

TOTAL	
BELLA	
WHITE	
PETIT	
UZELAC	
MINCHUK	
HARDAWAY	
SPANAN	







## Town of Merrillville

219.769.6784 Fax 219.756.8005  
13 W. 73rd Ave.  
Merrillville, IN 46410  
sking@merrillville.in.gov

Town of Merrillville  
7820 Broadway  
Merrillville, IN 46410

October 17, 2022

Attn: Mr. Rick Bella, Council President

Re: Recommendation to Approve

President Rick Bella and Town Council,

I have reviewed the September 2022 billing for work completed in the Town Hall Conference Room and I concur Core Construction's recommendation in approving payment for Application # 4 to the vendors listed below in the total amount of **\$29,987.46**

Vendors Name	Invoice Amounts
Core Construction	\$7,756.46
Hugget Betten Corporation	\$19,480.00
Valley Fire	\$301.00
Sweney Electric	\$2,450.00
<b>Total</b>	<b>\$29,987.46</b>

If there are any questions, or if you require any additional information, please do not hesitate to contact me at 219.769.8764.

Very Truly Yours,

Steven J. King  
Engineering Administrator/  
Public Works Director

\\Merrillville.local\\Building\\Steve\\TOWN HALL\\Conference Room Renovations\\Monthly Billing\\September 2022\\September 2022 Approval Letter.docx



833 West Lincoln Hwy. #120W  
Schererville, IN 46375

T 219.961.4325  
F 219.961.4326

**October 6, 2022**

Town of Merrillville  
7820 Broadway  
Merrillville, IN 46410

Re: Invoices for Payment, 22-08-002 Merrillville Town Hall Conference Room

CORE Construction has reviewed the billings for the month of September-22 and has found all the billings to be within the contract documents and percent complete for work performed. CORE Construction recommends all billings totaling \$29,987.46 be paid for month of September-22 work complete. A complete list of vendors to be paid along with amounts to be paid is shown below.

### RECOMMENDED PAYMENTS BOX

Vendors Name	Amount	APPROVALS				
CORE Construction Indiana LLC	\$7,756.46					
Huggett Betten Corporation	\$19,480.00					
The Lazzaro Company	\$0.00					
TSI Commercial Floor Covering	\$0.00					
All-Tech Decorating	\$0.00					
Valley Fire	\$301.00					
Sweney Electric	\$2,450.00					
Totals	\$29,987.46					

**CORE Construction Indiana, L.L.C.**

Steve Paul  
Director of Special Projects & Job Order Contracting

# AIA Document G736

## Project Application and Project Certificate for Payment, Construction Manager as Adviser Edition

TO OWNER: PROJECT: Merrillville Town Hall Conference Room APPLICATION NO: 04 DISTRIBUTION TO: OWNER ☐ CONSTRUCTION MANAGER ☐ ARCHITECT ☐ OTHER ☐  
Town of Merrillville 7820 Broadway  
7820 Broadway Merrillville, IN 46410  
Merrillville, IN 46410  
ATTN: Rick Bella, Council President VIA CONSTRUCTION MANAGER: CORE Construction Indiana LLC PERIOD TO: 09/30/2022

### PROJECT APPLICATION FOR PAYMENT

Application is made for Payment, as shown below, in connection with the Project. AIA Document G737, Summary of Contractor's Applications for Payment, is attached.

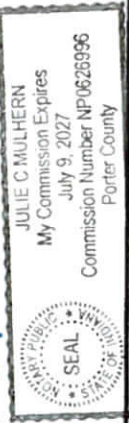
1. TOTAL CONTRACT SUMS (Item A Totals)	\$ 125,500.00
2. TOTAL NET CHANGES BY CHANGES IN THE WORK (Item B Totals)	\$ -
3. TOTAL CONTRACT SUMS TO DATE (Item C Totals)	\$ 125,500.00
4. TOTAL COMPLETED & STORED TO DATE (Item F Totals)	\$ 126,009.57
5. RETAINAGE: (Item H Totals)	\$ 355.00
6. LESS PREVIOUS TOTAL PAYMENTS (Item I Totals)	\$ 95,667.11
7. CURRENT TOTAL PAYMENTS DUE (Item J Totals)	\$ 29,987.46

The undersigned Construction Manager certifies that to the best of its knowledge, information and belief this Project Application for Payment is an accurate compilation of the Contractors' Applications for Payment, attached hereto

### CONSTRUCTION MANAGER:

By: [Signature] Date: October 4, 2022  
State of: Indiana  
County of: Lake  
Subscribed and sworn to before me this 4th day of October, 2022.

Notary Public: Julie C. Mulhern  
My Commission Expires: 7/9/2027



### ARCHITECT:

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

### PROJECT CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on evaluation of the Work and the data comprising this Application, the Construction Manager certifies to the Owner that to the best of its knowledge, information and belief the Work has progressed as indicated; the quality of the Work is in accordance with the Contract Documents; and the Construction Manager recommends to the Owner and Architect that the Contractors be paid the AMOUNTS set forth in the attached Summary of Contractors' Applications for Payment.

TOTAL OF AMOUNTS CERTIFIED..... \$ 29,987.46

### CONSTRUCTION MANAGER:

By: [Signature] Date: October 4, 2022

In accordance with the Contract Documents, based on evaluation of the Work, the data comprising this Application, and the Construction Manager's recommendation, the Architect certifies to the Owner that to the best of its knowledge, information and belief the Work has progressed as indicated; the quality of the Work is in accordance with the Contract Documents; and the Contractors are entitled to payments of the AMOUNTS set forth in the attached Summary of Contractors' Applications for Payment.

### ARCHITECT:

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

# ACCOUNTS PAYABLE VOUCHER REGISTER SUMMARY

## TOWN OF MERRILLVILLE

GOVERNMENTAL UNIT

AGENCY

APV Register Batch - OCTOBER 25, 2022 TC MEETING

Page 1 of 5 Pages

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

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.

