAMERA ORDINANCE.

**TOWN OF MERRILLVILLE  
PLANNING DEPARTMENT  
7820 BROADWAY  
STAFF REPORT  
BOARD OF ZONING APPEALS**

**CASE NO: V22uV6-0922    BZA MEETING DATE: SEPTEMBER 28, 2022**

**PREPARED BY:                    SHEILA SHINE**

**APPLICANT:                      REASONABLE SELF STORAGE/LOUIS W AGUILERA**

**PETITIONER:                    REASONABLE SELF STORAGE/LOUIS W AGUILERA**

**OWNERS:                        1<sup>ST</sup> NATIONAL BANK OF ILLINOIS TRS TR#6180 DTD  
12/14/07**

**REQUEST:                        VARIANCE OF USE APPROVAL FROM SECTION 21-136**

**LOT SIZE:                        3.09 ACRES**

**EXISTING ZONING:              C-3, HIGHWAY COMMERCIAL**

**LOCATION:                        9125 GEORGIA ST**

**SURROUNDING USES:**

**NORTH -                        VACANT**

**SOUTH -                        VACANT**

**EAST -                         I-65 INTERSTATE HIGHWAY**

**WEST -                         RESIDENTIAL**

**SURROUNDING ZONING:**

**NORTH -                        AGRICULTURAL**

**SOUTH -                        AGRICULTURAL**

**EAST -                         C-3, HIGHWAY COMMERCIAL**

**WEST -                         R-3, TWO-FAMILY RESIDENTIAL**

**COMMENTS: PETITIONER IS SEEKING VARIANCE OF USE APPROVAL FROM SECTION 21-136 TO ALLOW A STORAGE FACILITY IN A C-3, HIGHWAY COMMERCIAL ZONE ON 3.09 ACRES. PETITIONER REQUESTS A STORAGE FACILITY WITH OUTSIDE SELF-STORAGE FOR RV'S AND BOAT STORAGE. THE PETITIONER STATES THEY WILL ONLY STORE SAFE, LEGAL AND NON-HAZARDOUS MATERIALS. THE SITE WILL HAVE SECURITY MEASURES IN PLACE WITH ACCESS LIMITED TO APPROVED TENANTS. THE PLANS ALLOW FOR SAFE ACCESS & EGRESS FROM EXISTING ROADWAYS. THE PROPOSED FACILITY WILL BE CONSTRUCTED WITH QUALITY MATERIALS AND DESIGNED WITH QUALITY OF LIFE FOR ADJACENT PROPERTY OWNERS IN MIND. THE BUILDINGS WILL BE BUILT IN PHASES. PHASE 1 WILL BEGIN WITH 100 UNITS. THE FACILITY WILL HAVE AN ON-SITE OFFICE WITH KEY CODE ACCESS. THE HOURS OF OPERATION ARE 8:00 A.M. TO 8:00 P.M.**

VARIANCE OF USE: CASE # Z224V6-0922

NOTICE OF BOARD OF ZONING APPEALS DECISION ON PETITION  
OF Reasonable Storage Louis A. Aguilera

The Town of Merrillville Board of Zoning Appeals, after conducting a public hearing in accord with I.C. 36-7-4-920, 5-3-1-2, and 5-3-1-4, hereby rules that the law is (with/not with) the Petitioner. In support of such conclusion, the Board of Zoning Appeals makes the following findings of fact:

1. The Petitioner (did/did not) establish that the proposed variance will not be injurious to the public health, safety, morals, and general welfare of the community because:

COMMENT:

2. The Petitioner (did/did not) establish that the proposed variance will not have a substantially adverse effect on the use and value of the property adjacent to the property included in the proposed variance because:

COMMENT:

3. The Petitioner (did/did not) establish that the need for the proposed variance arises from some condition peculiar to the property involved in that:

COMMENT:

4. The Petitioner (did/did not) establish that the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the proposed variance is sought because:

COMMENT:

5. The proposed variance (will/will not) substantially interfere with the comprehensive Master Plan adopted because:

COMMENT:

Accordingly, the Board of Zoning Appeals hereby approves/denies Petition for variance of use, Case # Z224V6-0922 from the terms of the zoning ordinance this 28<sup>th</sup> day of September 19 2022. The Board of Zoning Appeals, pursuant to I.C. 36-7-4-918.4, imposes the following conditions as part of its approval:

1. Outside Storage limited to 150' from East Wall.
2. Petitioner is aware of Camera Ordinance
3. \_\_\_\_\_
4. \_\_\_\_\_

CHAIRMAN

SECRETARY

Andrew Sylvestronis

Robert P. Guy  
Will P. Guy



MERRILLVILLE BOARD OF ZONING APPEALS  
APPLICATION FOR VARIANCE OF USE

FEE: \$200.00

DATE: 9-7-22

RECEIPT: 91149

FILING FEE WILL NOT BE REFUNDED IF PETITION IS WITHDRAWN OR DENIED

NOTE TO APPLICANT: Please read the following State Law Carefully

35-7-4-913.4 - VARIANCES OF USE FROM THE TERMS OF ZONING ORDINANCE - ADVISORY-METRO: A Board of Zoning Appeals shall approve or deny variances of use from the term of the zoning ordinance. The Board may impose reasonable conditions as a part of its approval. A variance may be approved under this section only upon a determination in writing that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- (3) The need for the variance arises from some condition peculiar to the property involved;
- (4) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- (5) The approval does not interfere substantially with the comprehensive plan adopted under the 500 series of this chapter (IC35-7-4-913.4 as added by P.L. 357-1983, Sec. 13.)

APPLICATION FILED AND PLANS RECEIVED: Date September 2, 2022

ADDRESS OF PROPERTY OR GENERAL LOCATION: 9125 Georgia Dr. Merrillville IN 46410

TAX KEY # 45-12-17-491-004-000-030 CURRENT ZONING: C-3 AREA OF GROUND: 3.04 ACRES

PROPOSED USED OF PROPERTY: Outside Self-Storage with RV's + Boats Storage

PRESENT USE OF PROPERTY: Vacant Land

USES OF ADJACENT PROPERTIES			
NORTH	Agriculture / Vacant Land	EAST I-65 INDUSTRIAL	
		WEST Residential	

PLEASE PRINT			
PETITIONER: Reasonable Self-Storage		OWNER: The Chicago Co. Trust #6180	
ADDRESS: 1655 Evergreen Ave		ADDRESS: 5201 Fountain Dr	
CITY: Crown Point STATE IN ZIP 46307		CITY: Crown Point STATE IN ZIP 46307	
PHONE: (219) 616-9197		PHONE: (219) 712-5412	

Being duly sworn upon (my/our) oath, do hereby declare that the facts and figures set forth in the above petition are true to (my/our) information and belief, and that I am/we are submitting such facts and figures to the Merrillville Board of Zoning Appeals for the purpose of this request for the above described real estate.

PETITIONER (S) SIGNATURES

*Louis W. Hughes*  
*John P. Hughes*

STATE OF INDIANA )  
COUNTY OF LAKE ) SS

Before me, a notary public in and for said county and state, personally appeared the above petitioner (s) and owner (s) and acknowledged the execution of the above and foregoing instrument to be voluntary act and deed for the uses and purposes therein mentioned.

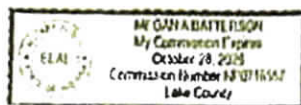
DATED THIS 3 DAY OF September, 2022

*Michael Batten*  
Notary Public

OWNERS (S) SIGNATURES

*Deborah M. Derkacy*  
Deborah M. Derkacy  
Trust Administrator

My Commission Expires: Oct 28, 2026



This instrument is executed by the undersigned Land Trustee, not personally but solely as Trustee in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed that all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee are undertaken by it solely in its capacity as Trustee and not personally. It is further understood and agreed that the Trustee merely holds title to the property herein described and has no agents, employees or control over the management of the property and no knowledge of other factual matters except as represented to it by the beneficiary(ies) of the Trust. No personal liability or personal responsibility is assumed by or shall at any time be asserted or enforceable against the Trustee in this instrument, all such liability being expressly waived by every person now or hereafter claiming any right or security hereunder, and the owner of any indebtedness or cause of action for breach of any warranty, indemnity, representations, covenant, undertaking or agreement shall be deemed to have waived such liability.

VARIANCE OF USE - CASE # 2224V-0922TOWN OF MERRILLVILLE, INDIANA  
BOARD OF ZONING APPEALS  
DATE: 9-28-22

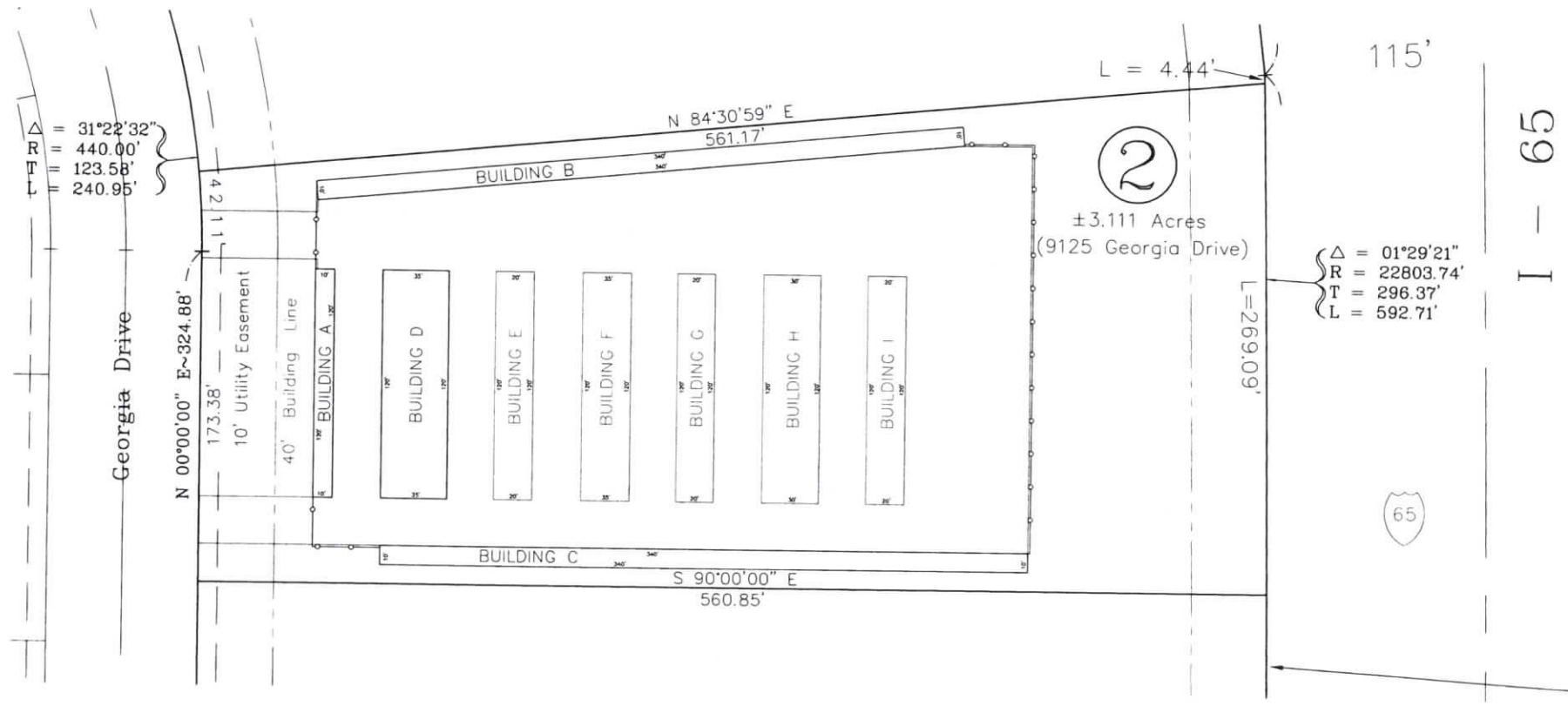
Pursuant to Article II, Section 21-41 of the Rules and Regulations of Practice and Procedure of the Town of Merrillville Board of Zoning Appeals, Petitioner, Louis Aguilera Sr. submits the following findings of fact which address the effect that Petitioner's proposed variance of use from the terms of the zoning ordinance will have on the property commonly known as 9125 Georgia Dr. and to the surrounding area:

1. Petitioner owns the property commonly known as 9125 Georgia Dr. Which is classified as C-3 pursuant to the zoning ordinance.
2. Petitioner has requested a variance of use from the zoning ordinance for the following reasons:  
The proposed facility to be built, self-storage, is not currently  
permissible within the Town of Merrillville per Article III  
Division B Sec. 21-136 of Merrillville Municipal Code.  
The Petitioner respectfully requests a self-storage facility to  
be allowed to be built within the Town of Merrillville
3. Petitioner submits that:
  - a. The proposed variance of use will not be injurious to the public health, safety, morals, and general welfare of the community because:  
The proposed facility will be used for storing of safe, legal,  
& non-hazardous materials. The proposed facility will have security  
measures in place with limited access to approved tenants.  
The proposed facility will allow for safe access & egress from  
existing roadways.
  - b. The proposed variance of use will not have a substantially adverse effect on the use and value of the properties adjacent to the property included in the proposed variance because:  
The proposed facility will be constructed with quality materials  
and well maintained. The proposed facility will be designed  
with quality of life of adjacent property owners in mind.
  - c. The need for the proposed variance arises from some condition peculiar to the property involved in that:  
The proposed facility is not permissible per  
Merrillville Municipal Code
  - d. The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the proposed variance is sought because:  
The proposed facility cannot be constructed if proposed  
variance is not accepted
  - e. The proposed variance of use will not substantially interfere with the comprehensive master plan because:  
The proposed facility does not inhibit future development.  
The proposed facility has little to no impact to existing utilities.

The Board of Zoning Appeals shall approve or deny the above findings prior to approval or denial of the Petition. The Board of Zoning Appeals can modify Petitioner's findings if facts presented at the public hearing show false information in the findings and/or new information pertinent to the Petition. Findings of fact which are modified shall then be resubmitted on the approved forms within FIVE (5) days of the modification.

Use	Districts														
	A-1	R-1	R-2	R-3	R-4	R-5	C-1	C-2	C-3	C-4E	C-5	M-1	M-2	F	PUD
Offices (business or professional) as follows: Architect, artist, attorney, bank machines, bank / savings & loan, credit union, clinic*, dentist, design services, engineer, insurance agent, medical and dental laboratories, musician, optometrists, other professionals, physician, pharmacist, photographic studio, real estate, service organization, travel agency, or uses similar to those listed above as determined by the planning and building administrator.	X	X	X	X	X	S	P	P	P	X	P	P	X	X	P
Parking lots* and structures (see section 21-172)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Parks and playgrounds publicly owned and operated	P	P	P	P	P	P	X	X	X	X	X	X	X	P	P
Parks and playgrounds privately owned and operated	S	S	S	S	S	S	X	X	X	X	X	X	X	S	P
Personal services as follows: Barber shop, beauty shop; health spa, nail salon, tanning salon or uses similar to those listed above as determined by the planning and building administrator.	X	X	X	X	X	X	P	P	P	P	X	X	X	X	P
Personal services as follows: Body painting, body piercing or tattoo shop, massage therapy or uses similar to those listed above as determined by the planning and building administrator	X	X	X	X	X	X	X	X	S	X	X	X	X	X	S
* Personal storage building*	X	X	X	X	X	X	X	X	X	X	X	P	S	X	P
Pole building*	P	X	X	X	X	X	X	X	X	X	X	P	X	P	P
Produce stands for sale of products raised on the premises	A	X	X	X	X	X	X	X	X	X	X	X	X	A	X
Public buildings for governmental functions	S	S	S	S	S	S	P	P	P	S	S	S	S	S	P
Public transportation facilities	X	X	X	X	X	X	X	S	S	X	X	P	X	X	X
Recording studio	X	X	X	X	X	X	X	S	P	X	X	X	X	X	X
Religious use*	P	S	S	S	S	S	S	S	S	X	X	X	X	X	P
Rental office for residential developments	X	X	X	A	A	A	X	X	X	X	X	X	X	X	A
Research laboratory*	X	X	X	X	X	X	X	S	S	X	P	P	S	X	P
Residential facility for the developmentally disabled*	P	P	P	P	P	P	X	X	X	X	X	X	X	X	P
Residential facility for the mentally ill* if located more than three thousand (3,000) feet from another residential facility for the mentally ill as measured between lot lines.	P	P	P	P	P	P	X	X	X	X	X	X	X	X	P





**LEGAL DESCRIPTION:**  
 LOT 2, OAKCREST COMMERCIAL ADDITION, PHASE ONE, TO THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 90, PAGE 74, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

- NOTES:**
1. PHASE 1 TO INCLUDE CONSTRUCTION OF BUILDINGS A, B, C, AND D.
  2. PHASE 2 TO INCLUDE CONSTRUCTION OF BUILDINGS E, F, G, H, AND I.
  3. ALL AISLES SHALL BE 25' WIDE MINIMUM.