Check Date	Vendor	Name of Claimant	Office Department	Amount of Voucher	Amount Allowed	Warrant	Check/Memorandum (See Note (2) Above)
//	512	TRAVELERS - RMD	GENERAL/INSURANCE	3098.01			SMARAGDE CASTRO CLAIM
//	1153	MY FLEET CENTER.COM	GENERAL/REPAIRS TO	24.69			OIL CHANGE # POOL #2
//	512	TRAVELERS - RMD	GENERAL/INSURANCE	2500.00			QIANA BANDY
//	1315	MENARDS	FD/BUILDING SUPPLIES	61.47			MISC. SUPPLIES
//	1153	MY FLEET CENTER.COM	GENERAL/REPAIRS TO	24.18			OIL CHANGE # 391
//	439	PRINT PRO	PK IMP/CONTRACTUAL	88.76			BUSINESS CARDS
//	512	TRAVELERS - RMD	GENERAL/INSURANCE	2500.00			KENNETH SHERWINSKI CLAIM
//	210	BUTLER, FAIRMAN & SEUFERT	MISS ST	10621.00			ENGINEERING SERVICES
//	151	KOPKA PINKUS DOLIN PC	GENERAL/ATTORNEY	5180.00			COUNCIL MATTERS
//	1315	MENARDS	FD/BUILDING SUPPLIES	42.75			MISC. SUPPLIES
//	1153	MY FLEET CENTER.COM	GENERAL/REPAIRS TO	24.98			OIL CHANGE # 402
//	439	PRINT PRO	PK IMP/CONTRACTUAL	45.00			SPONSOR DECALS
//	512	TRAVELERS - RMD	GENERAL/INSURANCE	2500.00			EVELYN ADDISON CLAIM
//	210	BUTLER, FAIRMAN & SEUFERT	MISS ST	7937.50			ENGINEERING SERVICES
//	400	CHS OCCUPATIONAL HEALTH	GENERAL/OTHER	35.00			DRUG TEST
//	965	HUGGETT BETTEN	MISS ST	2160.00			WALL WORK CONF ROOM
//	151	KOPKA PINKUS DOLIN PC	GENERAL/ATTORNEY	6510.00			TOWN MATTERS
//	493	MATTHEW LAKE	SW/TRAVEL	4.74			SW REIMBURSEMENT FOR MEALS
//	1315	MENARDS	FD/BUILDING SUPPLIES	129.63			MISC. SUPPLIES
//	1153	MY FLEET CENTER.COM	GENERAL/REPAIRS TO	24.98			OIL CHANGE # 179
//	237	NORTHWEST INDIANA AUTO	LRS/REPAIRS TO	57.93			CERAMIC PAD
//	439	PRINT PRO	PK IMP/CONTRACTUAL	104.41			SPONSOR DECALS
//	1821	ROBINSON ENGINEERING	CASINO/CONTRACTUAL	2311.32			ENGINEERING SERVICES THROUGH
//	512	TRAVELERS - RMD	GENERAL/INSURANCE	2336.84			MEGAN MORALES CLAIM
//	168	ACME PRINT COPY DESIGN	TOWN	4657.00			NEWSLETTER
//	721	ADVANCE AUTO PART	FD/REPAIR PARTS	142.59			1- BATTERY-SILVER
//	116	BATTERIES PLUS BULBS	FD/BUILDING SUPPLIES	428.88			11-12 PK. 9V BATTERIES
//	210	BUTLER, FAIRMAN & SEUFERT	MISS ST	982.50			ENGINEERING SERVICES
//	145	FIELDS OUTDOOR	POLICE EQUIP/FREIGHT	60.00			SHIPPING
//	549	GALLS, LLC	POLICE EQUIP/OTHER	30.00			SHIPPING
//	965	HUGGETT BETTEN	MISS ST	12420.00			WALL WORK CONF ROOM
//	378	INDIANA GROCERY GROUP,	GENERAL/INVEST.	7.00			REFRESHMENTS FOR DETECTIVES
//	151	KOPKA PINKUS DOLIN PC	GENERAL/ATTORNEY	595.00			BZA MATTERS
//	493	MATTHEW LAKE	SW/TRAVEL	6.96			SW REIMBURSEMENT FOR MEALS
//	1315	MENARDS	FD/BUILDING SUPPLIES	77.34			MISC. SUPPLIES
//	2303	MILESTONE	2022 RDC Bd(A)-RD	715684.75			WARD 2
//	1153	MY FLEET CENTER.COM	GENERAL/REPAIRS TO	73.44			OIL CHANGE #389
//	1380	McCANN INDUSTRIES, INC.	RG/OTHER EQUIPMENT	2042.30			PARTS & SUPPLIES
//	237	NORTHWEST INDIANA AUTO	LRS/REPAIRS TO	11.83			WASHER
//	439	PRINT PRO	PK IMP/CONTRACTUAL	152.52			ENVELOPES
//	1821	ROBINSON ENGINEERING	CASINO/CONTRACTUAL	5076.00			ENGINEERING SERVICES THROUGH



# ACCOUNTS PAYABLE VOUCHER REGISTER SUMMARY

## TOWN OF MERRILLVILLE

GOVERNMENTAL UNIT

AGENCY

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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)
//	232	STAR UNIFORMS	GENERAL/CLOTHING	209.99			NEW HIRE UNIFORMS #422
//	512	TRAVELERS - RMD	GENERAL/INSURANCE	2500.00			BREANNA COLLINS CLAIM
//	103	W.E.F. ENTERPRISES, INC.	LRS/REPAIRS TO	617.50			PARTS TRUCK 84
//	168	ACME PRINT COPY DESIGN	TOWN	4823.00			NEWSLETTER LABOR AND POSTAGE
//	948	ADRA BRECLAW- CSANYI	SW/OFFICE SUPPLIES	15.50			SW OFFICE SUPPLIES
//	721	ADVANCE AUTO PART	FD/REPAIR PARTS	18.20			1- FUEL CQBLU
//	596	AIM	GENERAL/INSTRUCTION	50.00			WEBINARS FOR 394
//	314	AMERICAN COMPLETE AUTO	GENERAL/REPAIRS TO	1510.00			INSTALL BATTERY AND REPLACED
//	1241	ARC DOCUMENT SOLUTIONS	GENERAL/HDWE.-SOFTWA	166.66			SEPTEMBER 2022 SKYSITE
//	693	BARNES & THORNBURG LLP	BDWY TIF/CONTRACTUAL	688.50			RDC ADVICE JUNE
//	116	BATTERIES PLUS BULBS	FD/BUILDING SUPPLIES	45.96			1-72 PK C ALKALINE BATTERIES
//	123	BRYAN CHOVANEC	FD/WEELLNESS PROGRAM	430.00			RE-IMBURSEMENT FOR GYM
//	210	BUTLER, FAIRMAN & SEUFERT	MISS ST	8342.50			ENGINEERING SERVICES
//	889	CASTONGIA TRACTOR/JOHN	LRS/REPAIR PARTS	89.23			OIL FILTER & OIL
//	400	CHS OCCUPATIONAL HEALTH	LRS/CDL PHYSICALS	436.00			PRE EMPL DRUG TESTING, MATION,
//	667	CINTAS	PK IMP/CONTRACTUAL	3589.76			PARK SUPPLIES
//	1098	CIVICPLUS LLC	GENERAL/CONTR.	450.00			MUNICICODE SUPPORT
//	451	CORE CONSTRUCTION	MISS ST	7756.46			CONSTRUCTION MANAGEMENT
//	1060	CREEKSIDE OUTDOOR LIVING	BDWY TIF/CONTRACTUAL	255.00			MOWING
//	997	DANTREASE HENDERSON	PNR/CAMP SUPPLIES	425.00			FEE
//	662	DAVID ANTHONY DEGARD	PNR/REC SUPERVISOR	525.00			REC SECURITY
//	364	DAVID BARRON	PNR/REC SUPERVISOR	770.00			REC SECURITY
//	420	DELTA III, INC.	CASINO/CONTRACTUAL	2205.00			REPAIR WORK
//	1171	DLZ	CASINO/CONTRACTUAL	925.00			ENGINEERING SERVICES FROM 5/7/22 -
//	641	DOUBLE-A SAFETY AND	FD/BUILDING SUPPLIES	155.95			MISC. SAFETY SUPPLIES FOR
//	622	EUGENE VELAZCO	GENERAL/SUBS. & DUES	318.00			HOTEL ACCOMADATIONS 2 DAYS
//	1177	EVERETT HOLMES	PNR/CAMP SUPPLIES	190.00			RENTAL
//	145	FIELDS OUTDOOR	POLICE EQUIP/OTHER	1140.00			AMMO ( GM308M) 4 CASES OF 200RDS
//	549	GALLS, LLC	POLICE EQUIP/OTHER	1170.00			BALLISTICS FOR 2 NEW HIRES
//	718	GOJKO COMPANY	PNR/RECREATION	645.00			CLASS
//	935	GREATER ILLINOIS TITLE CO	MERR RD	250.00			TITLE SEARCH REPORT SANDPIPER
//	712	GRUEL BROS., INC.	FD/REPAIR PARTS	240.81			3- BLACE, BOBCAT 21'
//	751	HIGGINS OVERHEAD DOOR,	FD/BLDG-GROUND	1586.00			REPLACE BOTH SPRINGS & CABLES @
//	887	HOOSIER DIESEL AND OFF	FD/REPAIR PARTS	1188.90			PARTS, LABOR FOR FUEL PUMP ON
//	343	HOOSIER FIRE EQUIPMENT	CUML FIRE	1518.65			3 PRS, KNEE BOOTS & FRT
//	264	HUBINGER LANDSCAPING	BDWY TIF/CONTRACTUAL	1857.50			TOWN HALL WATERING
//	965	HUGGETT BETTEN	MISS ST	4900.00			WALL WORK CONF ROOM
//	378	INDIANA GROCERY GROUP,	GENERAL/INVEST.	30.94			REFRESHMENTS FOR DETECTIVES
//	64	INDIANA OFFICE OF	GENERAL/IDACS	150.31			IT SERVICES FOR THE MONTH OF
//	903	IUPPS	CASINO/DISCRETIONARY	722.00			SEPTEMBER LOCATE TICKETS
//	1140	JAMES LILLEY	FD/WEELLNESS PROGRAM	295.00			REIMBURSEMENT FOR GYM