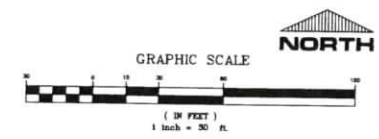
VICINITY MAP

**LEGEND:**

PROPOSED

—○— FENCE

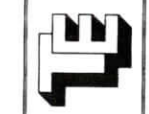
— PAVEMENT



*Donald C. Torrence*

REASONABLE SELF STORAGE  
 Phase One  
 to the Town of Merrillville  
 SITE PLAN

**TORRENGA ENGINEERING, INC.**  
 CONSULTING ENGINEERS & LAND SURVEYORS  
 907 RIDGE ROAD, MUNSTER, INDIANA 46321  
 Tel. No.: (219) 838-8818 e-mail: torrengae@torrengae.com website: www.torrengae.com



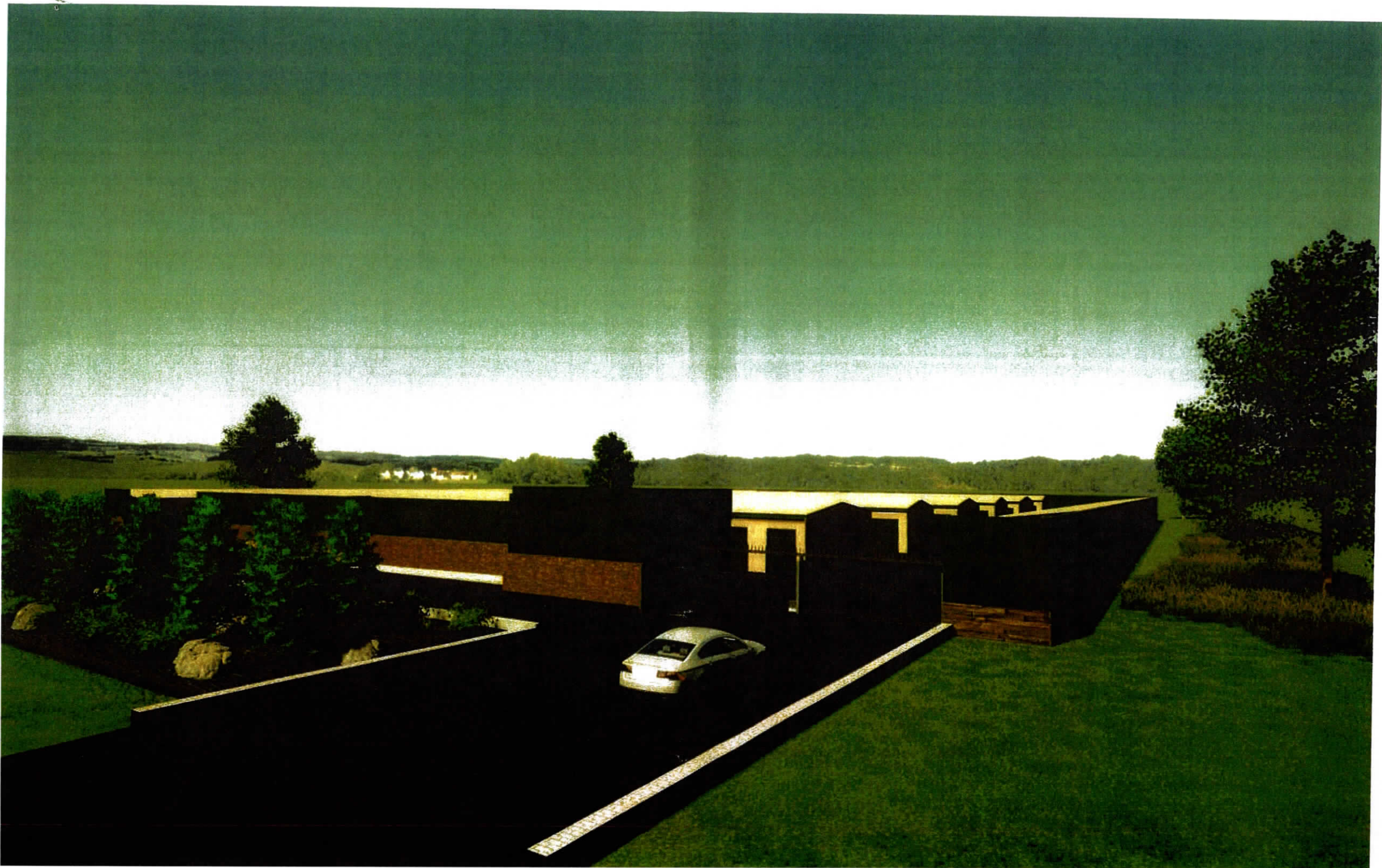
CLIENT: Louis Aguilera  
 JOB NO: 2022-5655  
 SCALE: 1"=30'

REVISIONS:  
 DATE: 09-06-2022

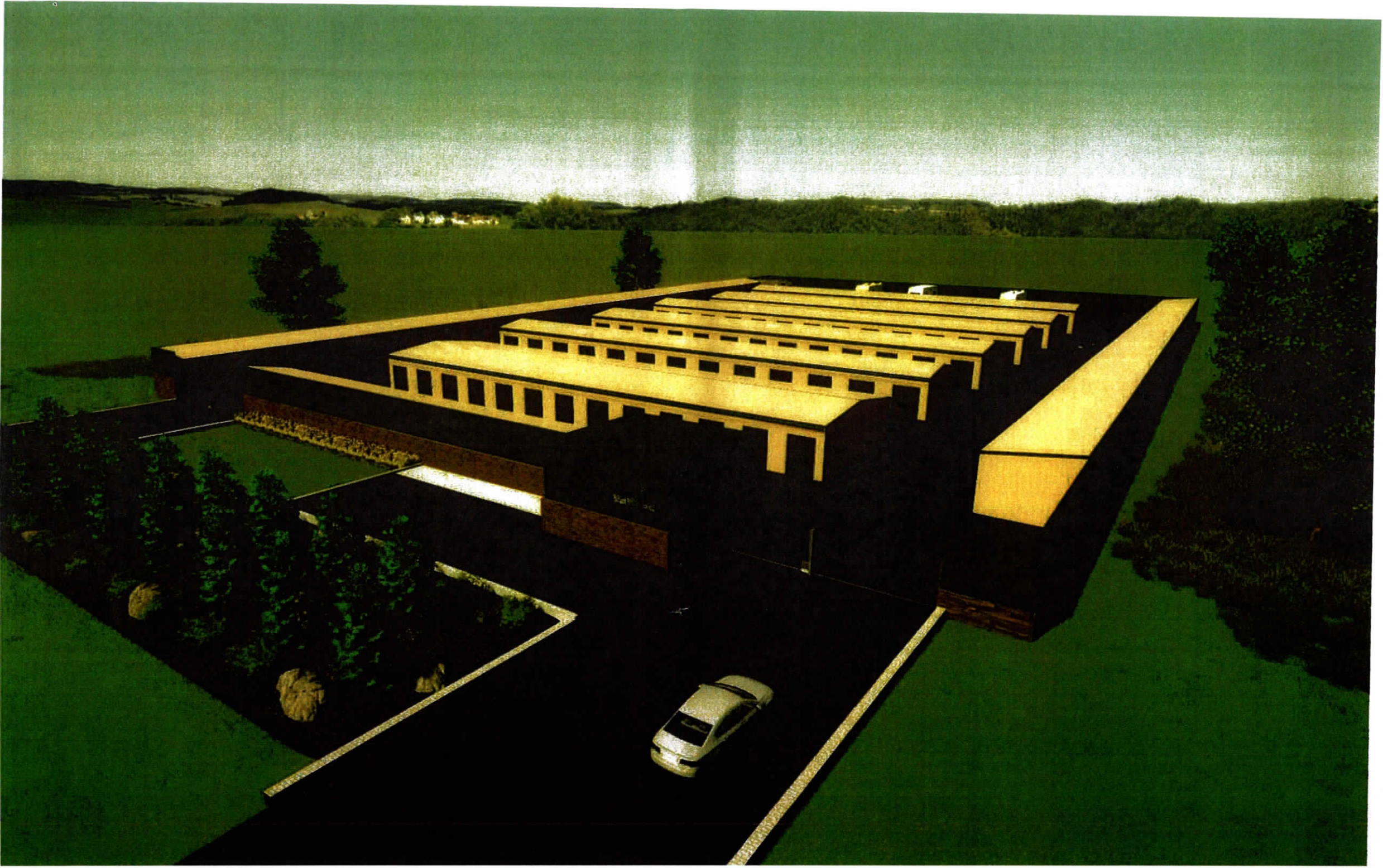




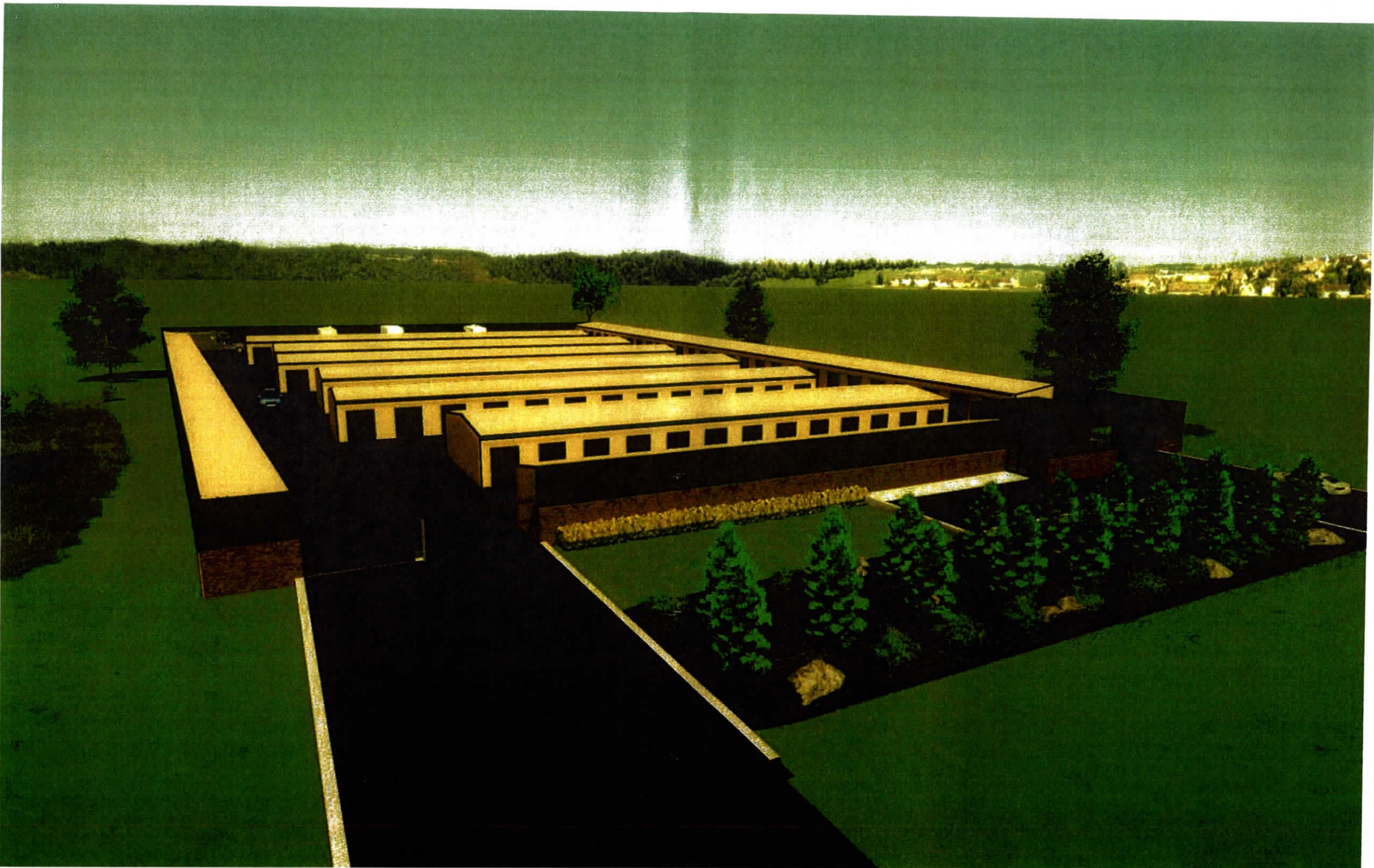




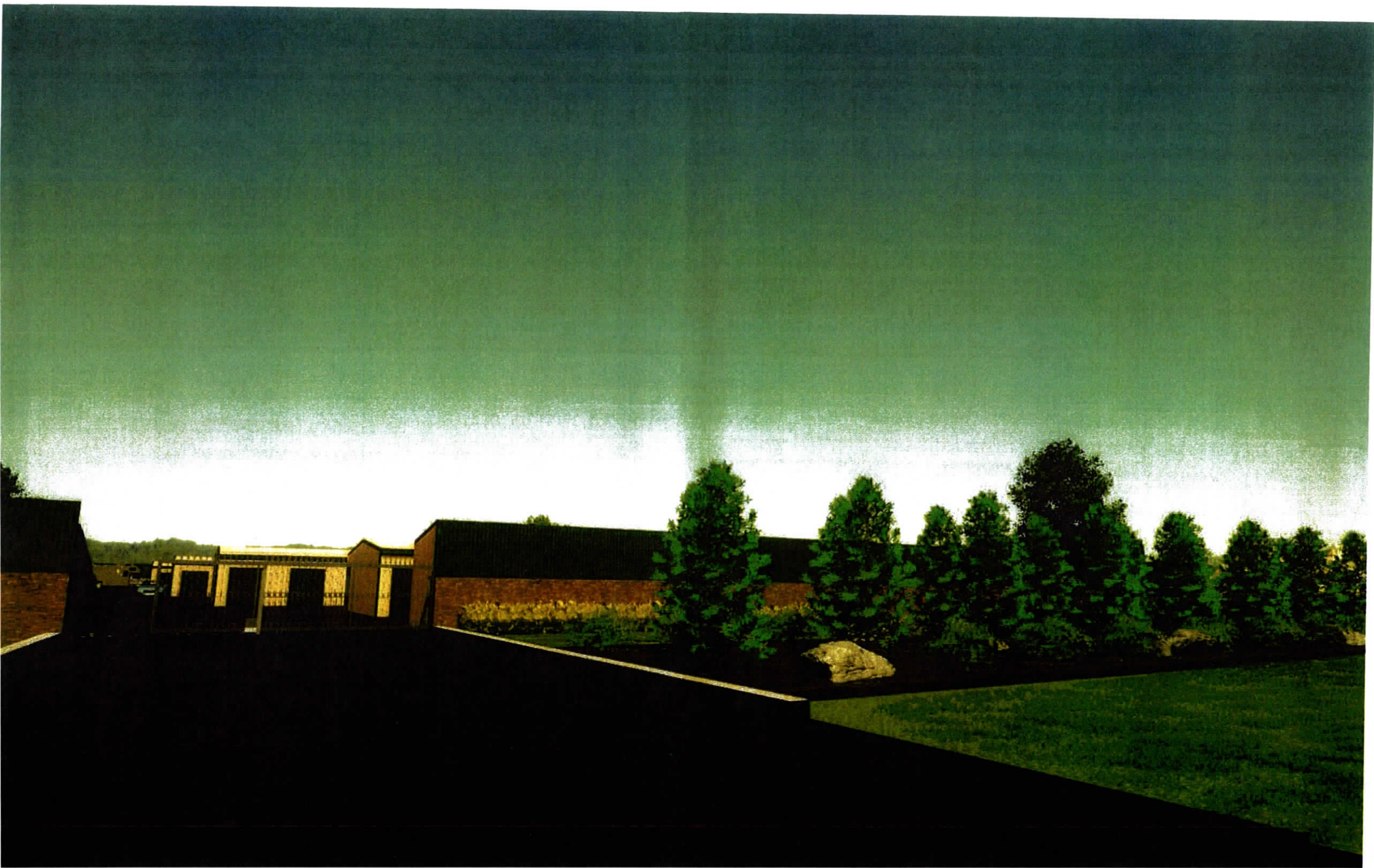




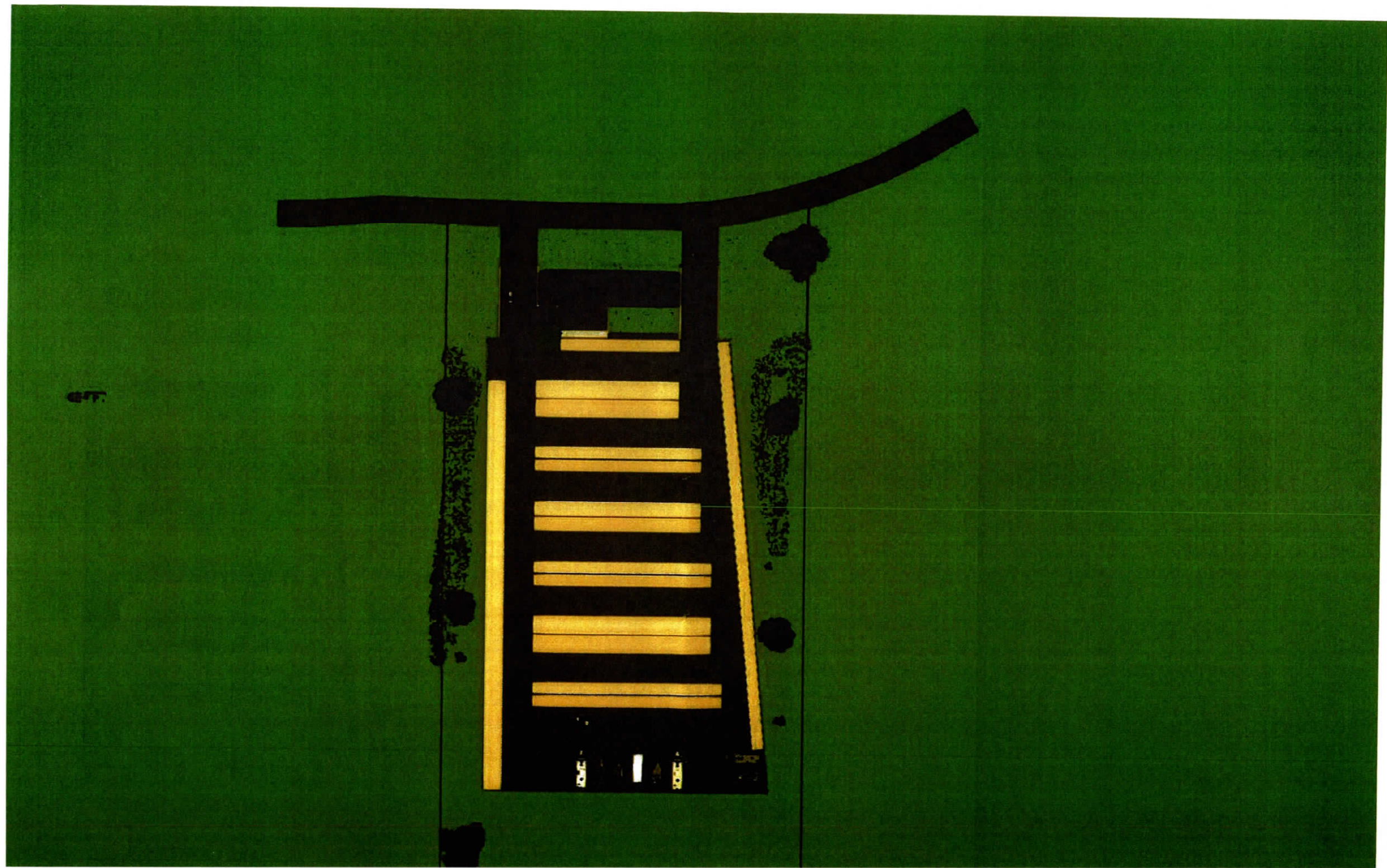




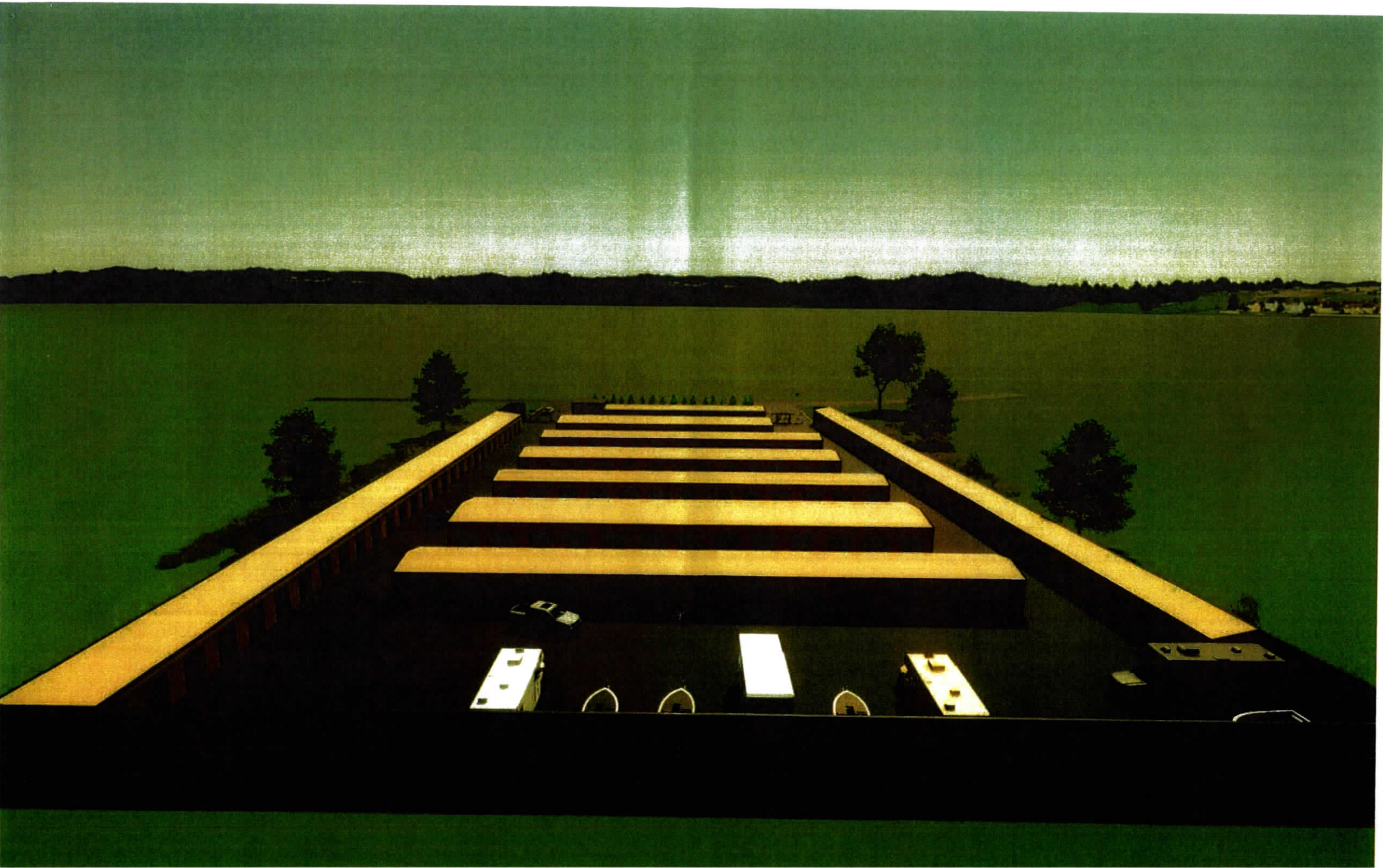




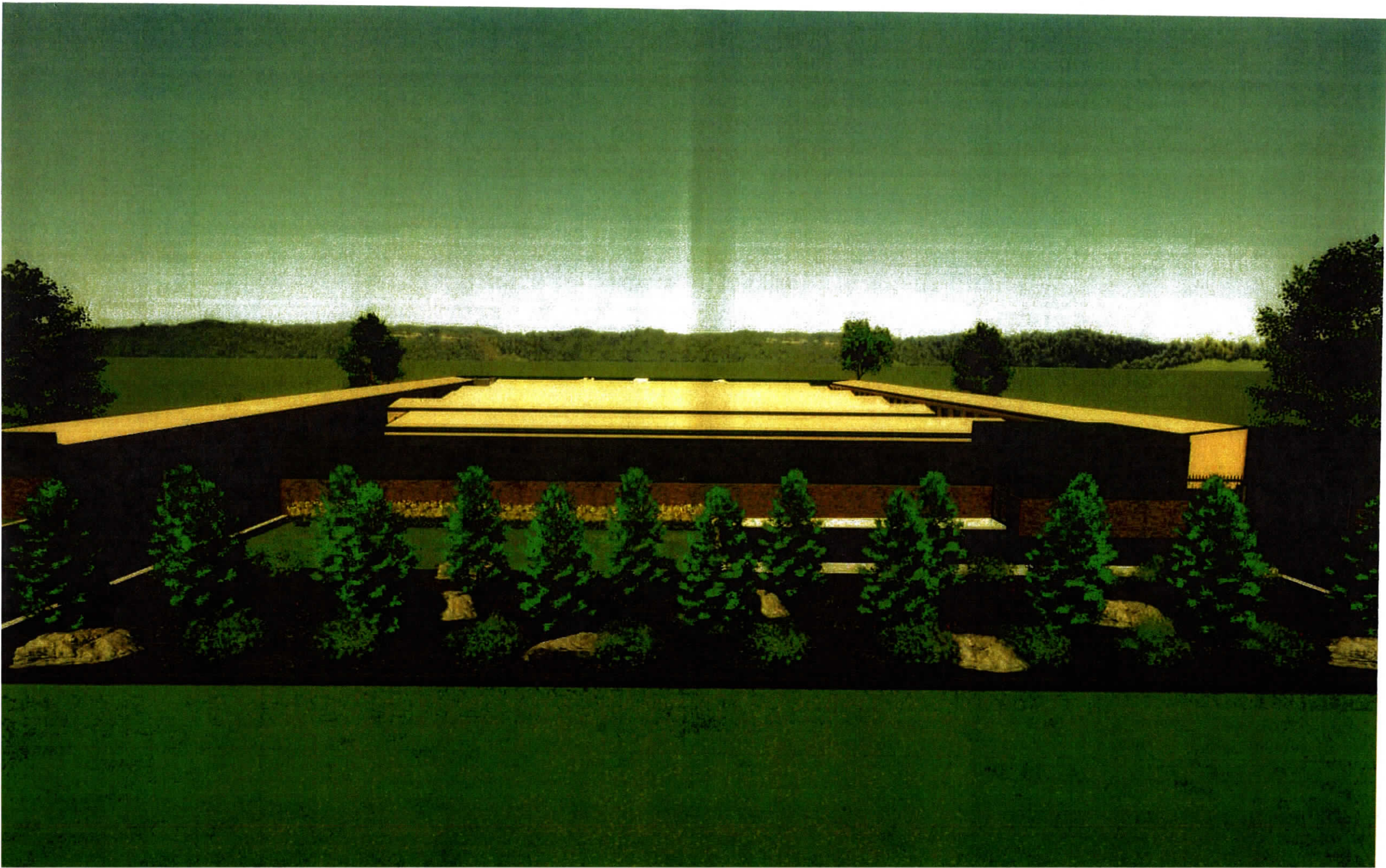








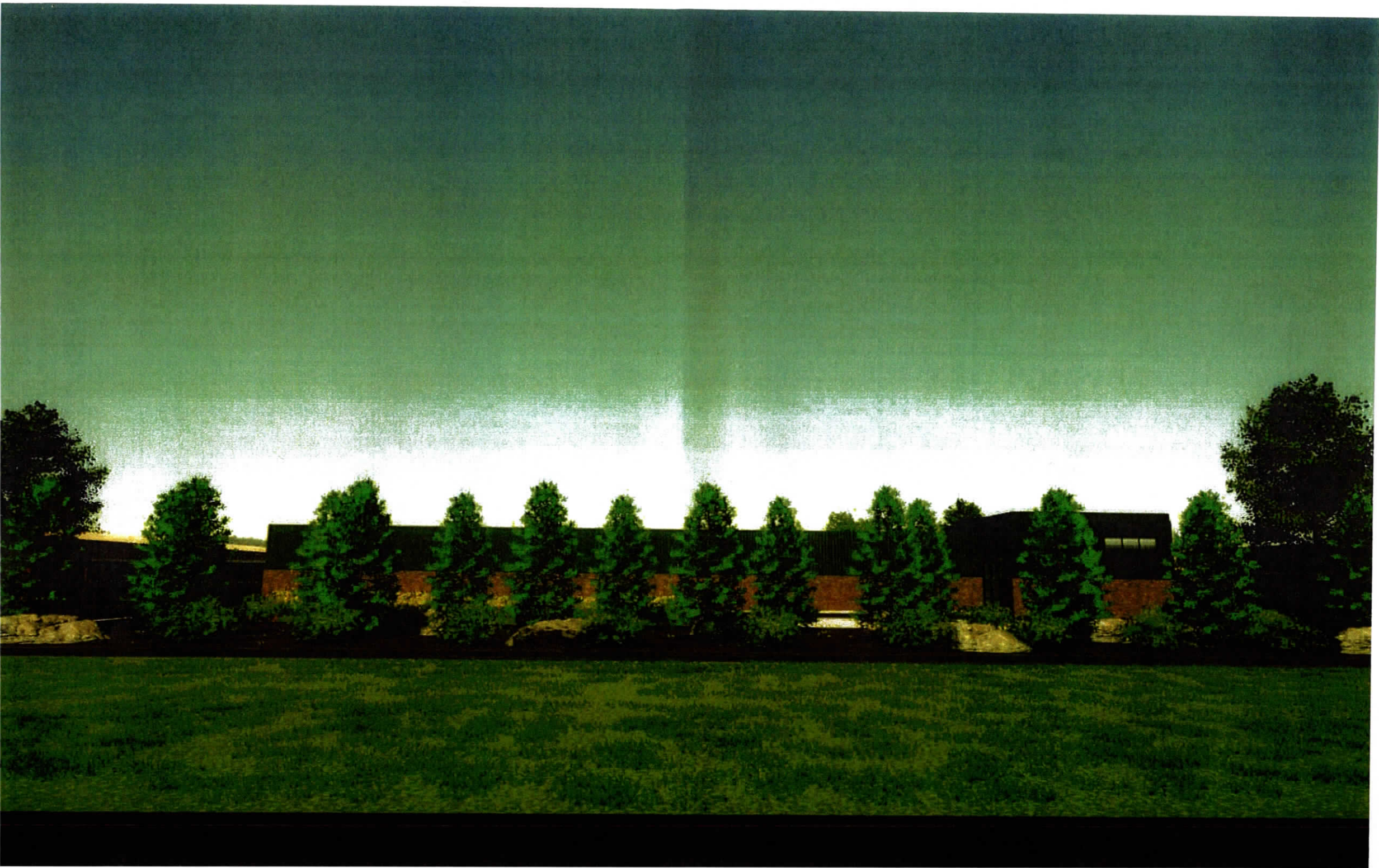






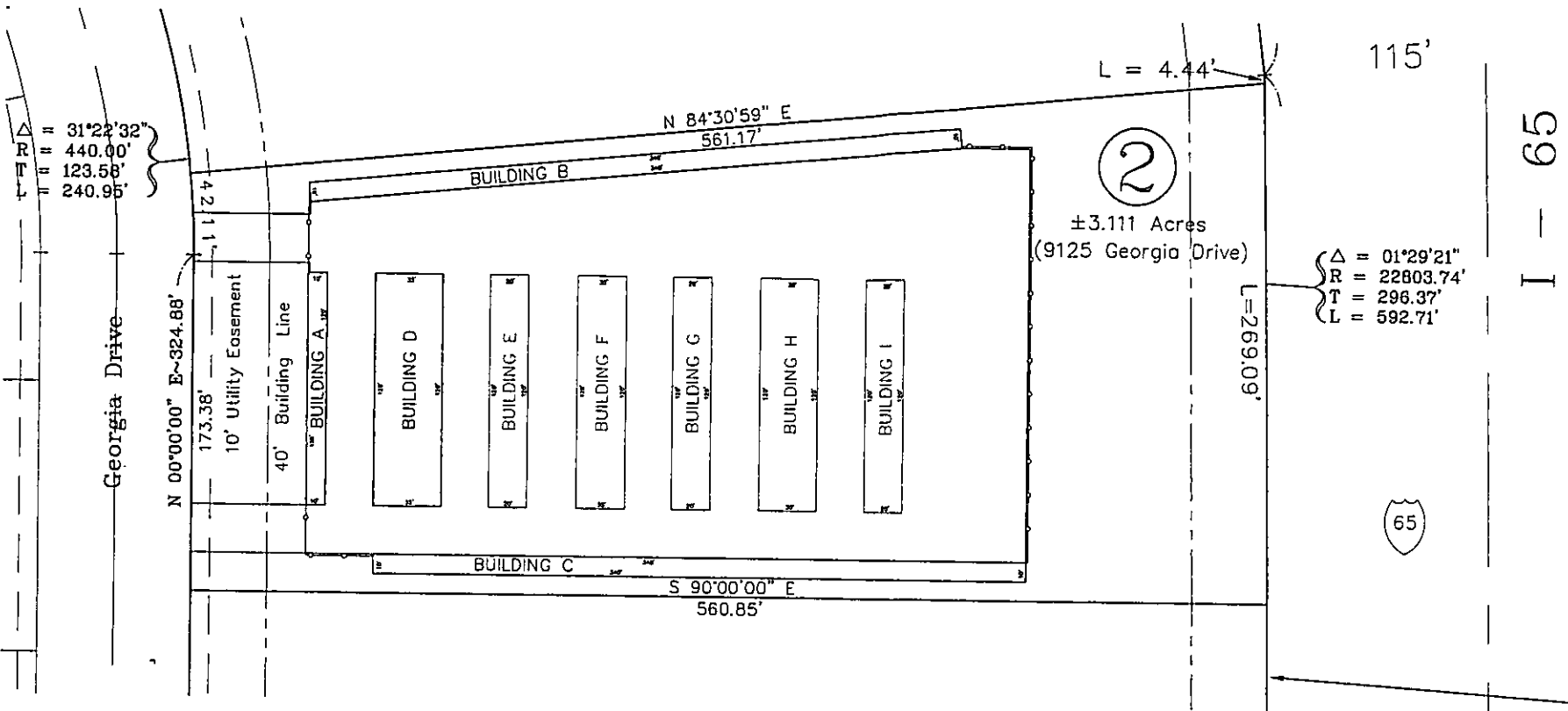






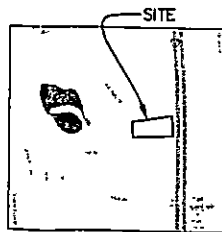




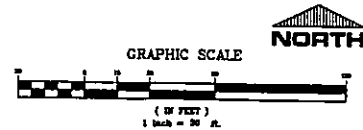
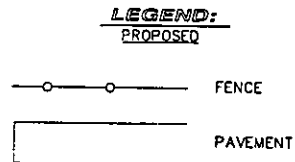