# ACCOUNTS PAYABLE VOUCHER REGISTER SUMMARY

## TOWN OF MERRILLVILLE

GOVERNMENTAL UNIT

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//	101	JAMES MEYER & ASSOC., P.C.	SW/ATTORNEY FEES	400.00			SW PROFESSIONAL LEGAL SERVICE
//	21	JOE E. FISH	SW/TELEPHONE	38.94			SW REIMBURSEMENT FOR PHONE
//	151	KOPKA PINKUS DOLIN PC	MISS ST	3010.00			ECONOMIC DEVELOPMENT MATTERS
//	905	LOWE'S HOME CENTER, INC.	SW/OTHER EQUIPMENT	8.06			SW BEIGE CAULKING
//	99	MACQUEEN EMERGENCY	FD/REPAIR PARTS	6985.00			ANNUAL SERVICE ON ALL HURST
//	493	MATTHEW LAKE	SW/TELEPHONE	161.94			SW REIMBURSEMENT FOR PHONE
//	34	MAVIS TIRE SUPPLY LLC	GENERAL/REPAIRS TO	25.00			OIL CHANGE #133
//	1315	MENARDS	FD/BUILDING SUPPLIES	593.10			MISC. SUPPLIES
//	1320	MIDWESTERN ELECTRIC	CASINO/CONTRACTUAL	7156.42			NON ROUTINE MAINTENANCE
//	2303	MILESTONE	2022 RDC Bd(A)-RD	742157.58			WARD 6
//	1300	MINER ELECTRONICS	GENERAL/EQUIP. MTCE.	85.00			RADIO EQUIPMENT MAINT. (UPDATE)
//	1153	MY FLEET CENTER.COM	GENERAL/E.M.A. REPAIRS	86.93			OIL CHANGE EMA
//	1380	McCANN INDUSTRIES, INC.	RG/REPAIRS TO	1423.29			LABOR
//	375	NOREGON VEHICLE DATA	RG/CONTRACTUAL	1499.00			JPRO RENEWAL
//	1427	NORTHERN IND. MECHANICAL	LRS/REPAIRS TO	1076.53			REPAIR FUEL PUMP
//	237	NORTHWEST INDIANA AUTO	SW/REPAIRS TO	597.14			SW MISC PARTS
//	165	PETRO CHOICE	LRS/OIL	161.78			OIL
//	691	POWER BRAKE & SPRING	LRS/REPAIRS TO	103.08			BRAKE ADJUSTER
//	439	PRINT PRO	PK IMP/CONTRACTUAL	4156.17			PRINTED VINYL
//	1339	PULSE TECHNOLOGY	GENERAL/OFFICE	101.76			STORAGE BOX (2) @ \$107.15
//	692	REPUBLIC FRAME & AXLE	LRS/REPAIRS TO	95.00			ALIGNMENT
//	909	RICK C. GIKAS	GENERAL/ ATTY	229.50			ATEND HEARING DRAFT ORDERS
//	185	ROBERT BERNA	FD/WEELNESS PROGRAM	161.00			RE-IMBURSEMENT FOR GYM
//	1821	ROBINSON ENGINEERING	CASINO/CONTRACTUAL	2310.00			ENGINEERING SERVICES THROUGH
//	201	SAFETY TRAINING SERVICES,	GENERAL/BLDG. &	224.50			FIRE EXTINGUISHER SERVICE
//	81	SERVICE SANITATION	PK IMP/CONTRACTUAL	3090.90			PARKS SERVICE
//	232	STAR UNIFORMS	GENERAL/CLOTHING	534.00			NEW HIRE UNIFORMS #425
//	852	STRACK & VAN TIL LLC	SW/OFFICE SUPPLIES	118.33			SW OFFICE SUPPLIES
//	697	SUPERIOR ENGINE SERVICE	FD/REPAIR PARTS	5404.64			FUEL PRESSURE REGULATOR
//	100	SWENEY ELECTRIC &	MISS ST	2450.00			ELECTRIC WORK CONG ROOM
//	690	TAYLOR MARIE HENSLEY	PNR/REC SUPERVISOR	105.00			REC SECURITY
//	2032	TERPSTRA'S SALES & SVC.	LRS/REPAIR PARTS	59.22			STARTER ASSY & OIL FILTER
//	136	THE HENRY COMPANY	GENERAL/BLDG. &	35.00			VACCUM
//	49	THE LARSON GROUP, C/O	LRS/REPAIR PARTS	203.49			PARTS TRUCK 16
//	392	TRAFFIC MANAGEMENT	CASINO/CONTRACTUAL	2300.00			RUMBLE STRIPS ON MADISON ST & W
//	679	TRANSUNION RISK AND	GENERAL/TELEPHONE	88.80			TLO SVC 9/1 TO 9/30
//	512	TRAVELERS - RMD	GENERAL/INSURANCE	2500.00			HEATHER OSORIO CLAIM
//	1226	VALLEY FIRE PROTECTION	MISS ST	301.00			CONF ROOM FINAL
//	103	W.E.F. ENTERPRISES, INC.	LRS/REPAIRS TO	90.37			PARTS TRUCK 84
//	306	WEBB FORD INC	SW/REPAIRS TO	536.47			SW FORD F-150 OIL CHANGE, TIRE
10/13/2022	695	ROBERT C SANDLING	2022 RDC Bd(A)-RD	2580.63	2580.63	1787	PAYROLL