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VICINITY MAP



*David E. Torrence*

REASONABLE SELF STORAGE  
 Phase One  
 to the Town of Merrillville  
 SITE PLAN

**TORRENCA ENGINEERING, INC.**  
 CONSULTING ENGINEERS & LAND SURVEYORS  
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 Tel. No.: (219) 836-0918 e-mail: [torre@torrenca.com](mailto:torre@torrenca.com) website: [www.torrenca.com](http://www.torrenca.com)



DATE: 09-06-2022

SHEET  
 1 OF 1

TOWN OF MERRILLVILLE  
PLANNING DEPARTMENT  
7820 BROADWAY  
STAFF REPORT  
LARGE GATHERING PERMIT APPLICATION  
SPE2022-00019

DATE: OCTOBER 11, 2022

PREPARED BY: SHEILA SHINE

APPLICANT: KRIS SIMONOVSKI

REQUEST: APPROVAL FOR LARGE GATHERING PERMIT

PURPOSE: WINTER WONDER LIGHTS

LOCATION: APPROXIMATELY 7595 E LINCOLN HIGHWAY

DATE(S) OF LARGE GATHERING: NOV 25, 2022 – DEC 30, 2022

TIME: SUN – SAT 5 PM – 10 PM

COMMENTS: THE APPLICANT KRIS SIMONOVSKI WILL HOST A WINTER WONDER LIGHTS CHRISTMAS LIGHT DISPLAY LOCATED AT 7595 US 30 AT THE ABOVE TIMES AND DATES.