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10/18/2022	104	AFLAC	PAYROLL - AFLAC	780.72	780.72	23963	EMPLOYEE PREMIUMS
10/18/2022	2104	NATIONWIDE RETIREMENT	PAYROLL - DEFERRED	4757.84	4757.84	23964	EMPLOYEE DEPOSITS 10/14/2022
10/18/2022	61	GUARDIAN LIFE INS CO.	SW/HEALTH INS.	2838.06	2838.06	23965	SW EMPLOYEE PREMIUMS
10/18/2022	1196	UNITED HEALTHCARE	SW/HEALTH INS.	178443.55	178443.55	23966	SW PREMIUM
10/19/2022	458	INTERNAL REVENUE SERVICE	PAYROLL - FEDERAL	65.99	65.99	23967	QUARTERLY FEDERAL WITHHOLDING
10/11/2022	776	COMCAST	SW/TELEPHONE	380.59	380.59	58912	SW SERVICES FRO OCT 5TH THRU
10/11/2022	1176	AMERICAN CANCER SOCIETY	TOURISM/CONTRACTUAL	500.00	500.00	58914	DONATION TO CANCER SOCIETY
10/11/2022	1130	RELIABLE EQUIPMENT &	LRS/FREIGHT	59.82	59.82	58915	SHIPPING/FREIGHT
10/12/2022	1600	PAYROLL FUND	ARP/BONUSES	645.90	645.90	58989	TH - ARP Bonus
10/12/2022	1163	BRITNI REILLO	GENERAL/CLOTHING	168.48	168.48	58990	BREAST CANCERS SHIRTS FOR THE
10/13/2022	470	VERIZON WIRELESS	GENERAL/TELEPHONE	2624.12	2624.12	58991	PD SVC 8/24 TO 9/23
10/13/2022	667	CINTAS	GENERAL/CONTR.	26.43	26.43	58992	FIRST AIDE CABINET RESTOCK
10/13/2022	673	CARD SERVICE CENTER	GENERAL/OFFICE	353.90	353.90	58993	LANYARDS
10/13/2022	106	HINCKLEY SPRINGS	GENERAL/CONTR.	153.44	153.44	58994	WATER DELIVERY
10/13/2022	1175	AMAZON CAPITAL SERVICES	GENERAL/CLEANING	233.15	233.15	58995	GARBAGE CAN
10/13/2022	700	INDIANA AMERICAN WATER	GENERAL/WATER	61.06	61.06	58996	WATER
10/13/2022	1506	ORKIN EXTERMINATING	GENERAL/CONTR.	121.00	121.00	58997	PEST CONTROL
10/13/2022	2022	THE WRIGHT AGENCY	GENERAL/OFFICIAL BOND	1875.00	1875.00	58998	PUBLIC OFFICIAL BOND FOR
10/13/2022	1175	AMAZON CAPITAL SERVICES	GENERAL/OTHER	194.99	194.99	58999	DESKTOP SCANNER FOR ANGELA
10/13/2022	504	TODDCO, INC.	CUML FIRE EQPT/BLDG	5397.12	5397.12	59000	MATERIALS & LABOR TO INSTALL
10/13/2022	417	PHIL & SON, INC.	FD/CONTRACTUAL	863.80	863.80	59001	HOSTING SERVICES AT HQ
10/13/2022	776	COMCAST	FD/TELEPHONE	57.02	57.02	59002	CABLE AT HQ
10/13/2022	1401	NIPSCO	SW/GAS & ELECTRIC	635.00	635.00	59003	SW SERVICES W/ACTUAL READ ON
10/14/2022	565	MATTIE COLLINS	RP/P-T SECRETARY	961.54	961.54	59004	CONTRACTUAL PAY
10/14/2022	830	ORALIA SANTOS	RP/P-T SECRETARY	800.00	800.00	59005	CONTRACTUAL PAY
10/14/2022	1175	AMAZON CAPITAL SERVICES	GENERAL/OFFICE	8.79	8.79	59006	ETHERNET CABLE FOR P&B
10/14/2022	673	CARD SERVICE CENTER	GENERAL/TOWN ADMIN	79.89	79.89	59007	GET WELL PLANT-CENDER
10/17/2022	701	INDIANA DEPARTMENT OF	PNR/UNEMPLOYMENT	380.00	380.00	59008	UNEMPLOYMENT - TINA GUNNUM
10/17/2022	822	BOSAK MOTORS OF	SW/CONTRACTUAL SERV	10500.00	10500.00	59009	SW VEHICLE- BLK 2022 DODGE
10/17/2022	636	JOANN KRAFT	SW/BUILDING MAINT.	120.00	120.00	59010	SW OFFICE CLEANING OCT 2022
10/17/2022	733	THE INDEPENDENT BANKERS	LRS/G&M SUPPLIES	509.44	509.44	59011	GARBAGE BAGS
10/17/2022	733	THE INDEPENDENT BANKERS	LRS/OFFICE SUPPLIES	167.04	167.04	59012	DRY ERASE MAKERS
10/17/2022	776	COMCAST	FD/TELEPHONE	1701.21	1701.21	59013	INTERNET & PHONE AT ALL STATIONS
10/17/2022	1401	NIPSCO	FD/GAS & ELECTRIC	4295.79	4295.79	59014	GAS/ELECTRIC AT ALL STATIONS
10/17/2022	1175	AMAZON CAPITAL SERVICES	GENERAL/BLDG. &	373.20	373.20	59015	BATTERIES FOR TOUCHLESS
10/17/2022	2022	THE WRIGHT AGENCY	GENERAL/OFFICIAL BOND	100.00	100.00	59016	TOWN MANAGER OFFICAL BOND
10/17/2022	776	COMCAST	GENERAL/TELEPHONE	1479.10	1479.10	59017	INTERNET/PHONE -960219638
10/17/2022	986	AMERICAN EXPRESS	GENERAL/TRAVEL	960.00	960.00	59018	ROOM FOR #410, 389
10/17/2022	733	THE INDEPENDENT BANKERS	GENERAL/ENG OFFICE	29.39	29.39	59019	BUSINESS LUNCH STEVE
10/18/2022	106	HINCKLEY SPRINGS	POLICE EQUIP/OTHER	119.11	119.11	59020	WATER DELIVERY 9/26 & 10/11
10/18/2022	358	CULLIGAN WATER	GENERAL/OFFICE	217.53	217.53	59021	COOLER RENTAL

# 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)
10/18/2022	504	TODDCO, INC.	CUML FIRE EQPT/BLDG	3748.34	3748.34	59022	MATERIALS, LABOR TO INSTALL NEW
10/18/2022	776	COMCAST	LRS/TELEPHONE	249.56	249.56	59023	PHONE, INTERNET & TV SVC
10/18/2022	1600	PAYROLL FUND	GENERAL/CLERK-TREAS.	366080.69	366080.69	59024	CT-Clerk-treasurer
10/19/2022	1178	INNOVATIONS IN LEARNING,	BDWY TIF/FACADE GRANT	10041.79	10041.79	59025	FACADE GRAND AWARD
10/19/2022	1175	AMAZON CAPITAL SERVICES	GENERAL/OFFICE	115.67	115.67	59026	COFFEE CUPS
10/19/2022	700	INDIANA AMERICAN WATER	GENERAL/WATER	694.07	694.07	59027	TOWN HALL
10/19/2022	2105	U.S. BANK EQUIPMENT	GENERAL/COPIER MTCE.	244.76	244.76	59028	PLANNING COPIER
10/19/2022	776	COMCAST	GENERAL/TELEPHONE	23.52	23.52	59029	WI-FI
10/19/2022	627	JOI WHITESIDE	GENERAL/POSTAGE	1615.00	1615.00	59030	STAMPS/20 ROLLS
10/19/2022	563	STAPLES BUSINESS CREDIT	FD/BUILDING SUPPLIES	145.99	145.99	59031	MISC. SUPPLIES
10/19/2022	1136	NICOLE L. BROWN	PNR/EVENT CENTER (P-T)	2500.00	2500.00	59033	EVENTS
10/19/2022	673	CARD SERVICE CENTER	PNR/CONCESSION	1142.45	1142.45	59034	SUPPLIES
10/19/2022	99999	CAROLINE RICHARDSON	PNR/UNAPPROPRIATED	75.00	75.00	59035	TRIP REFUND
10/19/2022	1175	AMAZON CAPITAL SERVICES	GENERAL/OTHER	57.51	57.51	59036	AMAZON BUSINESS ETHERNET PATCH
10/19/2022	1175	AMAZON CAPITAL SERVICES	GENERAL/B OF I SUPPLIES	128.36	128.36	59037	FLASH DRIVES FOR DETECTIVES
10/19/2022	1175	AMAZON CAPITAL SERVICES	GENERAL/OTHER	239.85	239.85	59038	PASSPORT INK & PAPER
10/19/2022	200	SYNCB/AMAZON	CUML FIRE EQPT/OTHER	328.34	328.34	59039	MISC EQUIPMENT
10/18/2022	739	CENTIER BANK	PAYROLL - NET SALARIES	253220.46	253220.46	145588	NET SALARIES FOR 10/14/2022 PAYDAY
10/18/2022	739	CENTIER BANK	PAYROLL - NET SALARIES	513.72	513.72	145589	NET SALARIES FOR 10/7/2022 BONUS
10/18/2022	739	CENTIER BANK	PAYROLL - SOCIAL	91.80	91.80	145590	941 AUTO DEBIT FOR 10/7/2022 BONUS
10/18/2022	739	CENTIER BANK	PAYROLL - FEDERAL	62708.22	62708.22	145591	941 AUTO DEBIT FOR 10/14/2022
10/18/2022	917	INDIANA CHILD SUPPORT	PAYROLL - COURT	1951.82	1951.82	145592	CHILD SUPPORT FOR 10/14/2022
10/18/2022	1630	IN Public Retirement System	PAYROLL - SW PERF	18910.96	18910.96	145593	SW PERF FOR 10/14/2022 PAYDAY
10/18/2022	1630	IN Public Retirement System	POLICE PENSION - P.E.R.F.	39913.14	39913.14	145594	POLICE PERF FOR 10/14/2022 PAYDAY
10/18/2022	1630	IN Public Retirement System	FIRE PENSION-PERF	9650.20	9650.20	145595	FIRE PERF FOR 10/14/2022 PAYDAY
10/19/2022	739	CENTIER BANK	PAYROLL - STATE	49301.90	49301.90	145627	AUTO DEBIT FOR SEPTEMBER 2022
		Checks: 0- 145627		2684951.32	1050312.76		



**Town of Merrillville**  
**Town Council Meeting Minutes**  
**October 11, 2022**  
**6:30 P.M.**

**CALL TO ORDER:** President Bella called the meeting to order just after 6:30 P.M.

**INVOCATION/MOMENT OF SILENCE:** A brief invocation was given along with a moment of silence. Madam Clerk-Treasurer asked for a moment of silence to remember Kurt D. Walton who was an employee of the Town of Merrillville Clerk-Treasurer's Office. He passed away on Thursday October 6, 2022. Madam Clerk-Treasurer gave a brief eulogy about Kurt D. Walton.

**PLEDGE OF ALLEGIANCE:** Led by any veteran in attendance. No veteran was in attendance, Vice-President Hardaway led.

**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:**

President Bella informed the council that Town Manager Reardon had a letter of recommendation regarding the strategic plan consulting firm.

Town Manager Reardon informed the council that the development team published a Request for Proposal. After reviewing the proposals received, it is the consensus of the team that the Town of Merrillville award the bid to RDG Planning and Design who was the most reasonable and responsive bidder. Town Manager Reardon stated the bid will be awarded in a lump sum amount not to exceed 216,225.00.

Councilman White made a motion to approve the recommendation for RDG Planning and Design for the council comprehensive plan in the amount of 216,225.00 to RDG Planning and Design, second by Vice-President Hardaway.

No question or comments from council.

Motion carried by voice vote.

President Bella informed the council that Director Pettit and Town Manager Reardon had a letter of recommendation regarding the 2023 health insurance.

Town Manager Reardon informed the council in lieu of a letter an executive session meeting was held to discuss and finalize 2023 health insurance options for the town. At this point, Town Manager Reardon stated he would defer to the council.

President Bella gave approval to Vice-President Hardaway to do it here.

Town Manager Reardon stated that the executive session met and looked at various options. It is the consensus to renew our current plan with United Healthcare with an option. Town Manager Reader stated that Vice-President Hardaway would explain the specifics and cost of the plan.

Vice-President Hardaway informed the council of the specifics of the plan. The cost of the plan is 2,285,503.00 for next year's plan effective January. Vice-President Hardaway stated he would make a motion to approve the renewal of United Healthcare plan under his committee report.

Vice-President Hardaway presented a check for 500.00 to Evelyn Thomas of American Cancer Society for the breast cancer walk occurring Sunday October 17, 2022. Evelyn Thomas informed the council she is a 25-year survivor and thank the council for the check.

Councilman White informed the council that a breast cancer walk occurred on Saturday October 8, 2022. This event was organized by Northwest Indiana Women Empowerment.

### ***CONSENT AGENDA***

Accts. Payable Register Voucher Approval for October 11, 2022

Approval of Town Council Meeting Minutes of September 13, 2022 & September 27, 2022

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

No questions or comments from council.

Motion carried by voice vote.

### ***STANDING & SPECIAL COMMITTEES REPORTS***

***BUDGET & FINANCE- HARDAWAY*** – Vice-President Hardaway informed the council later in the meeting the council will be approving the 2023 budget for the Town.

***COUNCIL AFFAIRS- PETTIT*** – No Report

***PUBLIC WORKS & UTILITIES- MINCHUK*** – Councilman Minchuk informed the council that talks are ongoing at this time and hopefully will be concluding.

***ELECTIONS, PUBLIC RELATIONS, & TOWN BEAUTIFICATION-PETTIT*** – Councilman Pettit reminded the council that a general election is coming up on November 8, 2022 and encourage everyone to vote.

Councilman White informed the council that we should talk about the elections that were held on Monday October 10, 2022. President Bella informed Councilman White this isn't the venue for that discussion. After lengthy comments, the council moved on to the next item on the agenda.

***ENVIRONMENTAL AFFAIRS- WHITE*** – Councilman White informed the council Lake County positivity rate for Covid-19 is 15%.

Councilwoman Uzelac added that booster shots are available at the pharmacies or your doctor. Councilwoman Uzelac also stated it very important to get a flu shot. The flu shots are available at Walgreens and CVS pharmacies by appointments.

***PERSONNEL POLICY & EMPLOYEE BENEFITS – HARDAWAY*** – Vice-President informed the council about a meeting with Meyers and Glaros regarding 2023 insurance renewal at a cost of 2,285,503.00 with United Healthcare.

Vice-President Hardaway made a motion to approve the renewal with United Healthcare for 2,285,503.00, seconded by Councilman Pettit.

President Bella stated the approve renewal amount is 2.285 million dollars

Councilman White inquired how much more is the 2023 health insurance premiums compare to 2022? Councilman Pettit state that the amount was 2,175,769.00 and Financial Advisor Eric Cender confirmed the amount. Councilman Pettit stated is was about a 4% increase.

Vice-President stated in the next few weeks Meyers and Glaros will be meeting with Town employees to discuss the benefits. The Town will shut down for one hour and post a notice on the door.

No further questions or comments from council.

Motion carried by voice vote.

**PUBLIC SAFETY- MINCHUK-** Councilman Minchuk informed the council that FOB negotiations are still ongoing. He also stated numbers will be crunch. Once the numbers are finalized Councilman Minchuk will report back to the council.

**ECONOMIC DEVELOPMENT-PETTIT** – Councilman Pettit informed the council that later on the agenda there is a resolution to reissue a tax abatement that was previously issue at the corner of 89<sup>th</sup> Mississippi for a development by the Opus Group. The Opus Group is in the process of purchasing property from the Mizer Group. Councilman Pettit requested the Opus Group come before the council of to answer any questions regarding the purchase of property from the Mizner Group. The Opus Group was present at the meeting.

**PARKS & RECREATION- UZELAC** – Councilwoman Uzelac informed the council that all the parks are in order. Councilwomen Uzelac stated the parks have been mowed. The bike trails are looking good and all the debris has been picked up. There are no complaints to report to the council.