ANTICIPATED VISITORS WILL BE A MAXIMUM OF 2,000 CARS PER DAY, SINCE A MAXIMUM OF 2,000 TICKETS SOLD PER DAY. SECURITY PLANS WILL BE CONFIRMED BY THE MERRILLVILLE POLICE DEPARTMENT AS WELL A FIRE SAFETY PLAN BY THE MERRILLVILLE FIRE DEPARTMENT.

THERE WILL BE 1 MALE TOILET FACILITIES & 1 FEMALE TOILET FACILITIES TO USE, WHICH WILL BE MAINTAINED BY SERVICE SANITATION. THERE WILL BE 1 DUMPSTER & 4 TRASH CONTAINERS ONSITE AND WILL BE MAINTAINED BY REPUBLIC SERVICES. THERE WILL NOT BE TELEPHONE SERVICE AVAILABLE TO THE PUBLIC. ON-SITE PARKING WILL NOT BE AVAILABLE. NO OVERNIGHT STAYS WILL BE PART OF THE ASSEMBLY.

VEHICLES WILL ENTER THROUGH THE NORTHWEST ENTRANCE. THEY WILL FOLLOW A GRAVELED CHRISTMAS LIGHTED TRAIL AND TRAFFIC ATTENDANTS INTO WAITING LINES AT THE EAST SIDE OF THE PROPERTY. EVERYONE WILL REMAIN IN THEIR VEHICLES THROUGHOUT THE EXPERIENCE. THE WAITING LINES WILL ALLOW EMPLOYEES TO COLLECT ENTRANCE FEES FROM EACH CUSTOMER. EACH LANE WILL THEN BE RELEASED ONE AFTER ANOTHER THROUGHOUT THE TRAIL IN ORDERLY FASHION. AS THE VEHICLES DRIVE THOUGH THE TRAIL, THEY ARE ENTERTAINED WITH CHRISTMAS LIGHTS AND SCENES WHICH ARE SET THROUGHOUT THE PROPERTY. CHRISTMAS MUSIC WILL BE HEARD ONLY INSIDE THE CAR BY RADIO STATION. ONCE THEY ARE APPROACH THE EXIT,



THEY ARE DIRECTED TO DEPART THE EVENT THROUGH THE SOUTH SIDE OF THE BORDERING CHURCH AND OUT TO 83<sup>RD</sup> AVE.

THE DESIGN OF THE TRAIL ENABLES AN EFFICIENT/SAFE FLOW OF VEHICLES. THE EXTENDED ENTRANCE TRAIL WITH THE ADDITION FOR VEHICLE WAITING LANES, HELP FACILITATE LARGE NUMBER OF VEHICLES. WHILE CUSTOMERS WILL ENTER THROUGH THE NORTHWEST END OF THE PROPERTY, THERE IS ANOTHER ENTRANCE/EXIT ON THE NORTHEAST END OF THE PROPERTY. THIS WILL BE USED AS AN EMPLOYEE ENTRANCE AND/OR EMERGENCY EXIT/ENTRANCE. UPON EXITING, CUSTOMERS WILL DEPART TO EAST 83<sup>RD</sup> AVE.

TOWN OF MERRILLVILLE  
LARGE GATHERING ORDINANCE  
APPLICATION FORM

SPE 2022-00019

Name of Festival or Activity: WINTER WONDER LIGHTS

Address of Festival or Activity: 7595 E. LINCOLN HWY. MERRILLVILLE  
(if common address unavailable attach legal description)

Contact Person for Activity: KRIS SIMONOVSKI

Address: 10308 SNEAD ST. CROWN POINT IN 46307

Phone: (219) 671-5551

Notarized application and signatures by the following:

- A) By the individual in the case of an individual
- B) By all officers in the case of a corporation
- C) By all partners in the case of a partnership
- D) By all officers of an unincorporated association, society or group
- E) By all members of an association, society or group, if there are no officers

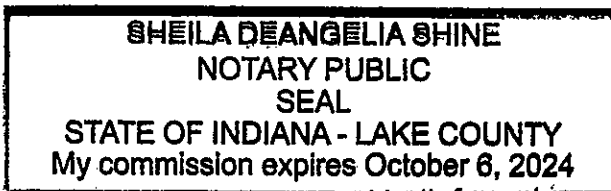
Record Owners(s) of the Property:

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>
1.	<u>Sandra KROGSKI</u>		
2.			
3.			
4.			
5.			

I, (We) do hereby permit the notarized signed applicant(s) to use our property for their expressed purposes herein.

STATE OF INDIANA )  
 ) SS  
COUNTY OF LAKE )

TOWN OF MERRILLVILLE



The information contained in the attached exhibits, to my (our) knowledge and belief, are true and correct.

The owner hereby agrees to abide by and comply with the conditions of the Large Gathering Ordinance of Merrillville, Indiana and furthermore, understands that any variation from the provisions of the above mentioned ordinance or from the conditions as stated herein shall constitute cause for the revocation of this permit.

Signature(s) of Owner(s) and Applicant(s):

Kris Simonovski (Owner/Applicant)  
\_\_\_\_\_  
(Owner/Applicant)  
\_\_\_\_\_  
(Owner/Applicant)  
\_\_\_\_\_  
(Owner/Applicant)

Subscribed and sworn to before me this 5<sup>th</sup> day of October, 200 2022.

Notary Public

My Commission Expires: 10-6-24

Seal:

**ASSEMBLY SPECIFICATIONS**

The ordinance provides for numerous items to be included as public health, safety, and morals protection. Ideally a site plan large enough to be easily read can show most of the items required. Please be specific on travel lanes for emergency personnel.

1. What is the nature or purpose of your assembly? *HOLIDAY DRIVE THRU LIGHT DISPLAY*
2. How many days and what hours is the assembly to operate? (Include dates) *MEN-SUN 5pm-10pm  
NOV 25- DEC 30, 2002*
3. What will be the **maximum number of people permitted to assemble per day?** (If overnight, attach additional descriptions of assembly) *2,000*
4. **How many tickets are to be sold?** *2,000*
5. How will your organization limit the maximum number of people at your assembly? *TRAFFIC CONTROL*
6. How many potable water facilities will be used? (i.e. drinking fountains, water spigots) *N/A*
7. How many toilet facilities are available for male/female? (Indoor also, if to be used)  
MALE 1 FEMALE 1
8. Who will be responsible for maintaining the toilet facilities?  
Company Name SERVICE SANITATION  
Address 135 BLAINE ST. GARY IN 46408
9. What means of disposal do they use?
10. How many dumpsters for solid waste material and trash containers does your event require? Describe your solid waste disposal plans and list your waste hauler.  
Number of Dumpsters: 1 Number of Trash Containers: 4  
Waste Hauler: REPUBLIC SERVICES  
Address: 865 WHEELER ST. CROWN POINT
11. Do you have telephone service available to the public? *NO*
12. Do you have on-site parking facilities? *NO*  
Approximately how many spaces? \_\_\_\_\_
13. Does all parking have paved access from a public street(s)? *N/A*
14. Do you plan to use other parking from surrounding property owners?  
Yes \_\_\_\_\_ No X

If YES, list the names and addresses of those areas/facilities you will be using on a separate piece of paper. **A signed letter from the owner of these facilities is required to be attached to that list and both lists and letters are to be attached to this application.**

15. Will camping and overnight stays be part of your assembly? YES \_\_\_\_\_ NO X  
If YES, describe all aspects of facility locations.
16. Will entertainment be supplied with the assembly? YES \_\_\_\_\_ NO X  
If YES, what type? (i.e. bands, disc jockey, records, performers, etc.)  
**List the names and addresses of those individuals or groups involved in the entertainment, and the dates/nights of live entertainment.**

**NOTE:**

**Sound control and amplification locations shall be noted on the site plan.**  
**Power of amplifiers and speakers shall also be located on the site plan.**  
**Supply above items to the best of your ability. Please be aware that**  
**nuisance violations for sound will be used if assembly is too loud for**  
**surrounding property owners.**

17. Will animals be part of the assembly? NO. If so, what plans are being provided for containment of the animals, disposal of animal waste and any odor arising from the animals?
18. List locations of all interior fire protection devices, i.e. alarms, extinguishes. Example: The front door have pull station fire alarm devices with alarms located at all interior halls and exists. Fire extinguishers are located as follows:
  1. Type ABC at all south exits, twenty feet (20') to doorways.
  2. Type ABC in kitchen next to entrance/exit doors.
19. A list is to be attached with the names and addresses of food concessions. Lake County Health Department License or permit number shall also be included in the list.
20. Will alcohol be served during event? Yes \_\_\_\_ No X If yes, a copy of liquor license/ permit is required to be included with submittal.

**YOUR SITE PLAN SHALL SHOW THE FOLLOWING:**

1. Portable Water Locations.
2. Public Sewer Locations.
3. Toilet Facilities for Male & Female.
4. Dumpster and Trash Containers.
5. Illumination. Please indicate on the site plan all locations of illumination by Light poles (LP) and by Building Lamps (BL).
6. Telephone Service – (Phone Booth—PB).
7. Parking, Interior Roads, Access to Public Streets
8. Concession Areas.
9. **PUBLIC SAFETY**
  - A. **All access points available to public and all access points available only to emergency personnel.**
  - B. **Gated and/or guarded points of travel for traffic and people.**
  - C. **Locations of all fire protection devices ( i.e. extinguishers) that will be located outside.**

**APPLICATION SUBMITTALS:**

**APPLICATION/PERMIT COST: \$100.00 NON-REFUNDABLE**

Submit this application to the Planning and Building Department of the Town of Merrillville at least sixty (60) days prior to your event. Within thirty-five (35) days you will be notified of the status of this application and permit. The Town Council approves all Large Gathering Permits.

A bond in the amount of five dollars (\$5.00) per person per day for the maximum number of persons to assemble with a minimum of two thousand dollars (\$2000) is required. The bond shall indemnify and hold harmless the Town of any of its agencies, officers, or employees from any liability or cause of action that might arise by reason of granting the license and any cost occurred in cleaning up any waste material produced or left by assembly. Also, guarantees the payment of any taxes that may accrue, guarantees reimbursement of ticket holders if event is cancelled, guarantees repayment to Town for actual expenses of repair or replacement of

Permission for Land Use

I, Sandre Krcoski, lease to Winter Wonderlights LLC and its owners the property located at 7595 E Lincoln Highway, Merrillville, IN 46410 for their intended business use, for the term of 1/1/2022 – 1/31/2023.

This agreement may be renewed with the approval of both the property owner and Winter WonderLights, LLC at the end of the agreement period.

Sandre Krcoski

Property Owner Signature

10/1/2022

Date

[Signature]

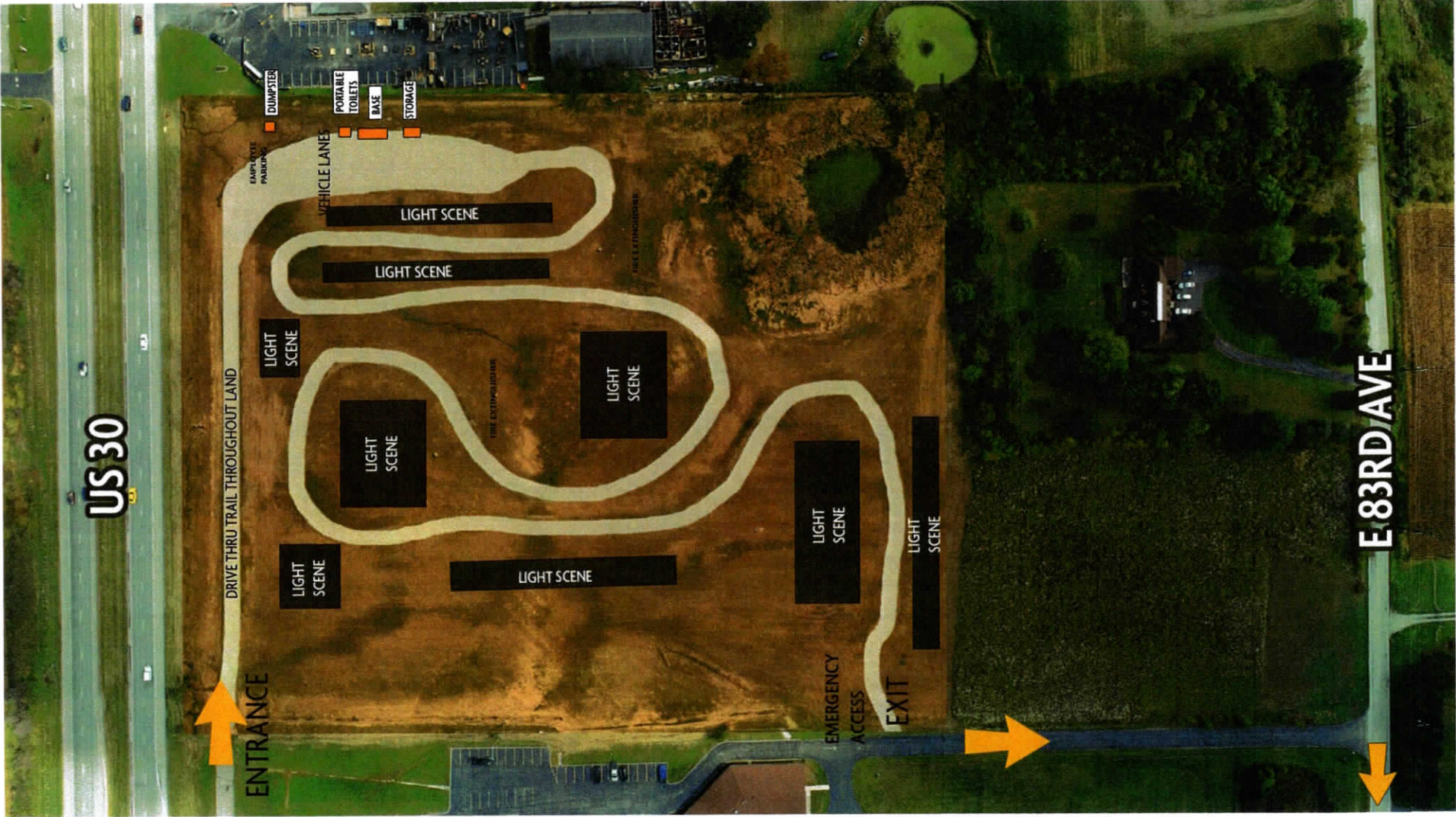
Winter WonderLights, LLC

10/1/2022

Date



WINTER WONDERLIGHTS SITE PLAN



September 27, 2022

Town of Merrillville  
7820 Broadway  
Merrillville, IN 46410

RE: LETTER OF INTENT

To whom it may concern,

Winter WonderLights, LLC intends to create a drive-thru Christmas light experience for families during the holiday season. This would be a temporary business which utilizes over 10 acres of land at 7595 US 30 in Merrillville during the dates of November 25, 2022 - December 30, 2022. Permission/lease is granted for the property for said use, as well as, permission/lease with neighboring Church to utilize their south driveway for customer exiting. The property is a prepared field that can be driven on and the drive-thru trail will be ½ mile long. The hours of operation will be 5PM-10PM, Monday-Sunday. We expect up to 10 employees will be employed. Proper insurance will be obtained. Being that it is a drive-thru experience, customers will not be parking. Descriptions of how the drive-thru will operate are explained below.

#### EXPERIENCE WORKFLOW

Families will enter through the NW entrance. They will follow a Christmas lighted trail and traffic attendants into waiting lanes at the east side of the property. Everyone will remain in their vehicles throughout the experience. The waiting lanes will allow employees to collect entrance fees from each customer. Each lane will then be released one after another through the trail in orderly fashion. As the vehicles drive through the trail, they are entertained with Christmas lights, scenes, and music which are set throughout the property. Once they are approaching the exit, they are directed to depart the event through the south side driveway of the bordering Church and out to E 83<sup>rd</sup> Ave.

#### LIGHT SCENES

Please see attached examples of light scenes that customer's will experience.

#### OPERATIONS

Employees will monitor the front entrance, waiting lanes, overall trail, and exit to ensure vehicles are guided through safely. No customers will be allowed outside of their vehicle. Portable toilets will be available and dumpster for proper trash disposal.

#### TRAFFIC CONTROL

The design of the trail enables an efficient flow of vehicles. The extended entrance trail with the addition of vehicle waiting lanes helps facilitate a large number of vehicles. Upon exiting, customers will depart to E 83<sup>rd</sup> Ave. This will further aid in effective traffic control. Refer to site plan for visualization.

#### SAFETY

Traffic attendants and Christmas lighted lanes throughout the trail will direct vehicles appropriately. Upon ticket purchase, employees will advise customers of safely driving through the trail at low speed and remaining attentive throughout. Hired police personnel will aid during higher traffic days. Multiple

points of entry of the property aids in access for emergency vehicles or personnel. Refer to site plan for visualization.

Sincerely,

**Winter WonderLights, LLC**

**Kris Simonovski**  
Co-Owner

**Jovan Josifovski**  
Co-Owner



## EXAMPLE LIGHT SCENES



## EXAMPLE LIGHT SCENES