**ABANDONED -BLIGHTED PROPERTIES-HARDAWAY** – Vice-President informed the council in light of what have been going in the Town for the last six months there will be a meeting with Code Enforcement Monday October 17, 2022 at 1:00 PM.

Councilman White informed the council that he would like to set the record straight regarding a call he received a call from a business owner. President Bella asked Councilman White to elaborate. Councilman White stated the business owner had issues with him regarding demolishing of a building. Tony Williams the owner of the Chateau was the caller.

Councilman White stated Mr. Williams was encouraged to demolish the nursing home not forced. Councilman White stated The Times Newspaper published an article regarding the building, and that's his public statement regarding the issue.

**DEAN& BARBARA WHITE COMMUNITY CENTER-MINCHUK & PETTIT** – Councilman Pettit informed the council there will be a meeting on Thursday October 27, 2022 at 5:00 P.M.

**Special Projects (F & B Tax, Diversity) – HARDAWAY** – Vice President Hardaway informed the council a date must be schedule for a meeting regarding the Christmas tree lighting. Vice-President Hardaway stated the Friday after Thanksgiving would be ideal for the Christmas tree lightning.

Vice-President Hardaway made a motion for trick-or-treating hours. The hours will be from 5:30 P.M. to 7:30 P.M. on October 31, 2022, seconded by Councilman Minchuk.

Councilman White asked the age limit to trick-or treat because some adults will be knocking on doors.

President Bella stated that the council doesn't set an age limit on trick or treating.

No further questions or comments from council.

Motion carried by voice vote.

## **DEPARTMENT & COMMISSION REPORTS**

**LAKE COUNTY SOLID WASTE MANAGEMENT-WHITE** – Councilman White informed the council he didn't have a report from Lake County Solid Waste District because they were going to have a meeting this Thursday, but they couldn't come up with a quorum, so we'll be probably meeting in the early December.

Councilman White state there will be a cleanup starting at 57<sup>th</sup> Broadway all the way down to Hidden Lake in Town.

**NORTHERN INDIANA REGIONAL PLANNING COMMISSION-HARDAWAY** – Vice-President Hardaway informed the council that the Northern Indiana Reginal Planning Commission hasn't had a meeting.

**STORMWATER MANAGEMENT RESOURCES-LAKE** – No Report

**SOUTHSHORE VISITORS AND CONVENTION AUTHORITY** – No Report

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

## **DEPARTMENT REPORTS/TOWN MANGER**

Director Shine informed the council she would defer to the large Gathering & BZA sections of the agenda later in the meeting.

Councilman Pettit informed the council that a historical event took place in the Town of Merrillville. A permit was issued for a 1,000,000 square foot building. The silos at Sanders Farm for 325,000.00 in building permit fees. Councilman Pettit stated this must be a record in the 50 years the Town was incorporated. Councilman Pettit thanked Planning & Building, Town Manager Reardon, and Economic Development for all of their hard work.

Administrator King informed the council the 2022 pavement program is continuing in Ward 2. The concrete work will be wrapping up by the end of next because of the cement shortage. He also stated there is a delay on lamp poles to finish up the Broadway sidewalk project. Administrator King informed the council about petitioning INDOT for 80% of the funding to put a fence around the retention pond on Broadway. There are several other projects that will be wrapping up this week. Administrator King also stated the Leaf Collection program starts on Monday October 17, 2022, and ten of the fourteen digital speed signs are up. Sixteen new signs have been ordered.

Councilman Pettit made a motion as RDC President to have a backup plan for funding the fence around the retention pond. The funding will come from Broadway TIFF. The motion was seconded by Vice-President Hardaway

No further questions or comments from council.

Motion carried by voice vote.

Chief Cuttino informed the council his department will be partnering with the Sherriff and other police departments to attack locations with problem situations on October 12, 2022, in Merrillville. He also thanked the council for the new digital speed signs.

Town Manager Reardon informed a final resolution a confirmatory resolution is before the council tonight for Opus Development along Mississippi Street.

Madame Clerk-Treasurer informed the council about Pastor Kurt D. Walton's funeral services to held Friday October 21, at St. Baptist Church in Gary, IN. The repast will be held at Dean and Barbara White center. She also stated the Clerk-Treasurer's Office will be closed on that day.

James Sanders reported for the Parks Department. Mr. Sanders informed the council that Parks has partnered with Opportunity Enterprise who enriches the quality of life with people with disabilities. He also stated the department hosted a wrestling event called King of the Ring. The Parks Department is teaming up with Storm Water to plant 30 trees at Rosenbaum. NIRPC gave the trees to the Parks Department.

## **GENERAL ORDERS**

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

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

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

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 is currently tabled and on the agenda for consideration.

Vice-President Hardaway made a motion to remove from the table Ordinance 22-21, seconded by Councilman White.

No further questions or comments from council.

Motion carries by roll call 7-0

President Bella informed the council they will hear Ordinance 22-21 is on the first reading.

Vice-President Hardaway made a motion to hear Ordinance 22-21 on first reading, seconded by Councilwoman Uzelac.



President Bella informed the council in their packets is raises for the Clerk Treasurers Office employees and those will be for the remainder of this ordinance.

No further questions or comments from council.

Motion carries by roll call vote 7-0

President Belle asked Attorney Svetanoff can Ordinance 22-21 be read on second reading since it involves salary. Attorney Svetanoff stated the council can proceed with the second reading with a unanimous vote.

President Bella entertained a motion to hear Ordinance 22-21 on second reading.

Councilman White made a motion to hear Ordinance 22-21 on second reading, seconded by Councilwoman Spann.

No further discussion or comments from council.

Motion carries by roll call vote 7-0

President Bella informed the council we'll read this on second reading tonight Ordinance 22-21, the ordinance adjusting pays and salaries in the Clerk Treasurer's Office for all employees.

Vice-President Hardaway made a motion for approval of Ordinance 22-21 on second reading, seconded by Councilwoman Uzelac.

No further discussion or comment from council.

Motion carries by roll call vote 7-0

**Ordinance 22-24 (Discussion and Roll Call Vote)**

Flood Damage Prevention Ordinance the Town of Merrillville, Indiana

President Bella informed the council that Ordinance 22-24 replaces Ordinance 15-21.

Town Manager Reardon informed the council that Merrillville Stormwater is requesting that council consider passing Ordinance 22-24. The purpose of Ordinance 22-24 is flood hazard areas in compliance with minimum participation criteria for the national flood insurance program. This ordinance incorporates the minimum federal regulations governing community participation the national flood insurance program and state flood plain regulations regarding development and special flood Hazard areas additionally it includes some generally accepted construction practices regarding fill and provides some suggested enhancements for consideration.

Councilman Pettit made a motion for approval of Ordinance 22-22, seconded by Councilwoman Uzelac.

No further discussion or comment.

Motion carries by roll call vote 7-0

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

**Ordinance 22-19 (Discussion, Public Comment and Roll Call Vote)**

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.

Councilman Pettit made a motion for approval of Ordinance 22-19, seconded by Councilman Minchuk

Councilman White informed the council he can't support a decision to close Merrillville Town Court

Vice-President Hardaway asked for numbers justifying closing Merrillville Town Court.

President Bella informed council that the court has been operating in the negative since 2012. The accumulated total for 2022 as of September is 1,737,755.00. Last year the court lost 399,000.00. This year

the court is projected to lose another 368,000.00. President Bella stated the issue is not being mean or personal. It's about net expenses over revenue.

No further discussion or comments

Motion carries by roll call vote 4-3

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

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

Eric Cender representing Cender/Dalton Municipal Advisors who are financial advisors to the council informed them about the final budget for 2023 that will be adopted. The final budget for adoption is 46,511,289.00. 600,000.00 will need to be covered by ARP. The ARP budget is 5,800,00.00.

Councilman White asked about the tax rate. Mr. Cender explained that the funds don't have any property taxes received to those funds.

Vice-President Hardaway made a motion to adopt the 2023 budget for 46,511,289.00, seconded by Councilman Pettit.

No further questions or comments from council.

Motion carries by roll call vote 7-0

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

**Resolution 22-68 (Discussion and Voice Vote)**

A Resolution of the Town of Merrillville, Lake County, Indiana, Transferring Monies of the 2022 Budget Within the CCI Fund

Councilman Pettit made a motion to approve Resolution 22-68, seconded by Councilwoman Uzelac

No further questions or comments from the council

Motion carried by voice vote.

**Resolution 22-69 (Discussion and Voice Vote)**

Resolution Confirming the Designation of an Economic Revitalization Area and Approving the Deduction from Assessed Value of New Real Property Improvements. (Opus)

Councilman Pettit made a motion to approve Resolution 22-69, seconded by Councilman Minchuk.

Representatives from Opus Development gave an overview of the project. The project will be a 290 000 square foot industrial facility on the corners of Mississippi and 89<sup>th</sup>. Anticipated construction start date is going to be spring of 2023. We anticipate 50 to 75 construction jobs to arise from this development and 150 to 200 real jobs once the buildings are completed.

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 October 11, 2022

Vice-President Hardaway informed the council that the AP Voucher summary is \$24,031.26.

Vice-President Hardaway made a motion to approve \$24,031.26, seconded by Councilman Pettit.

No further questions or comments from the council.

Motion carried by voice vote.

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

Petitioner: Karma Cigar Bar  
Owner: 850 West 81<sup>st</sup> Avenue  
Request: Special Exception Approval  
Purpose: To Allow LED Electric Sign  
Location: 850 West 81<sup>st</sup> Avenue  
Zoning: C-3, Highway Commercial Zoning District  
Planning and Building Director Shine elaborated towards the BZA Action.

Councilman Minchuk made a motion to approve the BZA Action, seconded by Councilman Pettit

No further questions or comments from the council.

Motion carried by voice vote.

Petitioner: Amhad Zaghoul  
Owner: NJETM, LLC  
Request: Special Exception Approval  
Purpose: To Allow Used Car Dealership  
Location: 3112 W 81<sup>st</sup> Avenue  
Zoning: C-3, Highway Commercial Zoning District  
Planning and Building Director Shine elaborated towards the BZA Action.

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

President Bella informed the council that we should have a joint meeting with board of zoning appeals and talk about the future of the Town.

Councilman Pettit made a motion to amend his motion with a six-month performance review, seconded by Councilwoman Uzelac.

Councilman Minchuk informed the Petitioner about the camera ordinance and the 30 car limit. The Petitioner made a commitment to keep the limit at 30 cars.

No further questions or comments from the council.

Motion carried by roll call vote 5-2.

Petitioner: Christina Buckner  
Owner: Christina Buckner  
Request: Special Exception Approval  
Purpose: To Allow a Daycare Center  
Location: 7440 Broadway  
Zoning: C-3, Highway Commercial Zoning District  
Planning and Building Director Shine elaborated towards the BZA Action.

Councilman Pettit made a motion to approve the BZA Action, seconded by Councilman White.

Councilwoman Uzelac asked have residents in the area been contacted.

Councilman Pettit informed the council there were no remonstrations at the BZA meeting.

No further questions or comments from the council.

Motion carried by voice vote.

Petitioner: Reasonable Self Storage/Louis W Agulera  
Owner: 1<sup>st</sup> National Bank of Illinois  
Request: Variance of Use Approval  
Purpose: To Allow a Storage Facility  
Location: 9125 Georgia Street  
Zoning: C-3, Highway Commercial Zoning District  
Planning and Building Director Shine elaborated towards the BZA Action

Councilman Pettit informed the council this Petitioner is in his Ward.

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

Councilman Pettit informed the council he was at the BZA meeting, but what was done was a Broadfield Homeowners Association meeting and no one remonstrated regarding the Petitioner during the meeting.

No further questions or comments from the council.

President Bella asked for a roll call vote.

Motion carried by roll call voice vote 6-1

Applicant: Kris Simonovski  
Owner: Kris Simonovski  
Request: Approval for a Large Gathering Permit  
Purpose: Winter Wonder Lights  
Location: 7595 Lincoln Highway  
Dates: November 25<sup>th</sup> – December 30<sup>th</sup> 2022, Sunday – Saturday 5:00 PM to 10:00 PM  
Planning and Building Director Shine elaborated towards the BZA Action

Councilman Pettit informed the counsel this Petitioner is in his Ward. He also asked Chief Cuttino was there any problems with this Petitioner last year.

Chief Cuttino stated there were no problems.

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

President Bella asked Councilman to consider a couple of amendments to his motion. President Bella is concern about the appearance of the property after the event. The property isn't left in its original state.

Director Shine informed the council that she spoke to the Petitioner regarding the state of the property and a ticket was issued.

Councilman Minchuk asked they all props be removed after the event.

No further questions or comments from the council.

Motion carried by voice vote.

***OLD BUSINESS***

None

***NEW BUSINESS***

None

***SPECIAL PRESENTATIONS***

None

***ANNOUNCEMENTS:***

Plan Commission Meeting October 18, 2022 at 6:30 P.M.

Redevelopment Commission Meeting October 25, 2022 at 6:00 P.M.

Town Council Meeting October 25, 2022 at 6:30 P.M

***ADJOURNMENT:***

Motion to adjourn by Councilwoman Uzelac, seconded by Councilman White.

Meeting Adjourned.

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***Rick Bella, President***

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

***Minutes Submitted By Angela Lewis***

**ORDINANCE NO: 22-25**

**AN ORDINANCE OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA  
APPROPRIATING ADDITIONAL MONIES WITHIN THE VARIOUS FIRE PROTECTION  
TERRITORY FUNDS FOR THE YEAR 2022 NOT INCLUDED IN THE CURRENT BUDGET**

**WHEREAS**, an emergency exists for the expenditure of money, and

**WHEREAS**, the following sums were not included in the 2022 various Fire Protection Territory Funds, and

**WHEREAS**, it has become indispensably necessary in the Fire Protection Territory Funds, in order to provide for the payment of certain obligations and contractual services, to appropriate additional monies to support the 2022 Budget, and

**WHEREAS**, the Town Council of the Town of Merrillville, Lake County, Indiana believes it is necessary and prudent to provide for the additional appropriations,

**NOW, THEREFORE BE IT ORDAINED**, by the Town Council of the Town of Merrillville, Lake County, Indiana, that there is hereby appropriated and ordered funds to pay and defray expenses for the calendar year 2022, and for the purpose herein specified, the following sums:

<u>APPROPRIATION</u>	<u>AMOUNT</u>
2243010181            FD/Health, Life, AD&D	\$ 42,000.00
2243010323            FD/Training Supplies	\$100,000.00

**DULY ADOPTED AND ORDAINED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022 BY THE TOWN OF MERRILLVILLE TOWN COUNCIL, LAKE COUNTY, INDIANA.**

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

\_\_\_\_\_  
Margaret Uzelac

\_\_\_\_\_  
Donald Spann

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

\_\_\_\_\_  
Richard Hardaway

\_\_\_\_\_  
Leonard White

\_\_\_\_\_  
Jeffery Minchuk

ATTEST:

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

ORDINANCE NO. 22-26

AN ORDINANCE OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA,  
AUTHORIZING A TRANSFER OF MONIES WITHIN THE FUNDS OF THE PARKS  
DEPARTMENT AND AN ADDITIONAL APPROPRIATION

As to the Transfer:

WHEREAS, it is the established framework for the financing of the Dean and Barbara White Community Center that donations will be deposited in Fund 2211, Community Center Gift Fund, for holding such time as they become necessary; and

WHEREAS, the Town Council recognizes there is a need for additional operating expenses which have become necessary at the Dean and Barbara White Community Center; and THEREAFTER, that it is hereby provided and ordered for the expenses of the taxing unit, the following additional sums of money are appropriated out of the funds named and for the purposes specified, subject to laws governing the same:

WHEREAS, it is necessary to fund these additional appropriations with monies from Fund 4443010431.

As to the Additional Appropriation:

WHEREAS, it has been determined that it is now necessary to appropriate more money than was originally appropriated in the annual budget in the Parks Non-Reverting Fund; and

NOW, THEREFORE BE IT ORDAINED, BY THE TOWN COUNCIL OF THE TOWN OF MERRILLVILLE, LAKE COUNTY, INDIANA, that the following Transfer occur:

	<u>Decrease</u>	<u>Increase</u>
Fund 4443010431: PK IMP/PK Improvement	\$30,000	
Fund 4402010363: CCD /Parks Improvement	\$10,000	
Fund 4402010453: CCD/ Other Equipment	\$60,000	
Fund 2211: Parks Non-Reverting		\$ 100,000

<u>Fund Name: PARKS NON-REVERTING</u>	<u>AMOUNT REQUESTED</u>	<u>AMOUNT APPROVED BY FISCAL BODY</u>
Line Item: 2211010351 PNR/Phone	\$ 10,000	\$ 10,000
Line Item: 2211010352 PNR/Electric	\$ 60,000	\$ 60,000
Line Item: 2211010353 PNR/Water/Sewer	\$ 30,000	\$ 30,000
 TOTAL for PARKS NON-REVERTING Fund:	 \$ 100,000	 \$ 100,000

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.

\_\_\_\_\_  
Don Spann  
Councilman

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

\_\_\_\_\_  
Richard Hardaway  
Council Vice President

\_\_\_\_\_  
Shawn Michael Pettit  
Councilman

\_\_\_\_\_  
Jeff Minchuk  
Councilman

\_\_\_\_\_  
Leonard White  
Councilman

\_\_\_\_\_  
Margaret Uzelac  
Councilwoman

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**

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

**RESOLUTION # 22-71  
TOWN OF MERRILLVILLE, INDIANA**

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

**WHEREAS, in the appropriation of funds for the year 2022, there is a need to transfer certain monies within the CCD & General Funds, 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>
4402010181    CCD/Health Insurance	\$306,000.00	
1101007181    General/Health, Life, A&D		\$242,000.00
1101007341    General/Insurance Package		\$64,000.00
<hr/>		
	Total:	\$306,000.00

**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 # 22-72  
TOWN OF MERRILLVILLE, INDIANA**

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

**WHEREAS, in the appropriation of funds for the year 2022, there is a need to transfer certain monies within the General 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>
1101007399    General/Town Admin	\$2,000.00	
1101002221    General/Gasoline		\$2,000.00
	Total:	\$2,000.00

**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 22-73  
TOWN OF MERRILLVILLE, INDIANA**

**A RESOLUTION OF THE TOWN OF MERRILLVILLE,  
LAKE COUNTY, INDIANA, CONCERNING THE HOLIDAY  
SCHEDULE FOR THE CALENDAR YEAR OF 2023**

**WHEREAS,** The Merrillville Town Council has authority for Employees of the Town of Merrillville; and

**WHEREAS,** The Merrillville Town Council wishes to establish legal holidays for the Town of Merrillville.

**NOW THEREFORE, BE IT RESOLVED** by the Merrillville Town Council, that the following holidays are established for the employees of the Town of Merrillville:

New Year's Day	January 2 <sup>nd</sup>	Monday Closed
Martin Luther King, Jr.	January 16 <sup>th</sup>	Monday Closed
President's Day	February 20 <sup>th</sup>	Monday Closed
Good Friday	April 7 <sup>th</sup>	Friday Closed
Memorial Day	May 29 <sup>th</sup>	Monday Closed
Juneteenth	June 19 <sup>th</sup>	Monday Closed
Independence Day	July 4 <sup>th</sup>	Tuesday Closed
Labor Day	September 4 <sup>th</sup>	Monday Closed
Columbus Day	October 9 <sup>th</sup>	Monday Closed
Veterans Day	November 10 <sup>th</sup>	Friday Closed
Thanksgiving Day	November 23 <sup>rd</sup>	Thursday Closed
Day After Thanksgiving	November 24 <sup>th</sup>	Friday Closed
Christmas Eve	December 23 <sup>rd</sup>	Friday Closed
Christmas Day	December 23 <sup>th</sup>	Monday Closed
New Year's Eve	December 30 <sup>th</sup>	Friday Closed

\*Dates of some Holidays are the day they are Observed per the Personnel Policy Manual

**DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF  
MERRILLVILLE, LAKE COUNTY, INDIANA, THIS \_\_\_\_\_ DAY OF  
OCTOBER 2022.**

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

ATTEST:

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

# ACCOUNTS PAYABLE VOUCHER REGISTER SUMMARY

## TOWN OF MERRILLVILLE

GOVERNMENTAL UNIT

AGENCY

APV Register Batch - ARP OCTOBER 25, 2022 TC MEETING

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)
/ /	1013	CLEMONS TREE SERVICE	ARP/CONTRACTUAL	44650.00			SW MEADOWLAND PH 1 TREE
/ /	519	CHRISTOPHER BURKE	ARP/CONTRACTUAL	20773.50			SW HICKORY RIDGE FLD CONTROL
/ /	1013	CLEMONS TREE SERVICE	ARP/CONTRACTUAL	43000.00			SW MEADOWLAND PH 2 TREE
/ /	637	DENNIS J DOBROLECKI	ARP/BLDG MAINT	500.00			GREETERS 10/2/22-10/15/22
/ /	835	DYER CONSTRUCTION	ARP/CONTRACTUAL	50945.60			SW MARCELLA ROAD STORM SEWER
/ /	1107	KENNETH WOODSIDE	ARP/BLDG MAINT	893.75			GREETERS 10/2/22-10/15/22
/ /	345	RAY TRISTAIN	ARP/BLDG MAINT	593.75			GREETERS 10/2/22-10/15/22
/ /	1152	TRAFFIC LOGIX	ARP/HWWE-SOFTWARE	50128.00			SPEED SIGNS
10/11/2022	1075	ORALIA C. SANTOS	ARP/CONTRACTUAL	120.00	120.00	58909	ARP CORRECTIONS AT \$30 PER HOUR
10/11/2022	899	ROBYN L. JOHNSON	ARP/CONTRACTUAL	120.00	120.00	58910	ARP CORRECTIONS AT \$30 PER HOUR
10/11/2022	627	JOI WHITESIDE	ARP/CONTRACTUAL	120.00	120.00	58911	ARP CORRECTIONS AT \$30 PER HOUR
10/11/2022	1165	JACQUELINE PERKINS	ARP/CONTRACTUAL	120.00	120.00	58913	ARP CORRECTIONS AT \$30 PER HOUR
10/19/2022	1175	AMAZON CAPITAL SERVICES	ARP/OTHER SUPPLIES	377.79	377.79	59032	BREAST CANCER AWARENESS
		Checks: 0 - 59032		212342.39	857.79		